



**MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL**

MAY 26, 2009

1. **CALL TO ORDER**

The Special Meeting of the Dixon City Council was called to order at 6:00 p.m. to meet in Closed Session in the Council Chambers Conference Room on May 26, 2009, by Mayor Batchelor.

Present: Councilmembers Dane Besneatte, Kay Fulfs Cayler, Vice Mayor Rick Fuller, Mayor Jack Batchelor

Absent: *Councilmember Michael Ceremello

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

CONFERENCE WITH LEGAL COUNSEL --POTENTIAL LITIGATION

Pursuant to Government Code Section 54956.9(c), and based on existing facts and circumstances, the Council is deciding whether to initiate litigation against Javier Huerta and Marisol Huerta to recover costs relating to a hazardous materials clean-up costs resulting from a traffic accident on August 24, 2007: One case.

Mayor Batchelor reported that there was no public comment because there was no one from the public present.

The City Council recessed into Closed Session at 6:04 p.m.

*Councilmember Ceremello arrived at 6:05 p.m.

The City Council adjourned from Closed Session at 6:30 p.m.

Mayor Batchelor called the Regular Meeting of the City Council to order at 7:00 p.m.

Michael Dean, City Attorney, reported that the City Council met in Closed Session to discuss initiation of litigation as stated above and the City Council unanimously authorized bringing such litigation.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was let by Mayor Batchelor.

3. **ROLL CALL**

Present: Councilmembers Dane Besneatte, Kay Fulfs Cayler, Michael Ceremello, Rick Fuller, Mayor Jack Batchelor

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Presentation relating to Alcohol, Tobacco, and Other Drugs (ATOD).**

Jeff Matheson, Public Works and Community Services Director, introduced Martha Cornejo who discussed the background of ATOD that was formed through the Safe Schools and Community Task Force, funding through the Solano County Board of Supervisors, the ATOD Committee, the City Team Sectors, their strategic goals, statistics, and key findings.

Janet Glide, Recreation Coordinator, discussed Project ASPIRE.

Steve Padilla, Solano County Office of Education, discussed activities including the University of California, Davis, Shadow Day; Every 15 Minutes Program; and other elementary school benefits.

Cookie Powell, Dixon Family Services, discussed the Parent Project, Block Party, the first Spanish class.

Jon Cox, Police Chief, discussed the importance of compliance checks and wanting to work with business owners.

Ms. Cornejo presented the 2009-10 Goals.

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

5.1 Dave Scholl asked about City fees and the Veteran's Exemptions. He discussed the veteran who opened a fruit stand and is being charged fees. Mr. Scholl felt the Council should show respect to California Vets, asked for the subject to be placed on the agenda, requested the law to be interpreted broadly, and to generously exempt business license fees.

Mr. Scholl discussed the Redevelopment Advisory Committee working on the beautification of the Pardi Market site at an estimated cost of \$40,000 and not using City money.

5.2 Larry Simmons felt it should be the City's goals to build a first level senior living facility and suggested establishing a citizen's committee as the first step.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Ceremello requested Mr. Scholl's matter be placed on the agenda within the next month.

6.2 Councilmember Cayler reported she was unable to attend the Travis Regional Armed Force Committee (TR AFC) meeting, but she did attend a CBT Company workshop who gives anti-drug and violence workshops for city and county employees. She also attended the concert last week and the special Veterans' Day service at the Veterans' Cemetery.

Councilmember Cayler discussed the inaccuracies in an article in a local newspaper entitled "City Nixes Encouraging Development" and that staff was directed and encouraged to proceed with the project and to be open to further negotiations with Flying J.

6.3 Councilmember Besneatte reported attending the Planning Commission meeting and how attending helps him to hear citizen's viewpoints. He took a driving tour of Solano County with the Solano County Grand Jury and other County officials and found it very informative. He also attended the Memorial Day recognition at the Veterans' Cemetery.

Councilmember Besneatte encouraged participation at the upcoming City budget meeting, the Farmers' Market, and the Wine Stroll.

Councilmember Besneatte encouraged Assemblymember Yamada and Senator Wolk to not takeaway City funds. He supported the citizen's request to place the matter on the agenda, but felt two weeks may not be possible with upcoming agenda topics that are pending.

Councilmember Besneatte agreed with Councilmember Cayler that the Council encouraged staff to find ways to make Flying J a viable project. At that meeting, he recalled expressing concern about setting policy to give away future sales tax revenue.

Councilmember Besneatte discussed a comment in a local paper about the current Council not giving to the Catholic Church food locker.

- 6.4 Mayor Batchelor was honored to attend the Memorial Day event at the Veterans' Cemetery and commended Jim Harris for his work on the ceremony honoring all Veterans' and those serving in the armed forces.

Mayor Batchelor announced the recommended appointments of Yvonne McCluskey, Victoria Coppes, and Michael Smith to the Planning Commission and Robert Sperry and Barry Schultz to the Parks and Recreation Commission. He noted the confirmation of these appointments will be at the next Council meeting.

Mayor Batchelor announced he will be conducting interviews for the Transportation Advisory Commission (TAC) and the Senior Coalition on June 2nd.

7. **ITEMS FROM THE CITY TREASURER**

None

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was by Councilmember Cayler, seconded by Councilmember Besneatte, to approve the agenda. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Councilmember Besneatte requested an abstention vote be case for Item 9.5 because he lives within the area.

Councilmember Ceremello requested Items 9.7 and 9.11 be considered separately from the Consent Calendar.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to approve the Consent Calendar, except Items 9.7 and 9.11. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: Besneatte (Item 9.5 only)
Absent: None

- 9.1 **Approved the following City Council Minutes:**
1. **City Council Minutes for the April 28, 2009, Special Meeting.**
 2. **City Council Minutes for the April 28, 2009, Regular Meeting.**
- 9.2 **Adopted Resolution 09-084 approving the Enumeration of Claims, including Monthly Financial Report.**
- 9.3 **Approved minute action authorizing the City Clerk to advertise for supplying and cleaning uniforms, door mats, mops, towels, and shop rags.**
- 9.4 **Approved minute action setting July 14, 2009, as the public hearing date for past due Dixon Sanitary Service accounts.**
- 9.5 **Waived reading, read by title only, and adopted Ordinance No. 09-017 amending Sections 12.01.05 and 12.12.01 and adding Section 12.12.07a to Chapter 12 (Zoning Ordinance) of the Dixon City Code relating to the Planned Mixed Use District in the Core Area. (Introduced 05-12-09 #10.2)**
- 9.6 **Waived reading, read by title only, and adopted Ordinance No. 09-018 amending the zoning on approximately 1 acre from Light Industrial-Service Commercial-Planned Development (ML-CS-PD) to Light Industrial-Service Commercial-Assembly Use-Planned Development (ML-CS-AU-PD) and directing that the official Zoning Map be amended relating to Word of Life Ministries, located at 1150 North First Street, Suite D. (APN 115-130-480) (PA 09-07) (ZON 09-04) (VAR 09-01) (Introduced 05-12-09 #10.3)**
- 9.7 **Confirmed appointments of Marjorie Kelly and Ted Seifert to fill two vacancies on the General Plan Advisory Committee (GPAC) and confirm appointments of Debra Minnema-Dingman and Deborah Winegar as alternate members on GPAC.**

See Minutes for this item on Page 6.

- 9.8 **Adopted Resolution No. 09-086 awarding the Engineering Office Re-Roof Project #2009-05 to Sturgeon Construction, Inc., in the amount of \$11,999.47, and authorizing expenditure of up to \$20,000 for capital purchases from the General Fund Engineering Operating budget. (AG09-022)**
- 9.9 **Adopted Resolution No. 09-087 awarding the State Route (SR) 113 Pedestrian Improvement Project #2009-04 to Republic ITS, Inc., in the amount of \$46,700, and authorizing expenditure of up to \$90,000 from the Transportation Fund 460. (AG09-023)**
- 9.10 **Adopted Resolution No. 09-088 awarding the 2009 Street Reconstruction Project #2009-03 to North Bay Construction, Inc., in the amount of \$415,207.50, and authorizing expenditure of up to \$520,000 from the Transportation Fund 460.**
- 9.11 **Minute action authorizing the City Manager to send a letter to the Solano Transportation Authority (STA) requesting them to add the City of Dixon to the federal lobbyist partnership.**

See Minutes for this Item on Page 7.

9.7 **TAKEN OUT OF ORDER**

Confirmed appointments of Marjorie Kelly and Ted Seifert to fill two vacancies on the General Plan Advisory Committee (GPAC) and confirm appointments of Debra Minnema-Dingman and Deborah Winegar as alternate members on GPAC.

Councilmember Ceremello noted there were only five applicants who applied and suggested Marshall Drack be appointed as an alternate member to the GPAC.

Mayor Batchelor discussed Mr. Drack being Counsel of Record for the Flying J Project and the Pardi Market site and felt the appointment to GPAC would be a conflict of interest.

Councilmember Ceremello noted that developers had wanted to be on committees in the past.

Councilmember Besneatte had faith that Mr. Drack, as an attorney and developer, would be ethically obligated to abstain.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to confirm appointments of Marjorie Kelly and Ted Seifert on GPAC and confirm appointments of Debra Minnema-Dingman, Deborah Winegar, and Marshall Drack as alternate members on GPAC. Roll call was taken as follows:

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

9.11 **TAKEN OUT OF ORDER**

Minute action authorizing the City Manager to send a letter to the Solano Transportation Authority (STA) requesting them to add the City of Dixon to the federal lobbyist partnership.

Councilmember Ceremello discussed the reduction of Transit Development Act funds, impacts to the REDI-Ride Program, and not believing in American Reinvestment and Recovery Act (ARRA) funds. He felt Washington is being irresponsible and will eventually bankrupt the country. He felt people should stand up and say no.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to authorize a letter to STA requesting them to add the City of Dixon to the federal lobbyist partnership. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Waive reading, read by title only, and introduce an Ordinance amending and adding Sections to Section 12.20 of Chapter 12, Article II, of the Dixon City Code (Zoning Ordinance) relating to Temporary Signs. (PA 09-02) (ZON 09-01).**

Dave Dowswell, Community Development Director, discussed the Planning Commission meetings held that included discussions relating to advertising by civic groups, realtors, private property owners, and mobile billboards. He noted the changes requested by Gary Short and requested Council direction.

Michael Dean, City Attorney, discussed the formatting of the draft ordinance and regulating signs on vehicles and definitions.

Mayor Batchelor opened the public hearing.

Gary Short discussed the Planning Commission feeling that his sign was inappropriate, that his sign was vandalized and no longer exists, that no complaints were received, restrictive language that bans mobile advertising, and felt what he submitted is reasonable.

Drew Graska discussed the interpretation of the City Attorney regarding enforcement and to use common sense.

Nancy Huston, City Manager, clarified that the discussion is about mobile signs and not a discussion about "Mr. Short's sign".

Penny McAlmond-Ross discussed the need to have successful businesses, language in the ordinance creates adversity, and advertising is not offensive.

Victoria Coppes asked if enforcement would be complaint driven or if someone would be checking. Mr. Dowswell replied it could be both.

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

After a lengthy Council deliberation, a motion was made by Mayor Batchelor to waive reading, read by title only, and to introduce the ordinance, as amended, to delete mobile sign and mobile billboard sections (R1-R4). To refer mobile bill boards to the Community Development Director and to return it to City Council. The motion was seconded by Vice Mayor Fuller.

Mr. Dean advised that the motion would be introduction of the ordinance less Paragraph R, which are the regulations.

A substitute motion was made by Councilmember Ceremello to add to the Mayor's motion to include the ability for individual property owners to decide who can place community services signs on their property.

Mr. Dean noted the Community Development Director said the City can not violate the First Amendment. To tell a property owner they may only put up signs and to not allow other non-commercial speech is protected by the First Amendment.

Councilmember Ceremello withdrew his motion.

Roll call was taken on Mayor Batchelor's motion as follows:

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

- 10.2 **Resolution relating to the Program Income Reuse Plan authorizing:**
1. **Revisions to the Community Development Block Grant (CDBG) Program Income Reuse Plan; and**
 2. **Transfer of \$50,000 from the Business Revolving Loan Fund account to the Community Facilities Revolving Loan Fund and Public Works Revolving Loan Fund.**

Mark Heckey, Economic Development Director, discussed the CDBG public purpose, three program areas to serve communities, 2009-10 Housing and Urban Development allocations, the general program, economic development, and the major changes in the proposal for 2009-10 Re-use Plan. Mr. Heckey responded to Council questions.

Mayor Batchelor opened the public hearing.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Cayler, to adopt Resolution No. 09-088 authorizing revisions to the CDBG Program Reuse Plan and transferring of \$50,000. Roll call was taken as follows:

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

11. **UNFINISHED BUSINESS**

None

12. **NEW BUSINESS**

12.1 **Resolution approving the final Short Range Transit Plan prepared by Nelson/Nygaard Consultants.**

Jeff Matheson, Public Works and Community Services Director, discussed the Short Range Transit plan prepared by Nelson/Nygaard relating to goals, performance, operating standards, and the dial-a-ride program. Staff recommendation is to continue monitoring for a flex route program with modifications and fixed routes.

Jeff Flynn, Nelson/Nygaard, discussed their purpose to update the goals and objectives, and discussed service alternative scenarios to maintain dial-a-ride, fixed route service, and deviated fixed routes.

Mr. Matheson and Mr. Flynn responded to Council questions.

Mayor Batchelor asked for public comment.

Victoria Coppes discussed the lack of school busses, that the program should not discourage any riders, and noted that these are guidelines and should not be restrictive.

Jon Stalnaker asked for the number of passengers per bus. Mr. Flynn replied it would depend on the size of the vehicle.

Drew Graska thought advertising on busses should be considered.

After Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-089 approving the final Short Range Transit Plan. Roll call was taken as follows:

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

12.2 **Matters relating to Dixon Unified School District gate access:**

1. **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; and**
3. **Directing staff to install centerline traffic striping on East Walnut Street and East Chestnut Street.**
2. **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.**

Jason Riley, Associate Engineer, discussed access to the high school at two locations and recommended action be taken separately. He identified each location, discussed competing interest between walking students and dropping students off by vehicle, the concerns, facts, statistics taken, alternatives, and options. He discussed the Transportation Advisory Commission (TAC) recommendation, staff recommendation, and the recommendation from the DUSD Board/City Council Subcommittee.

Mayor Batchelor asked for public comment.

Victoria Coppes noted the restriction of two-hour parking would be during school hours and penalties would be issued. She felt placing limited parking now would not make sense because there is only a few weeks left of school.

Jon Stalnaker read a letter into the record and recommended opening access through the Country Faire subdivision.

Gary Fitzgerald discussed traffic through Hall Park and that limiting parking would reduce the number of cars.

Grover Crow was grateful someone has not been hurt, felt parents and students drive too fast, and discussed conflicts with sports in the park.

Ginger Emerson discussed watching traffic at the Hall Park gate, hearing contradictions, and conveyed frustration from her dad and others.

After a lengthy Council deliberation, Mayor Batchelor proposed no action be taken, to educate parents, and to work with the Police Department and School District.

The Hall Park gate was tabled and the Gretchen Higgins gate was not discussed.

12.3 Resolution finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California.

Nancy Huston, City Manager, noted a revised resolution distributed amending the dollar amount affecting Dixon, and recommended adoption of the resolution.

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

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-090 finding a severe hardship would exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California. Roll call was taken as follows:

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

12.4 Resolution authorizing the Mayor and the ATOD City Team to enter into an agreement with Solano County in order to reduce the use of alcohol, tobacco, and other drugs through the use of grant funding received from Solano County for FY 2009/10.

Jeff Matheson, Public Works and Community Services Director, noted ATOD is a County funded program and this agreement would provide grant funding for FY 2009-10.

Mayor Batchelor asked for public comment. There was no public comment.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 09-091 approving an agreement (AG09-025) with Solano County for grant funding for ATOD. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

None

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. **ITEMS FROM THE CITY MANAGER**

None


16. **CLOSED SESSION**

None

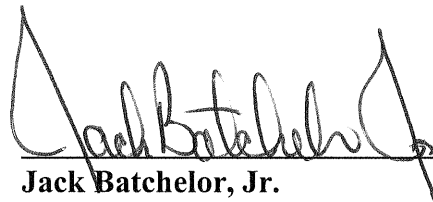
17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 11:20 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor