



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL
DIXON REDEVELOPMENT AGENCY
SEPTEMBER 22, 2009

IN ADDITION TO:
KAUAI COAST RESORT AT THE BEACHBOY
520 ALEKA LOOP, ROOM 1207
KAPAA, KAUAI, HAWAII

1. **CALL TO ORDER**

The Special Meeting of the Dixon City Council was called to order at the hour of 6:00 p.m. in Dixon, California, and 3:00 p.m. in Kapaa, Kauai, Hawaii, to meet in Closed Session in the Dixon Council Chambers Conference Room and Kauai Coast Resort at the Beachboy, respectively, on September 22, 2009, by Mayor Batchelor.

Present: Councilmembers Dane Besneatte (in Hawaii by phone), Kay Fulfs Cayler, Vice Mayor Rick Fuller, and Mayor Jack Batchelor, Jr.

Absent: *Councilmember Michael Ceremello, Jr.

Mayor Batchelor noted that Councilmember Besneatte is joining the City Council meeting by cell phone and that the City Council will meet in Closed Session to discuss the following:

1. Pursuant to Government Code Section 54957 relating to Public Employee:
Performance Evaluation: City Attorney
2. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code Section 54957.6)

City Negotiators: Nancy Huston, Michael Dean, and Steve Johnson

Employee Organization: Dixon Professional Firefighters Association
Dixon Police Officers Association
Dixon Senior Management Association
Public Employees Union, Local One
Non-Represented Management Unit
Non-Represented Non-Management Unit

Mayor Batchelor noted no one was present in the audience.

The City Council recessed into Closed Session at 6:02 p.m.

*Councilmember Ceremello arrived at 6:07 p.m.

The City Council reconvened into Open Session at 7:00 p.m.

Mayor Batchelor reported that the City Council met in Closed Session on Item 1 above and there is no reportable action.

Michael Dean, City Attorney, reported regarding Item 2 above relating to Labor Negotiations and reported the City Council unanimously approved a side letter to the Dixon Professional Firefighters Association Memorandum of Understanding relating to Acting Duty pay. The following Fire Captains will receive the following payment:

Al Apaka	\$20,451
Greg Lewis	\$24,935
Ron Karlen	\$17,995

The Regular Meeting of the Dixon City Council was convened at the hour of 7:04 p.m.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

Present: Councilmembers Besneatte, Cayler, Ceremello, Fuller, and Mayor Batchelor

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Fall Prevention Awareness Week Proclamation.**

Mayor Batchelor read the Proclamation and presented it to Cookie Powell and Rhonda Polder.

Ms. Polder noted falls are the leading cause of injuries in people over 65 years old, are costly, and can be deadly. She discussed reducing risks of falls, fall prevention, education, and public awareness.

Ms. Powell announced that the Senior Resource Fair will be held on October 10th at the Senior Multi-Use Center.

5. **AUDIENCE/PUBLIC COMMENT (NON-AGENDA ITEMS)**

- 5.1 Ginger Emerson discussed issues relating to bicycles on sidewalks.
- 5.2 Larry Simmons suggested educating bicyclists and/or requiring a bell on bicycles to warn pedestrians that a bicyclist is approaching.

Mayor Batchelor suggested bicycles on sidewalks could be a topic of discussion at a future Joint Council/School District Subcommittee meeting and possibly the School District could send a letter to students about no bicycles on sidewalks downtown.

Michael Dean, City Attorney, advised asking for public comment from anyone in Hawaii.

Mayor Batchelor asked Councilmember Besneatte if there were any members of the public wishing to speak in Hawaii. Councilmember Besneatte replied no.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Besneatte noted the Hawaii Council meeting has similar issues as Dixon and requested Item 10.1 be continued to the next Council meeting.
- 6.2 Councilmember Ceremello announced a Joint Water Committee meeting will be held on September 25th, will be open to the public for review of the budget, and to discuss the proposed increase of water rates.
- 6.3 Vice Mayor Fuller reported he attended the Night of Honor honoring Peace Officers in Solano County and Chuck Coates, who passed away this year, was the honoree for Dixon.
- 6.4 Mayor Batchelor also reported about attending the Night of Honor held twice a year, one for Police and one for Fire. He reported about attending the League of California Cities Annual Conference and made copies available that were made at his personal expense.

7. **ITEMS FROM THE CITY TREASURER**

- 7.1 David Dingman, City Treasurer, thanked the citizens for their efforts and participation in the Coastal Clean-up.

8. **APPROVAL OF AGENDA**

Councilmember Besneatte requested Item 10.1 relating to Omnibus IV be continued to October 13th to allow an opportunity for further review.

Councilmember Ceremello noted Item 10.1 is a public hearing and thought public testimony should be taken. He also had some questions relating to the staff report.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to take public testimony and continue Item 10.1 to October 13, 2009. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

9. **CONSENT CALENDAR**

Councilmember Besneatte requested Items 9.3 be considered separately from the Consent Calendar.

Councilmember Ceremello requested Items 9.4, 9.5, 9.6, and 9.9 be considered separately from the Consent Calendar.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Items 9.1, 9.2, 9.7, 9.8, and 9.10. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

9.1 **Approved the City Council Minutes for the August 11, 2009, meeting.**

9.2 **Adopted Resolution No. 09-153 approving the Enumeration of Claims.**

9.3 **Resolution authorizing an agreement amendment with Elizabeth Ison for investigative services, increasing the contract amount by \$7,500, in an amount not to exceed \$15,000.**

See Minutes on Page 5.

- 9.4 **Resolution accepting the Video Survey and Repair Sanitary Sewer Pipe Lines and Facilities Project, Project No. 2006-1 as complete and authorizing the City Clerk to file a Notice of Completion.**

See Minutes on Page 6.

- 9.5 **Resolution authorizing execution of Agreement Amendment #4 to extend on-call surveying services agreement with Mountain Pacific Surveys for a period of three years.**

See Minutes on Page 6.

- 9.6 **Resolution authorizing execution of a Funding Exchange Agreement with the Solano Transportation Authority and the City of Benicia to swap \$80,100 of future Dixon local transportation funds for \$89,000 of current Benicia American Recovery and Reinvestment Act (ARRA) funds, to be used for the 2009 Dixon Paving Project.**

See Minutes on Page 7.

- 9.7 **Received and filed the annual report regarding storm water best management practices.**

- 9.8 **Adopted Resolution No. 09-158 authorizing execution of an agreement with Solano College Small Business Development Center (SBDC) as the City's Community Development Block Grant (CDBG) Economic Development Services provider for loan application processing Loan Committee reporting, and grant activity delivery, in the amount not to exceed \$8,000. (AG09-036)**

- 9.9 **Resolution accepting the bid for supplying cleaning supplies for building maintenance from JC Nelson Supply Company of Fairfield, in the amount of \$3,555.05, and authorizing an agreement not to exceed \$31,500 for a three year term.**

See Minutes on Page 7.

- 9.10 **Adopted Resolution No. 09-160 authorizing staff to apply for technical assistance from the State Energy Commission's Energy Partnership Program.**

- 9.3 **TAKEN OUT OF ORDER**

Resolution authorizing an agreement amendment with Elizabeth Ison for investigative services, increasing the contract amount by \$7,500, in an amount not to exceed \$15,000.

Councilmember Besneatte asked why the costs are more. Steve Johnson, Human Resources Director, discussed the change in the scope of work and State Law changes relating to the Firefighters' Bill of Rights.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-154 authorizing an agreement amendment with Elizabeth Ison. Roll call was taken as follows:

Ayes:	Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes:	None
Abstain:	None
Absent:	None

9.4 **TAKEN OUT OF ORDER**

Resolution accepting the Video Survey and Repair Sanitary Sewer Pipe Lines and Facilities Project, Project No. 2006-1 as complete and authorizing the City Clerk to file a Notice of Completion.

Councilmember Ceremello asked why a Request for Proposals for a new on-call contract is being prepared. Royce Cunningham, City Engineer, replied that if the problem is not urgent, the project would be put out to bid. If a problem is critical, they would use the on-call contract. Mr. Cunningham responded to Council questions.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-155 accepting the project and authorizing the City Clerk to file a Notice of Completion. Roll call was taken as follows:

Ayes:	Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes:	None
Abstain:	None
Absent:	None

9.5 **TAKEN OUT OF ORDER**

Resolution authorizing execution of Agreement Amendment #4 to extend on-call surveying services agreement with Mountain Pacific Surveys for a period of three years.

Councilmember Ceremello asked if the costs are recovered from developers. Royce Cunningham replied if the project is a developer-related project, the costs are recovered from the developer. If the project is a City project, it would be paid for by the City.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 09-156 authorizing execution of an agreement amendment with Mountain Pacific Surveys for three years. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

9.6 **TAKEN OUT OF ORDER**

Resolution authorizing execution of a Funding Exchange Agreement with the Solano Transportation Authority (STA) and the City of Benicia to swap \$80,100 of future Dixon local transportation funds for \$89,000 of current Benicia American Recovery and Reinvestment Act (ARRA) funds, to be used for the 2009 Dixon Paving Project. (AG09-035)

Councilmember Ceremello noted this relates to ARRA funds, he does not believe in it, and will vote no.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-157 authorizing a Funding Exchange Agreement with STA. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Fuller, Batchelor
Noes: Ceremello
Abstain: None
Absent: None

9.9 **TAKEN OUT OF ORDER**

Resolution accepting the bid for supplying cleaning supplies for building maintenance from JC Nelson Supply Company of Fairfield, in the amount of \$3,555.05, and authorizing an agreement not to exceed \$31,500 for a three year term.

Councilmember Besneatte asked why the contract is for \$31,000 if the amount of the bid is \$3,555.

Jeff Matheson, Public Works and Community Services Director, replied that the low bid determines the unit prices of each product, the costs are used for comparison of products, and the City spends approximately \$10,000 annually.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to accept the bid for supplying cleaning supplies for building maintenance from JC Nelson Supply Company. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

10. **PUBLIC HEARINGS**

10.1 **Matters relating to Omnibus IV Zoning Ordinance amendments:**

1. **Resolution approving a Negative Declaration.**
2. **Ordinance confirming the Planning Commission's recommendation to amend Chapter 12, Article II, of the Dixon City Code relating to permitted and conditional uses, Design Review Commission, off-street parking space requirements, and adding a Community Commercial Zoning District. (Omnibus IV) (ZON 09-06)**

Dave Dowswell, Community Development Director, noted that this ordinance is a series of changes to the Zoning Ordinance at one time and includes streamlining and simplifying of the planning process. He highlighted the changes within the ordinance and responded to Council questions.

Mayor Batchelor opened the public hearing.

Ginger Emerson asked if the public hearing will be held at the next meeting. Mayor Batchelor replied yes.

Susan Werrin felt the zoning ordinance and Omnibus IV are serious to residents and need more public input.

Councilmember Besneatte reported no one was present in Hawaii to speak.

By consensus of the Council, this item was continued to October 13, 2009.

11. **UNFINISHED BUSINESS**

- 11.1 **Ordinance repealing and reenacting Part 14F of Chapter 14 of Article 1 of the Dixon City Code relating to medical cannabis dispensaries and forbidding issuance of licenses or permits to unlawful uses. (Introduced 09-08-09 #11.1)**

Police Captain Tony Welch, representing the Police Chief, noted this is the second reading of the ordinance and presented the background of the ordinance.

Mayor Batchelor asked for public comment. There were no public comments.

Councilmember Ceremello felt Vice Mayor Fuller wanted to proceed with developing an ordinance at the last meeting. Councilmember Ceremello made a motion to repeal the ordinance before the Council and to reinstate the process of regulating the facilities over an unspecified period of time.

Michael Dean, City Attorney, advised that the motion should be to not introduce the ordinance for a second reading.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to not introduce the ordinance for a second reading and reinstate the process of regulating the facilities. Roll call was taken as follows:

Ayes: Besneatte, Ceremello
Noes: Cayler, Fuller, Batchelor
Abstain: None
Absent: None

The motion failed.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Ordinance No. 09-022 repealing and reenacting Part 14F of Article 1 of the Dixon City Code relating to medical cannabis dispensaries.

Councilmember Besneatte felt the ordinance is unlawful, unconstitutional, subjected the City to potential liability because of interference with State law, and it is the wrong approach and resolution.

Vice Mayor Fuller noted he discussed the ordinance, in general, with Councilmember Ceremello and what was discussed had no bearing on the action taken. He noted if there are changes in the future, this topic can be discussed again.

Roll call was taken on Councilmember Cayler's motion.

Ayes: Cayler, Fuller, Batchelor
Noes: Besneatte, Ceremello
Abstain: None
Absent: None

12. **NEW BUSINESS**

- 12.1 **Resolution authorizing a one-year time extension to Pulte Home Corporation for 152 residential development allotments, from September 30, 2009, to September 30, 2010, and authorizing the City Manager to continue discussions with Pulte regarding the renegotiation of the Development Agreement.**

Royce Cunningham, City Engineer, discussed the Development Agreement and the language included to request a time extension, and the extension that was requested and granted last year. He reported that Pulte requested a similar extension for the 152 residential development units for one year. Mr. Cunningham and City Attorney Michael Dean responded to Council questions.

Mayor Batchelor asked if there were any public comments in Dixon or in Hawaii. There were no public comments.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-161 authorizing a one-year time extension to Pulte Home Corporation for 152 residential development allotments. Roll call was taken as follows:

Ayes:	Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes:	None
Abstain:	None
Absent:	None

13. **OTHER AGENCY BUSINESS**

Redevelopment Agency

- 13.1 **Redevelopment Agency Resolution setting funding levels for downtown and community events for Fiscal Year 2009-10.**

See Redevelopment Agency Minutes for September 22, 2009.

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. ITEMS FROM THE CITY MANAGER

15.1 Nancy Huston, City Manager, reported receiving a \$70,000 Community Development Block Grant for the Core Area drainage design.


16. CLOSED SESSION

None

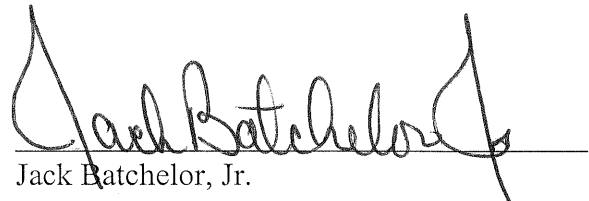
17. ADJOURNMENT

The City Council adjourned the meeting at the hour of 9:07 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor