



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

MAY 25, 2010

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened at 7:01 p.m. in the Council Chambers on May 25, 2010, by Mayor Batchelor.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

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

Absent: Councilmembers Kay Fulfs Cayler and *Michael Ceremello

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None

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

None

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Vice Mayor Fuller asked if he could be included in the decision making process for Planning and Parks and Recreation Commissioners. Mayor Batchelor replied yes.

*Councilmember Ceremello arrived at 7:04 p.m.

- 6.2 Councilmember Ceremello discussed an email regarding staff not assisting a person who wants to place a business in an area with a non-permitted use at the Porter and A Street and asked staff to work with the applicant. Also, he discussed another email that the Police Department did not follow-through with a noise complaint from the Buckhorn Bar. He discussed receiving notification two days after the Mayor and City Manager attended the Solano Irrigation District meeting and felt the Council should have been notified before the meeting.

As Councilmember Ceremello's voice continued to rise, he discussed the weed abatement hearing about his yard, noted the Channel 10 coverage, thanked Councilmember Besneatte for representing the side of sanity, and discussed hearing the Mayor and Vice Mayor being embarrassed by the his actions. Councilmember Ceremello felt the Vice Mayor and Mayor should be extremely embarrassed because they don't understand the Constitution of the United States and taking an Oath of Office to defend it. When Vice Mayor Fuller tried to speak, Councilmember Ceremello said "...you do not have the floor, please sit back, and shut the f*** up".

The meeting was immediately recessed for a break at 7:06 p.m.

The City Council meeting reconvened at 7:28 p.m.

Councilmember Ceremello, in a more reserved tone, discussed the right to free speech, felt there is no problem at his house, discussed giving his neighbors rights he does not have, actions by Council, that he does not have private property rights, his Libertarian principles, him being assertive, and felt the embarrassment is not by him. He was getting tired of being interrupted during his speech, the expletive did not slip out because he planned to say it if he was interrupted, and discussed educating about Constitutional principles.

- 6.3 Councilmember Besneatte discussed someone wanting to move to the old gas station at Porter and A Street, applicant would have to pay \$2,500 for the opportunity to go to the Planning Commission/Council to rezone the property. He thought zoning changes are being made without noticing, felt it is irresponsible, anti-business, over-bearing, and inappropriate, and asked this to be reviewed. He discussed the email from Mr. McDonald about music, Community Development Department policing signs, he objected to the "aesthetic police" relating to Councilmember Ceremello's yard, and should find a way to express their opinions, differences, and agreements in a way that are not offensive and with respect. He will try to bring sensibility, logic, and decorum even though he is not successful all the time. Councilmember Besneatte also reported about the Vacaville-Dixon Greenbelt Authority taking action on the Sharma fruit/vegetable stand.

6.4 Mayor Batchelor discussed the Senior Coalition of Solano County recognizing seniors who make a difference from each city, and announced he will be presenting Bessie Miller with the “Living Legacy” award. He also reported about the Solano Transportation Authority that Dixon will be receiving \$52,000 for the Vacaville-Dixon Bike Route and that \$1.426 million is earmarked for the West B Street Undercrossing Project.

7. **ITEMS FROM THE CITY TREASURER**

None

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, as presented. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Councilmember Besneatte noted he had questions about Item 9.3 and asked for Items 9.5 and 9.6 to be considered separately from the Consent Calendar.

Councilmember Ceremello asked for Item 9.4 to be considered separately from the Consent Calendar.

Relating to Item 9.3, Councilmember Besneatte asked if this action is the result of Council’s previous action. Jeff Matheson, Public Works and Community Services Director, responded to Council questions.

Mayor Batchelor asked for public comment for Item 9.3

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-081 authorizing execution of an agreement with Russell Mitchell Associates, Inc. (AG10-019). Roll call was taken as follows:

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

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to approve Items 9.1 and 9.2. Roll call was taken as follows:

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

9.1 Matters relating to City Council Minutes:

- 1. Approved the Special City Council Minutes for the April 26, 2010, meeting.**
- 2. Approved the Regular City Council Minutes for the May 11, 2010, meeting.**

9.2 Adopted Resolution No. 10-080 approving the Enumeration of Claims.

9.3 Resolution authorizing execution of an agreement with Russell Mitchell Associates, Inc., to complete rehabilitation work on the irrigation well in Hall Park, in an amount not to exceed \$30,000.

See Minutes on Page 3.

9.4 Resolution authorizing the Mayor, on behalf of the City and the Alcohol, Tobacco, and Other Drug (ATOD) Team, to enter into an agreement with Solano County in order to reduce the use of alcohol, tobacco, and other drugs amongst the community through the use of grant funding received from Solano County, in the amount of \$82,744.

See Minutes on Page 5.

9.5 Matters relating to the Traffic Signal Maintenance Services Project 2010-3:

- 1. Resolution finding the Project exempt from the California Environmental Quality Act (CEQA).**
- 2. Minute action authorizing the City Clerk to advertise for construction bids for the project.**

See Minutes on Page 5.

9.6 Matters relating to approving a Resolution authorizing execution of agreement amendments with ECO:Logic Consulting Engineers:

- 1. Execute Change Order No. 1 in the amount of \$15,000 for Task 1, Wastewater Treatment Facility (WWTF) Groundwater Monitoring Well Expansion, in the amount of \$15,000.**
- 2. Perform Task 3, Central Valley Salts Coordination, on a fix-fee basis of \$12,000 annually for a three-year period.**

See Minutes on Page 6.

9.4 **TAKEN OUT OF ORDER**

Resolution authorizing the Mayor, on behalf of the City and the Alcohol, Tobacco, and Other Drug (ATOD) Team, to enter into an agreement with Solano County in order to reduce the use of alcohol, tobacco, and other drugs amongst the community through the use of grant funding received from Solano County, in the amount of \$82,744.

Councilmember Ceremello asked about programs involved, the scope of services, and results from the questionnaire. Jeff Matheson, Public Works and Community Services Director, responded to Council questions.

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

A motion was made by Mayor Batchelor, seconded by Councilmember Besneatte, to adopt Resolution No. 10-082 entering into an agreement (AG10-020) with Solano County in order to reduce alcohol, tobacco, and other drugs. Roll call was taken as follows:

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

9.5 **TAKEN OUT OF ORDER**

Matters relating to the Traffic Signal Maintenance Services Project 2010-3:

- 1. Resolution finding the Project exempt from the California Environmental Quality Act (CEQA).**
- 2. Minute action authorizing the City Clerk to advertise for construction bids for the project.**

Councilmember Besneatte asked why this is being bid. Royce Cunningham, City Engineer, responded to Council questions.

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

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-083 finding the project exempt from CEQA and approved the minute action to advertise for construction bids. Roll call was taken as follows:

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

9.6 **TAKEN OUT OF ORDER**

Matters relating to approving a Resolution authorizing execution of agreement amendments with ECO:Logic Consulting Engineers:

1. **Execute Change Order No. 1 in the amount of \$15,000 for Task 1, Wastewater Treatment Facility (WWTF) Groundwater Monitoring Well Expansion, in the amount of \$15,000.**
2. **Perform Task 3, Central Valley Salts Coordination, on a fix-fee basis of \$12,000 annually for a three-year period.**

Councilmember Besneatte asked about new wells. Royce Cunningham, City Engineer, replied to Council questions.

Councilmember Ceremello thought it is important enough to keep an eye on the Central Valley Committee and asked to be notified when the meetings are.

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

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-084 authorizing execution of an agreement amendment with ECO:Logic Consulting Engineers. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Matters relating to the Parkway West Annexation, located on the east side of Pitt School Road due south of the southern City limit line: (Quasi-Judicial Hearing) (APNs: 114-031-002 and 003) (PA 10-04) (ANX 10-01) (ENV 10-03) (PZ 10-01)**

1. **Resolution finding a Categorical Exemption, Class 19 (Section 15319), Annexation of Existing Facilities and Lots for Exempt Facilities.**
2. **Waive reading, read by title only, and introduce an ordinance pre-zoning the properties Agricultural (AG) consistent with the General Plan Agricultural land use designation.**

3. **Resolution requesting the Solano County Local Agency Formation Commission (LAFCo) approval of amending the Sphere of Influence boundary of the City, annexation of the project area to the City of Dixon and detachment from the Dixon Fire Protection District.**

Dave Dowswell, Community Development Director, noted this is part of the West Parkway Infill Plan (WPIP) Annexation and is located just outside of the City's Sphere of Influence. He discussed the need to resolve Solano County's objection of having two parcels split between two jurisdictions. Mr. Dowswell and Mayor Batchelor responded to questions.

Mayor Batchelor opened the public hearing.

Larry Simmons expressed concern about not knowing the plans for the property and the advantages of annexing in the property.

Dan Figueroa, applicant, noted that there would be no change in land use, discussed the inclusion for the Parkway Boulevard crossing, and the elimination of a "donut hole" near the City boundary.

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

Councilmember Ceremello noted because this is a quasi-judicial hearing, he noted his ex-parte contact with Mr. Figueroa and the plan was explained.

Councilmember Besneatte also noted his ex-parte contact with Mr. Figueroa and the explanation of the plan.

A motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-085 finding the project categorically exempt from CEQA; waived reading, read by title only, introduced the rezoning ordinance, and continued the ordinance to June 8th; and adopted Resolution No. 10-086 requesting LAFCo to approve the Sphere of Influence boundary of the City, annexation of the project, and detachment from the Dixon Fire Protection District. Roll call was taken as follows:

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

10.2 **Matters relating to the North Dixon Annexation, located on the north side of Interstate 80 and Pedrick Road interchange: (Quasi-Judicial Hearing)**
(APNs: 111-010-030; 110-140-070, 100, 170, and 180; 110-160-020 and 100)
(PA 09-18) (ANX 09-01) (ENV 09-03) (PZ 09-02)

1. **Resolution adopting the Negative Declaration.**

2. **Waive reading, read by title only, and introduce an Ordinance rezoning the properties Highway Commercial-Planned Development (CH=PD), consistent with the General Plan Highway Commercial land use designation.**
3. **Resolution requesting LAFCo approval of annexing the project area to the City of Dixon and detachment from the Dixon Fire Protection District.**

Dave Dowswell, Community Development Director, noted the applicant represents 30 of 34 property owners and the other property owners also in support of the annexation. The Planning Commission vote was 4-2 and the two Commissioners expressed concern about this moving forward without a Development Plan, uncertainties relating to traffic, lack of water, and the Flying J Project. Mr. Dowswell discussed concerns from Campbell Soup being resolved with the addition of the Planned Development Plan overlay that would require notice of hearing in order for changes to be considered.

Michael Dean, City Attorney, advised Council to identify any ex-parte contact before the public hearing.

Mayor Batchelor noted ex-parte contact with Mr. Figueroa when he was looking into this annexation.

Greg Bardini, Morton and Pitalo representing the applicant, discussed the goal of annexation was infrastructure, as with the Northeast Quadrant. Mr. Bardini responded to Council questions.

Mayor Batchelor opened the public hearing.

Ethan Walsh, attorney from McDonough, Holland & Allen and representing Campbell Soup, noted the issues have been addressed, specifically environmental review relating to traffic.

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

A motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-087 adopting the Negative Declaration; waived reading, read by title only, introduced the rezoning ordinance, and continued the ordinance to June 8th; and adopted Resolution No. 10-088 requesting LAFCo to approve the annexation and detachment from the Dixon Fire Protection District. Roll call was taken as follows:

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

11. **UNFINISHED BUSINESS**

11.1 **Matters relating to California Public Employees' Retirement System (CalPERS):**

1. **Waive reading, read by title only, and adopt an Ordinance authorizing an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to the Miscellaneous Employees' Service Credit Program.**
2. **Minute action authorizing the City Clerk and/or Mayor to sign the Certification of Governing Body's Action, Certificate of Compliance with Government Code Section 7507, and Certificate of Compliance with Government Code Section 20903.**

Steve Johnson, Human Resources Director, noted the first Council discussion relating to the proposed CalPERS two-year service credit program and discussed the cost benefit to the City.

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

Councilmember Ceremello noted he voted against this before because he prefers layoffs and salary reductions and will vote against it again.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to adopt Ordinance No. 10-006 authorizing an amendment to the contract with CalPERS relating to the Miscellaneous Employees' Service Credit Program and authorizing the City Clerk and Mayor to certify certain necessary documents. Roll call was taken as follows:

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

12. **NEW BUSINESS**

12.1 **Resolution ratifying the appointment of Aaron McAlister as Dixon Fire Chief.**

Nancy Huston, City Manager, announced the selection of Aaron McAlister as Fire Chief, discussed the selection process, his experience and education. Ms. Huston responded to Council questions.

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

Councilmember Besneatte was pleased and honored to have the opportunity to sit on one of the assessment panels.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-089 ratifying the appointment of Aaron McAlister as Fire Chief. Roll call was taken as follows:

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

Aaron McAlister thanked the Council for ratifying his appointment and looked forward to working with the City Manager, senior staff, and the Fire Department. He noted the Fire Department is strong and has a great foundation to build on.

12.2 **Matters relating to Interim Fire Chief Frank Moore:**

1. **Resolution honoring Chief Moore.**
2. **Presentation of the Resolution to Chief Moore.**

Mayor Batchelor noted the first action is to adopt the Resolution.

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

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-090 honoring Chief Moore. Roll call was taken as follows:

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

Mayor Batchelor read and presented the Resolution to Chief Moore.

Chief Moore thanked the Council for allowing him to serve the City of Dixon and thanked the City Manager for her leadership and professionalism. He noted that one man does not make a good Fire Department, it takes a team and he had a great team.

13. **OTHER AGENCY BUSINESS**

None

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. **ITEMS FROM THE CITY MANAGER**

15.1 Nancy Huston, City Manager, thanked the Council for ratification of Chief McAlister and noted she enjoyed working with Chief Moore. She reported that the Finance Department has prepared the Fiscal Year 2010-11 Budget, that they would be distributed this Friday in hardcopy and on disk, and discussed the proposed date to have the study sessions.

15.2 Ms. Huston noted the zoning relating to the auto repair location will be brought back for discussion. She encouraged the Council that if they have questions, to contact her.

15.3 Councilmember Ceremello asked for a report from the Solano Irrigation District meeting.

Ms. Huston replied that she prepared a memo for the Council that was distributed, but noted the request for a bridge loan for the local match of the Economic Development Administration grant. She was unsuccessful, but SID is committed to working with the City.


16. **CLOSED SESSION**

None

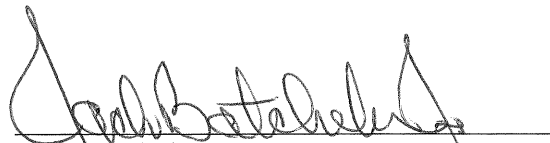
17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 9:45 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor