



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL
DIXON REDEVELOPMENT AGENCY

JANUARY 12, 2010

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 January 12, 2010, by Mayor Batchelor.

Present: Councilmembers Kay Fulfs Cayler, Vice Mayor Rick Fuller, and Mayor Jack Batchelor, Jr.

Absent: *Councilmembers Dane Besneatte and **Michael Ceremello, Jr.

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

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

**Councilmember Ceremello arrived at 6:02 p.m.

Mayor Batchelor asked for public comment.

Deborah Winegar discussed a salary reduction for the City Manager and senior management was not being deep enough, retirement benefits, and action to place an initiative on the ballot to cap staff salaries.

The City Council recessed into Closed Session at 6:08 p.m.

*Councilmember Besneatte arrived at 6:09 p.m.

The City Council concluded Closed Session at 6:45 p.m.

Mayor Batchelor convened the Regular City Council meeting at 7:00 p.m.

Mayor Batchelor announced that the City Council met in Closed Session on the item listed above and that there was no reportable action.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

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

Absent: *Councilmember Besneatte

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Bi-Annual Employee of the Year Award to Jason Riley, Associate Civil Engineer, Engineering Department.**

Steve Johnson, Human Resources Director, announced that Jason Riley was selected as Bi-Annual Employee of the Year and noted he was nominated by two members of the Engineering Department.

Mayor Batchelor presented Mr. Riley with a Certificate of Appreciation and a \$100 check.

Mr. Riley noted he has enjoyed working for the City and introduced his wife and thanked his family for their support.

4.2 **Recognition of the following employees for their Longevity Service Awards for 2009:**

<u>Name</u>	<u>Classification</u>	<u>Years of Service</u>
Tony Morris	Police Sergeant	25
Sharon Kraak	Senior Account Clerk	25
Larry Needham	Engineering Technician III	20
John Malone	Fire Engineer	10

4.2 (Continued)

Joshua Smotherman	Firefighter	10
Trey Hickman	Senior Maintenance Worker	10
James Franceschi	Fire Engineer	10
Christopher Bishop	Firefighter	10
Donna Jacobs	Accounting & Payroll Analyst	5
Rene Protich	Records Clerk	5
Dianne Stassi	Economic & Community Development Technician	5
Cindy Muckensturm	Transit Coordinator	5

Mayor Batchelor read the Longevity Service Awards for 2009. Tony Morris, Sharon Kraak, and Dianne Stassi were present.

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

5.1 Bill Bernheim, attorney, discussed the background of his client who is owner of California Pet Supply, noted his client was charged with organized crime and breeding dogs. He expressed concern about his client being in jail, felt his client was being treated unfairly by Humane Animal Services (HAS) and the Police Department, and requested the City Attorney to report on the number of complaints received about his client's store or dogs.

Mr. Bernheim also discussed the City of Sacramento using utility revenue to non-utility activities, felt the City Attorney should provide an opinion letter on the subject, and for the Council to reconsider the proposed rate increase.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Cayler reported about attending the Travis Regional Armed Forces Committee (TRAFC) and Chamber of Commerce Board meeting, announced the State of the City Address is scheduled for February 18th, and the Chamber Dinner Dance is January 30th. She noted the bound "black book" directory received from the State Legislature, the cost expended to produce it, and that she would have preferred a letter directing them how to find information on their website.

6.2 Councilmember Besneatte reported about the ribbon-cutting of the Health and Human Services in Vallejo, noted comments received from Mr. Bernheim, announced the Chamber Dinner Dance and installation of officers is January 30th, and agreed with Councilmember Cayler about the "black book" and felt the State owed their constituents better fiscal responsibility.

- 6.3 Mayor Batchelor reported about participating in Congressman Garamendi's transportation briefing and discussed City transportation projects being included.
- 6.4 Vice Mayor Fuller noted he is ready to get back to work after vacation and also expressed concern about the book received based on the State's financial issues.
- 6.5 Councilmember Ceremello requested an update on the remodeling of the Council Chambers and discussed the email he sent regarding committee/commission assignments and Vice Mayor appointment.

7. **ITEMS FROM THE CITY TREASURER**

7.1 David Dingman, City Treasurer, was not present.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9. **CONSENT CALENDAR**

There was no discussion on this item.

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

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

9.1 **Approved the Minutes for the following meetings:**

- 1. **Regular meeting of November 10, 2009.**
- 2. **Regular meeting of November 24, 2009.**

9.2 **Adopted Resolution 10-002 approving the Enumeration of Claims.**

- 9.3 **Adopted Resolution No. 10-003 authorizing the Fire Department to lease a pickup truck through Solano County Fleet Services and amending the Fiscal Year (FY) 2009-10 General Fund budget for expenditures, in the amount of \$3,704. (Budget Adjustment No. 2009-10-10-01)**
- 9.4 **Adopted Resolution No. 10-004 authorizing execution of an agreement with the Dixon Regional Watershed Joint Powers Authority (JPA) for utilization of City staff. (AG10-001)**

Dixon Redevelopment Agency

- 9.5 **Redevelopment Agency Resolution accepting the State Controller's reports for FY 2008-09, including the Annual Financial Transactions Report, the Housing and Community Development (HCD) Housing Production Report, and related reports on Agency property holdings, loans, blight elimination efforts for the City of Dixon Redevelopment Agency.**

See Redevelopment Agency Minutes for January 12, 2010.

- 9.6 **Redevelopment Agency Minutes for November 24, 2009.**

See Redevelopment Agency Minutes for January 12, 2010.

10. **PUBLIC HEARINGS**

- 10.1 **Matters relating to appeal by Dixon Big O Tires regarding Planning Commission's approval of Les Schwab Tires, to be located at 1920 North First Street: (APN 111-200-080; 090) (PA 09-17) (ENV 09-02) (DR 09-04) (LLA 09-06)**

- 1. **Resolution denying the appeal of Dixon Big O Tires to overturn the decision of the Planning Commission adopting a Negative Declaration.**
- 2. **Resolution denying appeal of Dixon Big O Tires to overturn the decision of the Planning Commission approving the Design Review Permit and Lot Line Adjustment.**

Dave Dowswell, Community Development Director, reported about the discussion and the approval by the Planning Commission. He discussed the appeal filed and the major concerns of those opposing the project.

Mayor Batchelor opened the public hearing.

Ted Jorgensen, Big-O-Tire, asked the Council to standup for small businesses and for an economic study and he discussed the number of empty commercial buildings in Dixon.

Jason Quintel, Pannatoni Development/Wickland Oil, noted they were active in the development of the North First Street and Vaughn Road corridor and the intent was to have services like Tractor Supply and Les Schwab. He noted the businesses are conforming uses and the easement would be finalized when escrow closes.

Luis Fernandez, Napa Auto Parts, discussed communication being important, what the pulse of the community is to base a decision, and some history of large businesses “squeezing” small businesses. He felt Dixon cannot handle another big box business.

Thom Bogue felt City staff should not give their opinion to the Council to sway their vote, recommended a motion be made to not allow staff comments, and noted it is not a rosy picture when there are layoffs.

Jim Haughn, Haughn Tires, discussed the economy, economic impacts, waiting for the economy to rebound, and felt that Les Schwab will harm Dixon.

David Gibson, Les Schwab, discussed the background of the company, their involvement in the community, staffing, benefits and profits for employees, purchasing parts locally, and that they comply with all goals and provide services.

Dave Scholl felt the City is anti-small business and discussed his Christmas time business without his sign.

Bill Bernheim, representing Ted Jorgensen, discussed losing small businesses, felt an economic survey should be done, and to look at how businesses are doing in the community.

Cindy Haughn discussed employees of Les Schwab and their benefits.

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

After Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 10-005 denying the appeal relating to the Negative Declaration and adopted Resolution No. 10-006 denying the appeal relating to the Design Review Permit and Lot Line Adjustment. Roll call was taken as follows:

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

- 10.2 **Matter relating to properties located east of North Adams, one block west of North First Street, north of West D Street, and south of West H Street:** (PA 09-16) (ZON 09-09) (APNs: 113-065-020, 030, 040 and 050; 113-073-010, 020, 050, 060, 080, 090, 100, 110, 120, 130, 190, 220, 260, 270 and 280; 113-075-010, 020, 030, portion of 060 and 070; 113-082-030, portion of 060, 080, 090, 100, 110, and 160)
1. **Resolution approving a Negative Declaration.**
 2. **Ordinance rezoning properties from Light Industrial (ML) to Service Commercial (CS).**

Dave Dowswell, Community Development Director, presented the background of the project and reported the Planning Commission voted unanimously to rezone the properties.

Mayor Batchelor opened the public hearing.

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

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-007 approving the Negative Declaration and waived reading, read by title only, and introduced an ordinance rezoning properties from Light Industrial to Service Commercial. Roll call was taken as follows:

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

- 10.3 **Resolution authorizing the City to join the CaliforniaFIRST Program, authorizing the California Statewide Community Development Authority (CSCDA) to accept applications from property owners, conduct contractual assessment proceedings, levying contractual assessments within the territory of the City, and authorizing related actions.**

Jeff Matheson, Director of Public Works and Community Services, discussed the background of California Communities, their member agencies that include 400 local agencies, and the CaliforniaFIRST Program. He noted the Energy Committee reviewed the Program and recommended approval. Mr. Matheson responded to Council questions.

Mayor Batchelor opened the public hearing.

Mike Smith, representing the Energy Committee, Cap Solano, and Green Employer Council, discussed the focus of the grant, retrofitting homes, first steps in stimulating growth, and this being a voluntary program.

Dave Scholl discussed the benefit to the homeowner, not a burden to the public, and felt the bonding is appropriate.

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

After Council deliberation, a motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-008 authorizing the City to join the CaliforniaFIRST Program, CSCDA to accept applications from property owners, and related actions. Roll call was taken as follows:

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

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

12.1 **Business license tax for honorably discharged veterans.**

Jeremy Craig, Finance and Technology Director, discussed the issues raised relating to the business license tax, the City Attorney's letter to Mr. Scholl, meeting State Code, and the current policy. He noted that there is no staff recommendation and responded to Council questions.

Mayor Batchelor asked for public comment.

Dave Scholl disagreed with the City Attorney and discussed his request to go beyond State Code and to apply the waiver to all military, including their spouses and families. He noted a tax cannot be raised without a vote and threatened to circulate an initiative petition if this is not approved. Mr. Scholl responded to Council questions.

Larry Simmons noted he has the highest regard for servicemen and asked how this came about. Mayor Batchelor replied it is an issue that Mr. Scholl has brought up.

Michael Dean, City Attorney, discussed the regulations applying to Counties, the Attorney General's opinion that it is applicable to Counties only, Veterans being exempt from payment of certain taxes and fees, noted the City does not have business fee, but has a tax, and that local exemption may be broader. He recommended that the Council provide staff direction and advised that if there is an amendment it would be by ordinance.

Leonard Grange, disabled veteran and business owner, discussed the background of his business and his permit by the County. He felt Les Schwab should move forward and noted he will promote buying U.S. products.

Councilmember Ceremello supported an ordinance but disagreed with the exemption applying to spouses.

Councilmember Cayler asked that a DD214 be requested to verify military status.

Councilmember Besneatte asked for a policy to include a DD214 and to follow guidelines.

By consensus of the Council, staff was directed to draft an ordinance.

13. **OTHER AGENCY BUSINESS**

None

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. **ITEMS FROM THE CITY MANAGER**

15.1 Nancy Huston, City Manager, noted that Solano County approved the recovery and allocation for the Core Area Drainage Project.


16. **CLOSED SESSION**

None

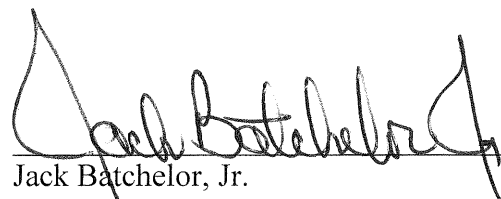
17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 9:26.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor