



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

JULY 14, 2009

1. **CALL TO ORDER**

The Special Meeting of the Dixon City Council was called to order at the hour of 6:00 p.m. to meet in Closed Session in the Council Chambers Conference Room on July 14, 2009, by Mayor Batchelor.

Present: Councilmembers Dane Besneatte, Michael Ceremello, Vice Mayor Rick Fuller, Mayor Jack Batchelor

Absent: Councilmember Kay Fulfs Cayler

Mayor Batchelor announced the City Council will meet in Closed Session to discuss the following:

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

City Negotiator:	Nancy Huston, Michael Dean, and Steve Johnson
Employee Organization:	Dixon Professional Firefighters Association Dixon Police Officers Association and Dixon Senior Management Association Public Employees Union, Local One Non-Represented Management Unit Non-Represented Non-Management Unit

Mayor Batchelor noted there were no members of the public present in the audience, therefore, there was no public comment.

The City Council recessed into Closed Session at 6:03 p.m.

The City Council reconvened into Open Session at 7:14 p.m.

Mayor Batchelor reported the City Council met in Closed Session to discuss the subject above and there was no reportable action.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

Present: Councilmember Ceremello, Vice Mayor Fuller, Mayor Batchelor

Absent: Councilmembers *Besneatte and Cayler

Mayor Batchelor noted that Councilmember Besneatte will be returning to the regular Council meeting and Councilmember Cayler is out-of-town.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None

*Councilmember Besneatte arrived at 7:22 p.m.

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

None

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Ceremello read a letter received from Debra Minnema-Dingman relating to labor negotiations asking for a salary comparison to be done with cities of the same size. He also discussed opposing the new facility to be built for the Solano County Animal Shelter.

6.2 Vice Mayor Fuller reported about representing the City at meetings with Legislators at the League of California Cities regarding the State budget and taking away City funding.

6.3 Mayor Batchelor thanked Vice Mayor Fuller for taking the leadership of the City during his vacation.

Mayor Batchelor commended police personnel for their recent involvement in an armed robbery and graffiti vandalism. He noted the public safety staff is doing an outstanding job in keeping the City safe.

6.4 Councilmember Besneatte reported attending a meeting regarding Delta protection and water diversion. He discussed the possibility of the Downtown Dixon Business Association becoming a sub-division of the Chamber of Commerce. He also asked about the sidewalk replacement on East A Street.

7. **ITEMS FROM THE CITY TREASURER**

7.1 City Treasurer David Dingman hoped that the last salary survey is not being considered, negotiators considering a win-win solution, and the City being frugal with funds.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to approve the agenda. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested a copy of the potential bidders for Item 9.4.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt the Consent Calendar. Roll call was taken as follows:

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

9.1 **Approved the Regular City Council Minutes for the May 26, 2009 meeting.**

9.2 **Adopted Resolution No. 09-111 approving the Enumeration of Claims.**

9.3 **Matters relating to Commission/Committee appointments:**

1. **Confirmed appointments of Debra Minnema-Dingman, Joe Perez, and Edward Peterson III to the Transportation Advisory Commission.**
2. **Confirmed appointment of Marjorie Litsinger to represent the City on the Senior Coalition of Solano County.**

9.4 **Adopted Resolution No. 09-112 awarding bid for fuel services to Ramos Oil Company. (AG 09-027)**

- 9.5 **Adopted Resolution No. 09-113 accepting reimbursements of \$116,985.94 from the State Office of Emergency Services (OES) for 2008 fire strike teams and amending the Fiscal Year (FY) 2008-09 Fire Department budget. (Budget Adjustment No. 2008-09-06-01)**
- 9.6 **Adopted Resolution No. 09-114 accepting bid, in the amount of \$2,747.57, from G & K Services of Sacramento, for supplying and cleaning uniforms, not to exceed \$31,500 for a three year term. (AG 09-028)**
- 9.7 **Approved minute action authorizing the City Clerk to advertise for bids for the North Almond Street Rehabilitation Project 2009-01, Federal-Aid Project #ESPL-5056(016).**

10. **PUBLIC HEARINGS**

- 10.1 **Resolution confirming the assessment for delinquent refuse collection accounts and directing liens to be placed against the affected properties.**

Ed Farewell, General Manager of Dixon Sanitary, reviewed the list distributed of past due accounts as of July 14th and responded to Council questions.

Councilmember Besneatte asked for proof that property owners were contacted for non-owner occupied home's past due accounts. Mr. Farewell responded that attempts were made to contact property owners and can check if any responses were received.

Mayor Batchelor opened the public hearing.

Marco Tejada suggested the City should find another way to contact property owners and another solution other than placing a lien on the property.

Gary Riddle agreed that some proof should be given that the property owner was notified.

Seeing no one else present to speak, Mayor Batchelor closed the public hearing.

Councilmember Besneatte was not satisfied with the response about non-owner occupied contact and with the current economy, he was not in favor of placing liens.

A motion was made by Councilmember Batchelor, seconded by Vice Mayor Fuller, to adopt the Resolution to place a lien against the affected properties. Roll call was taken as follows:

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

The vote was tied 2-2 and the matter was continued to July 28, 2009.

10.2 Resolution confirming the assessment for delinquent sewer system accounts and directing liens to be placed against the affected properties.

Jeremy Craig, Finance and Technology Director, reported that notice was sent to both the property owners and tenants and made every effort to make contact.

Councilmember Besneatte questioned an amount of a lien on Ellesmere Drive. He also asked for proof that the non-owner occupied properties were notified.

Mayor Batchelor noted that this is not a cross-examination of staff. He felt that if the Councilmembers wanted to see this level of proof, he could have asked for it when he was in City Hall.

Mayor Batchelor opened the public hearing.

Seeing no one present to speak, the public hearing was closed.

A motion was made by Vice Mayor Fuller, seconded by Mayor Batchelor, to adopt the Resolution to place a lien against the affected properties. Roll call was taken as follows:

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

The vote was tied 2-2 and the matter was continued to July 28, 2009.

10.3 Matters relating to General Plan Amendment 09-01: (PA09-10)

- 1. Resolution approving the Negative Declaration finding no significant environmental impacts.**
- 2. Resolution adopting a new 2009-2014 Housing Element.**

Janet Koster, Senior Management Analyst, reviewed the background and required components of a Housing Element, Regional Housing Allocations, required changes, voluntary changes from the General Plan Advisory Committee (GPAC), vacant land and densities, and comments from the State. Ms. Koster responded to Council questions.

Mayor Batchelor opened the public hearing.

Gerry Raycraft, Solano County Children's Network, discussed development of child care centers in Solano County, where to incorporate child care services, accommodating affordable housing, and supported and commended staff for their cooperation in working with him.

Dan Figueroa discussed allowing single family homes in the Multiple Residential (RM) zone, expressed concern about a contingency placed based on the successful implementation of 5.3.1 to include RM-3 and RM-4 zoning districts. Dave Dowswell, Community Development Director, noted that staff plans to propose the amendments after the RM-2 changes, and did not believe there would be any concern with the upcoming changes.

Mr. Figueroa preferred knowing that the RM-2 zoning amendment specifically allows single family homes as a permitted use can proceed now without having to wait for zoning ordinance amendments to be approved, and requested the contingency be removed. Mr. Figueroa discussed the median price homes, felt the City may have already achieved affordable housing numbers, and there are more affordable homes available than six months ago. He also looked forward to participating in the one year review.

Marshall Drack cited from the California Land Use and Planning Law book by Dan Curtin used in the courts of California in support for the proposed action.

Ginger Emerson read a letter into the record commending staff for language regarding the RM-2 zone, and expressed concern about secondary living units in the RM zones not being included, need for transitional and supportive housing, single-room occupancies in the Central Commercial District, and public outreach to low and moderately low income households.

Gary Riddle asked if Vaughn Road and First Street are part of the commercial development. Ms. Koster replied that the GPAC reviewed that, but it was not included as recommended sites.

Seeing no one else present to speak, Mayor Batchelor closed the public hearing.

Councilmember Besneatte asked if the contingency language is necessary. Mr. Dowswell felt the RM-2 zone can proceed. The RM-3 and RM-4 will take more time because they do not exist.

Mayor Batchelor offered alternate language to Program 3.2.2 to add to the end of the second sentence “while working toward the successful implementation of 5.3.1 to include RM-3 and RM-4 zoning”. The last sentence of Program 3.2.2 would be deleted.

Mr. Dowswell felt the language change can be submitted to the State for a response.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-115 approving the Negative Declaration and adopt Resolution No. 09-116 adopting the 2009-2014 Housing Element, as amended to include changes to Program 3.2.2 as stated by Mayor Batchelor above. Roll call was taken as follows:

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

- 10.4 **Waive reading, read by title only, and introduce an Ordinance amending the official Zoning Map of the City by rezoning from Planned Mixed Use (PMU) to Planned Mixed Use-1 for the following properties: 0114-053-010, 0114-053-110, 0114-053-120, 0114-055-010, 0114-055-020, 0114-055-120, 0114-055-130, 0115-083-010, 0115-083-020, 0115-083-030, 0115-083-110, 0115-083-120, 0115-083-130, 0115-084-010, 0115-084-020, 0115-084-070, 0115-084-080, 0115-084-090, 0116-061-040, 0116-061-050, 0116-061-060, 0116-061-070, 0116-061-080, 0116-061-090, 0116-061-110, 0116-061-160, 0116-062-010, 0116-062-020, 0116-062-030, 0116-062-100, 0116-062-110, 0116-062-120, 0116-063-010, 0116-063-020, 0116-063-090, 0116-063-100, 0116-063-110, 0116-064-120, 0116-064-140, and 0116-064-015 and by rezoning from Planned Mixed Use-Planned Development (PMU-PD) to Planned Mixed Use-2-Planned Development (PMU-2-PD) for the following properties: 0113-066-020, 0113-066-130, 0115-060-120, 0115-060-140, 0115-070-160, 0115-070-170, and 0115-070-180.**

Councilmember Besneatte noted a conflict of interest because he lives within the area and left the Council Chambers.

Dave Dowswell, Community Development Director, noted this is a follow-up to the Planned Use Development area.

Mayor Batchelor opened the public hearing.

Larry Simmons noted one of his neighbors was unaware how this change would affect her.

Nancy McDonough asked if this would affect her mother's property. Mr. Dowswell replied the property would not be changed.

Ginger Emerson felt this process should be a model for other matters.

Seeing no one else present to speak, Mayor Batchelor closed the public hearing.

A motion was made by Vice Mayor Fuller, seconded by Mayor Batchelor, to waive the reading, read by title only, introduce the ordinance, and continue to July 28, 2009. Roll call was taken as follows:

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

Councilmember Besneatte returned to the meeting.

10.5 Waive reading, read by title only, and introduce an ordinance amending and adding sections to Section 12.20 of Chapter 12 of Article II of the Dixon City Code (Zoning Ordinance) relating to temporary signs.

Dave Dowswell, Community Development Director, provided the history of the ordinance changes, discussed the non-commercial events sign, the limit of signs to be posted, mobile billboard language, and noted a typographical error on page 8, number 3, that the word "not" should be deleted. Mr. Dowswell responded to Council questions.

Councilmember Besneatte expressed concern about billboard signs on cars.

Mayor Batchelor opened the public hearing.

Gary Short asked if the limit will be just for these streets, especially if new streets are assigned; otherwise he supported the ordinance. Mr. Dowswell noted that the ordinance will most likely change to place the streets in a Resolution.

Seeing no one else present to speak, Mayor Batchelor closed the public hearing.

After Council deliberation, a motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to waive the reading, read by title only, introduce the ordinance, as amended in Section 12.20.09B to read "Non-commercial event signs may be erected, displayed or permitted" and the last line would be deleted. Roll call was taken as follows:

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

11. **UNFINISHED BUSINESS**

11.1 **Resolution authorizing a budget amendment for the agreement with Angelo, Kilday & Kilduff for special counsel services relating to the administrative citations issued to Michael Ceremello, in the amount of \$3,927.56.**

Mayor Batchelor asked what role would Councilmember Ceremello have on this matter. Michael Dean, City Attorney, advised that Councilmember Ceremello has a common law conflict of interest versus a financial conflict of interest and provided the explanation for each.

Nancy Huston, City Manager, discussed the settlement agreement that was reviewed, additional hearing days held, the hearing officer's decision, evidence submitted that had to be reviewed, the unanticipated costs of additional hearing dates, and closed session meetings held with the Council.

Councilmember Ceremello felt he had no conflict of interest, there was no itemization of the bill, and felt the agreement amendment should have been approved prior to services rendered.

Mayor Batchelor asked for public comment.

Leonard Granger expressed concern about a Councilmember who disregards the city codes of Dixon and the city he represents. He suggested the City do the clean up and lien the property and that the Councilmember pay the balance of the bill.

Susie Salmons discussed using scarce resources to pay this bill when the funds could have been used more for important purposes. She wished Councilmember Ceremello had respect for laws and rules, be a responsible citizen, have pride in the community, and that he took his oath of office seriously by complying with the laws. She discussed Councilmember Ceremello enjoying negative notoriety, offensive behavior to call attention to himself, and hypocrisy. She commended the Council for handling difficult budget situations and encouraged them to continue enforcing rules.

Councilmember Ceremello felt this was a waste of money, that there were other options available, noted the hearing officer's ruling was that the City used appropriate procedures, and that he was working in his yard slowly. He was not disappointed that the City had to pay for the violation of the 5th Amendment of the Constitution about enforcing laws equally. He could have taken the Council to Superior Court. He did not care if he cost the City money because they deserved exactly what they got, but that he would vote with the majority.

After Council comments, a motion was made by Mayor Batchelor, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-117 authorizing a budget amendment for the Angelo, Kilday & Kilduff agreement. Roll call was taken as follows:

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

11.2 **Matters relating to Dixon Unified School District gate access:** (Continued from 05-26-09 #12.2)

1. **Request the Dixon Unified School District to close the pedestrian gate between Austin Drive and Gretchen Higgins Elementary School for a trial period beginning next school year.**
2. **Resolution relating to Dixon High School / Hall Park gate:**
 1. **Finding the establishment and installation of traffic controls to be categorically exempt per Section 15301 of CEQA; and**
 2. **Establishing 2-hour parking time limits on Hall Park Drive, south of East Chestnut Street during school hours; and**
 3. **Directing staff to install centerline traffic striping on East Walnut Street and East Chestnut Street.**

Jason Riley, Associate Engineer, relating to Item 11.2.1, provided the background and pictures around the pedestrian gate on Austin Drive, discussed the 2005 Improvement Plan, reviewed the concerns, provided alternatives and options, and discussed competing interests regarding pedestrians using the crosswalk and gate, student drop-off and pick-up, and residents adjacent to crosswalk and gate. The Transportation Advisory Commission (TAC) recommendation to the City Council was to request the Dixon Unified School District to close the gate for a trial period at the beginning of the school year. Mr. Riley responded to Council questions.

Mayor Batchelor asked for public comment.

Larry Simmons expressed concern about the linear path.

Mayor Batchelor felt closing the Austin Drive gate would cause more traffic on Pembroke Drive.

Councilmember Ceremello noted the gate was not intended for a drop-off for students and supported the gate closure.

A motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to request the Dixon Unified School District close the pedestrian gate between Austin Drive and Gretchen Higgins School for a trial period starting at the beginning of the school year. Roll call was taken as follows:

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

Relating to Item 11.2.2, Mr. Riley showed various pictures around the location of the Hall Park gate and reviewed the recommendations from the TAC. He noted the TAC recommendations were made before the School District installed a rolling gate. The Council considered if two-hour parking restrictions, curb markings, and center-lane striping are necessary.

Mayor Batchelor asked for public comment.

Ginger Emerson felt the solutions are inconsistent with the remedies on Austin Drive, discussed the TAC recommendations, and resubmitted a letter dated May 31st.

Will Staiger showed the bottleneck on Hall Park Drive and felt placing bollards at the high school access would be best.

Mayor Batchelor discussed the TAC recommendations and suggested have a Joint Council/School District Subcommittee meeting.

Vice Mayor Fuller felt two hour parking is too much time, that bollards may be viable, and suggested speed-bumps.

Councilmember Ceremello discussed traffic on Parkway Boulevard, bottleneck on College Way, felt parking time should be shorter, and the placement of bollards.

Councilmember Besneatte discussed his experience with living near a high school, installing a bar-gate, and felt the options presented will not solve the problem. He suggested waiting until school starts and to see the results with the gate closed.

After Council discussion, by consensus, they decided to reconsider the Hall Park gate in October after a Joint Council/School District Subcommittee meeting is held.

12. **NEW BUSINESS**

12.1 **Council discussion relating to a Councilmember observing management/employee labor negotiations.** (Requested by Councilmember Ceremello)

Nancy Huston, City Manager, noted it is not illegal to have a Councilmember present during labor negotiations, however, it is not a good labor practice. She noted that negotiations between labor and Council are confidential, the ground rules established include no outsiders, and recommended the process stay status quo.

Councilmember Besneatte and Mayor Batchelor suggested all Councilmembers be present to discuss this matter.

Ms. Huston suggested public comment be taken.

Mayor Batchelor asked for public comment.

Jason Riley, representing Public Employees Union, Local One, reported that Local One met with Councilmember Ceremello and noted that several issues discussed with him appeared inaccurately in his Musings column in the Independent Voice. Mr. Riley corrected what actually was discussed with Councilmember Ceremello and noted that if observations in negotiations appear as mistruths in the media, a public relation board claim from Local 1 can be expected.

Kasmir Zaratkiewicz, Local One Business Representative, asked that the City Manager's recommendation be accepted and to not change the process.

Councilmember Ceremello noted that management and labor do not want a Councilmember present during negotiations and discussed the economic crisis and problems with negotiations from the past. Councilmember Ceremello withdrew his request to observe negotiations.

13. **OTHER AGENCY BUSINESS**

None

14. ITEMS FROM THE CITY ATTORNEY

None

15. ITEMS FROM THE CITY MANAGER

None


16. CLOSED SESSION

None

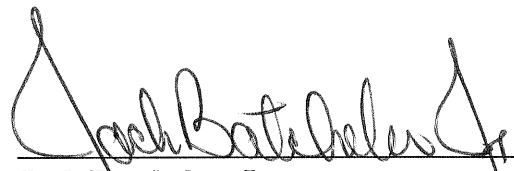
17. ADJOURNMENT

The City Council meeting adjourned at the hour of 11:31 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor