



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

MARCH 10, 2009

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened at the hour of 7:00 p.m. in the Council Chambers on March 10, 2009, by Mayor Batchelor.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

Present: Councilmembers Kay Fulfs Cayler, Michael Ceremello, Victoria Coppes, Rick Fuller, and Mayor Jack Batchelor.

Absent: None

Mayor Batchelor noted the passing of Sergeant Chuck Coates and asked for a Moment of Silence.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Presentation by Amy O’Gorman, Director of Regional Public Affairs, League of California Cities, regarding League activities.**

Amy O’Gorman discussed the services provided by the League of California Cities, their “Grassroots Network”, engaging City Councils in legislative efforts, and the vulnerability of the State taking the City’s money.

Mayor Batchelor stated, on behalf of the City Council and City staff, they truly appreciate the League of California Cities representing cities. He commended the League for their recent briefing sessions on AB 32 (Global Warming Solutions Act of 2006) and SB 375 (Greenhouse Gas Emissions Reductions) and eligibility for funding.

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

- 5.1 Ginger Emerson disapproved of the Transportation Advisory Commission recommendations regarding the Hall Park gate near Dixon High School, presented a letter petition with 54 signatures, read excerpts from her letter, and requested community concerns not be ignored.
- 5.2 Joe Vella, Contract Sweeping Services, discussed not being informed about the meeting where Dixon Sanitary Services was being offered the bid for street sweeping services and requested further review of the process. He responded to Council questions.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Vice Mayor Fuller reported he participated on the professional panel for the Police Chief recruitment, noted there were a number of qualified candidates, was a gratifying experience, and appreciated the opportunity to participate.
- 6.2 Councilmember Coppes reported on the action taken by the Vacaville-Dixon Greenbelt Subcommittee and attending the League of California Cities SB 375 and AB 32 briefing sessions. She noted that she had heard concerns about the City's water quality because of the lack of rain. She learned that Dixon's water is from ice cap aquifers and the quality is better.
- 6.3 Councilmember Ceremello expressed concern about how the street sweeping process was conducted, why bids were not requested, read excerpts from Chapter 26 of the City Code regarding contracts, not following the City Code is a misdemeanor, asked for the Dixon Sanitary Services amendment be delayed, threatened potential litigation, and asked for the matter be placed on the Council agenda.

Michael Dean, City Attorney, discussed the process to amend a Franchise Agreement and that the City Code does not refer to amending Franchise Agreements. He noted Chapter 26 applies to the City making expenditures and with a Franchise Agreement there are no expenditures by the City. He also noted Council policy for reconsideration of a matter is to be brought up at the same meeting by a Councilmember who prevailed.

Vice Mayor Fuller asked if the alleged misdemeanor had occurred. Mr. Dean replied no.

Councilmember Ceremello requested the bidding of the street sweeping be placed on the Council agenda.

- 6.4 Councilmember Cayler reported about attending the Vacaville-Dixon Greenbelt Subcommittee meeting, the Chamber of Commerce Board meeting and their Citizen of the Year Dinner, which was a conflict with the Fire Department awards dinner.

Councilmember Cayler announced the Chamber of Commerce will be hosting a Flea Market on April 25th.

- 6.5 Mayor Batchelor reported being an observer on the technical panel for the Police Chief recruitment, noted there also was a community committee and an employee committee, and commended the City Manager and Human Resources Department on the process.

Mayor Batchelor noted receiving a letter from the Senior Coalition of Solano County requesting a Dixon resident to serve on this committee and discussed their role. He requested this be conducted the same as other board/commission recruitments and encouraged seniors to apply.

7. **ITEMS FROM THE CITY TREASURER**

None

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested Item 9.7 be considered separately from the Consent Calendar.

Councilmember Cayler requested an abstention vote be cast for Item 9.3.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Coppes, to adopt the Consent Calendar, except Item 9.7. Roll call was taken as follows:

Ayes: Cayler, Ceremello, Coppes, Fuller, Batchelor
Noes: None
Absent: None
Abstain: Cayler (Item 9.3 only)

- 9.1 **Adopted Resolution No. 09-037 approving the Enumeration of Claims.**
- 9.2 **Adopted Joint Resolution No. 09-038 accepting the Fiscal Year (FY) 2007-08 Dixon-Solano Municipal Water Service (DSMWS) audited financial statements, supplemental information, and compliance reports as of June 30, 2008.**
- 9.3 **Waived reading, read by title only, and adopted Ordinance No. 09-003 to rezone approximately 27 acres of the Orchard Estates "Sanders" Subdivision from Single Family (R1) to Single Family Residential-Planned Development (R1-PD) and approve the Planned Development Plan. (APN: 114-040-040 and 114-154-060) (PA 06-38) (ZON 06-06)**
- 9.4 **Waived reading, read by title only, and adopted the following City Code/Municipal Code amendments:**
 1. **Adopted Ordinance No. 09-004 adding Chapter 16.00 to Title 16 of the Dixon Municipal Code relating to definitions of local codes.**
 2. **Adopted Ordinance No. 09-005 amending Sections 16.04.020 and 16.04.110 of Chapter 16.04 of Title 16 of the Dixon Municipal Code relating to references to the Dixon Uniform Codes.**
 3. **Adopted Ordinance No. 09-006 amending Sections 9.01.020 and 9.01.060 of Chapter 9.01 of the Dixon Municipal Code relating to the Dixon Uniform Codes.**
 4. **Adopted Ordinance No. 09-007 amending Sections 10.01.04, 10.04.05, and 10.05.05 of Chapter 10 of Article II of the Dixon City Code relating to references to the Dixon Building Code.**
 5. **Adopted Ordinance No. 09-008 amending Section 16.03.030A of Chapter 16.03 and Section 16.05.030 of Chapter 16.05 of Title 16 of the Dixon Municipal Code relating to amendments to the California Building Code and Plumbing Code.**
- 9.5 **Received report regarding measures taken to alleviate the condition which led to the adoption of the moratorium on the approval of applications and permits to construct, modify, or place wireless telecommunication facilities in the City of Dixon.**

- 9.6 **Waive reading, read by title only, and adopted Ordinance No. 09-009 adding Section 12.06.070 to Chapter 12.06 of Title 12 of the Dixon Municipal Code authorizing the establishment of a Transportation Permit Program.**
- 9.7 **Matters regarding the repaving of North Almond Street between West A and West H Street:**
1. **Resolution authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the required assurance to complete the project.**
 2. **Resolution finding the project exempt from the California Environmental Quality Act (CEQA).**

See Minutes for this item following Item 9.8.

- 9.8 **Matters relating to Investments:**
1. **Adopted Resolution No. 09-041 amending the FY 2008-09 Investment Policy to allow participation in the California Asset Management Program (CAMP) Investment Pool. (AG 09-014)**
 2. **Adopted Resolution No. 09-042 authorizing participation in the CAMP Investment Pool Trust.**
 3. **Accepted the Investment Report for the period ending December 31, 2008.**

9.7 **TAKEN OUT OF ORDER**

Matters regarding the repaving of North Almond Street between West A and West H Street:

1. **Resolution authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the required assurance to complete the project.**
2. **Resolution finding the project exempt from the California Environmental Quality Act (CEQA).**

Councilmember Ceremello noted this is being funded by Federal ARRA and that he could not support anything that debases the value of currency and would be voting no.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution 09-039 authorizing the filing of an application for ARRA funding and adopt Resolution 09-040 filing a Notice of Exemption from CEQA. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Resolution implementing passenger fare increase for Dixon Read-Ride.**

Jeff Matheson, Recreation and Community Services Director, reviewed the proposed Read-Ride increases effective February 1, 2009, and noted the Council requested staff to return with a further fee increase as soon as possible. He reported since the February increase, more information has been received for the Transportation Development Act (TDA) that grant funds would not decrease as much as was expected. Staff recommendation is to increase the youth fare by \$.25, effective July 1, 2009, and to approve a \$1.00 transfer card for all trips during the same service day. He also noted that he is reviewing options, including advertising on buses, and will bring back the information. Mr. Matheson responded to Council questions.

Mayor Batchelor opened the public hearing.

Larry Simmons asked if any feedback has been received regarding the reduction of service and who has been inconvenienced. Mr. Matheson replied it is difficult to determine with one month of data and noted the average before was an eight minute response time and now it is 10 minutes or more.

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

Councilmember Coppes noted there was not enough data and asked if a decision has to be made now. Mayor Batchelor responded that a Councilmember asked for the youth fare to be increased.

Councilmember Cayler noted having the service end at 5:00 p.m. is a concern for those who work at 5:00.

Councilmember Ceremello did not see the need to raise the fare now, but the fares should not be reduced, and he preferred to bring back services. He supported the \$1 transfer fee, \$.25 increase in July, and to review the option of advertising on buses.

Mayor Batchelor had no objection to the \$1 transfer or to review advertising on buses.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-043, as amended, to delete the youth fare increase, approve the transfer card at \$1.00 per service day, and directed staff to review advertising on buses. Roll call was taken as follows:

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

10.2 **Waive reading, read by title only, and introduce an ordinance amending Sections 12.29.07A, B, C and adding Section 12.29.07D to Chapter 12 of Article II of the Dixon City Code relating to Restoration of a Damaged Structure/Rebuilding of Non-Conforming Residential Structures. (PA 09-04) (ZON 09-02)**

Dave Dowswell, Community Development Director, presented the background regarding non-conforming structures and discussed if a single family home is damaged, what the owner would have to build to conform with the use. He reported that the Planning Commission unanimously recommended the ordinance be adopted and to include all residential in agricultural and commercial zones. He also noted that the project is categorically exempt from the California Environmental Quality Act (CEQA) and an amendment was added to D3 to clarify that within 180 days that action must be taken on the building permit. Mr. Dowswell responded to Council questions.

Mayor Batchelor opened the public hearing.

Larry Simmons asked if the ordinance includes modernization of a home and if during restoration, a room can be added. Mr. Dowswell responded that those are addressed already in the Zoning Ordinance.

Dane Besneatte expressed concern about amendments being made to the ordinance without the people interested being present and if the proposed changes require noticing. Michael Dean, City Attorney, replied that if the change was substantial, then the hearing would have to be renoticed, but he felt the amendments are not substantial.

Nancy Medberry expressed her appreciation for these changes and that 180 days is not an issue. She appreciated the City working with the neighborhood and hoped that it will continue.

Ginger Emerson agreed this is in the right direction and hoped single family homes will be a permitted use.

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

A motion was made by Councilmember Coppes, seconded by Councilmember Cayler, to waive reading, read by title only, and introduce an ordinance, as amended, to include 180 days in Section D3 of the ordinance and finding the ordinance to be categorically exempt from CEQA. Roll call was taken as follows:

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

10.3 **Waive reading, read by title only, and introduce an ordinance amending Sections of 12.20.02, 12.20.03 and 12.20.06 and adding Section 12.20.09 to Section 12.20 of Chapter 12 of Article II of the Dixon City Code relating to regulation of Temporary Signs. (PA 09-02) (ZON 09-01)**

Dave Dowswell, Community Development Director, requested a continuance of this item to March 24, 2009, and noted that Gary Short has agreed to the continuance.

By consensus of the Council, this item was continued to March 24, 2009.

11. **UNFINISHED BUSINESS**

11.1 **Resolution adopting Council Goals for FY 2009-2010.**

Mayor Batchelor reported that the Council met and established goals for next fiscal year and that at the conclusion of the meeting he and Councilmember Cayler were chosen to work together on topics and objectives for the goals. He reviewed each goal established and asked for Council and public comment on each.

Relating to the public information goal for all City projects and programs, Larry Simmons discussed accessibility to a computer at City Hall, Library, and/or Senior Center.

Councilmember Ceremello discussed and gave his opinion about each Council goal. He felt infrastructure in the Northeast Quadrant and the Milk Farm are most important and should be the main focus. He also felt that a goal that should be addressed is Americans with Disabilities Act (ADA) compliance in the Council Chambers and that it should be a top goal before the City/Mayor is sued.

Vice Mayor Fuller noted that Council goals should be flexible, not so specific, and be general and over-arching. He felt the goals established by the Council are reasonable and can be accomplished. He did agree that ADA compliance should be added as a goal to enhance the quality of life for seniors and the disabled. He thought the day spent developing the goals should not be dismissed and suggested in the future that possibly the goals meeting could be on a weekday as a round table session. He hoped that more people would participate and for the City and Council to encourage the youth to participate.

Mayor Batchelor suggested recognizing seniors and the disabled community and facilitate the opportunities to enhance their quality of life. As the objective, continue to explore options for senior housing and disabled individuals.

Councilmember Cayler suggested recognizing seniors as well as the disabled community separately. She felt Councilmember Ceremello had good ideas and wished that he would have shared them on the day the goals meeting.

Larry Simmons thought the proper terminology is “physically challenged” versus disabled. He noted there are many people in the community whose mobility and strength are limited at a young age. He thanked the Council for this discussion.

Drew Graska requested the Core Area Drainage Improvement Project to include the South Almond Street area. Mayor Batchelor noted that his street is part of the Core Area, but specific areas can be included in the action plan prepared by the City Manager.

Vice Mayor Fuller suggested adding the Milk Farm project to the Northeast Quadrant Plan.

Royce Cunningham, City Engineer, noted the infrastructure plan prepared by the Engineering Department has included the Milk Farm project. It was not included in the original Specific Plan Area because it was annexed at a later date, but the Milk Farm is included in the area by staff.

Councilmember Ceremello clarified that the Milk Farm was annexed into the City, but not annexed into the Northeast Quadrant.

Mayor Batchelor noted the Milk Farm annexation was accepted under the provisions that the property owner would hook into City utility services under the freeway. Mr. Cunningham confirmed this and noted the utilities have been planned.

Councilmember Ceremello thought the Core Drainage Area is the Jackson Square property and north of that property, that the Cypress area is separate, and felt the Cypress area should be added into the goals.

Mayor Batchelor noted the action plan throughout the City will be explored and plans would be developed to resolve the issues.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Coppes, to adopt Resolution No. 09-044, as amended, adopting Council Goals for FY 2009-10. Roll call was taken as follows:

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

12. **NEW BUSINESS**

None

13. **OTHER AGENCY BUSINESS**

None

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. **ITEMS FROM THE CITY MANAGER**

None

16. **CLOSED SESSION**

None

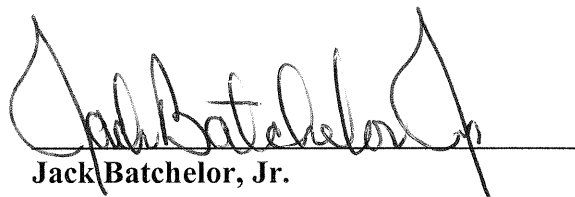
17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 9:15 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor