

CITY OF DIXON

Mayor Thom Bogue
Vice Mayor Scott Pederson
Council Member Steven Bird
Council Member Ted Hickman
Council Member Devon Minnema
City Treasurer Wesley Atkinson



600 East A Street
Dixon, CA 95620-3697
(707) 678-7000
Fax: (707) 678-1489
Website: www.ci.dixon.ca.us
E-mail: Cityhall@ci.dixon.ca.us

Leticia I. Miguel, City Clerk
Jim Lindley, City Manager
Douglas White, City Attorney

REGULAR MEETING OF THE DIXON CITY COUNCIL APPROVED MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Meeting of November 28, 2017	7:00 pm	Council Chambers 600 East A Street Dixon, California

0. Closed Session at 6:02 p.m.

Public Comment: None.

Present: Councilmembers Steve Bird, Ted Hickman, Devon Minnema,
Vice Mayor Scott Pederson, Mayor Thom Bogue

Absent: None

0.1 **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6:

City Negotiators: Jim Lindley, Joan Michaels Aguilar,
Rachel Ancheta, Douglas White
Employee Organizations: Dixon Professional Firefighters Association
Dixon Police Officers Association
Public Employees Union, Local One
Non-Represented Management Unit
Non-Represented Non-Management Unit
Dixon Mid-Manager's and Supervisor's
Association
Dixon Public Safety Mid-Manager's Association

0.2 **CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION**

Pursuant to paragraph (1) of subdivision (d) of Government Code §
54956.9:

Name of Case: *Solano County Citizens for Responsible Development v.
City of Dixon*, Solano County Superior Court, Case No.FCS049629.

0.3 CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code § 54956.9:

Name of Case: *Pallco Enterprises, Inc., dba Orion Outdoor Media v. City of Dixon*, and Does 1-10, Solano County Superior Court, Case No.FCS049884.

0.4 CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code § 54956.9:

Name of Case: *Dixon Police Officers Association v. City of Dixon*, Sacramento County Superior Court, Case No.34-2017-00220451.

0.5 CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION LITIGATION

Pursuant to paragraph (2) of subdivision (d) of Government Code § 54956.9: 1 case.

Action: Douglas White, City Attorney, reported that direction was given to staff, however there was no reportable action.

Closed Session adjourned at 7:03 p.m.

1. CALL TO ORDER

The Regular Meeting of the Dixon City Council was called to order at 7:03 p.m. by Mayor Thom Bogue.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Thom Bogue.

3. ROLL CALL

Present: Councilmembers Steve Bird, Ted Hickman, Devon Minnema, Vice Mayor Scott Pederson, Mayor Thom Bogue

Absent: None

Staff

Present: City Manager Jim Lindley, City Attorney Douglas White, City Clerk Leticia I. Miguel

4. CONFLICT OF INTEREST

None.

5. APPROVAL OF AGENDA

A motion was made by Vice Mayor Pederson, seconded by Councilmember Minnema, to approve the agenda as presented.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

6. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

6.1 **Adopt a resolution honoring Kevin Patton for his retirement and 16 Years of Service to the City of Dixon.**

Presenter: Thom Bogue, Mayor

7. **PUBLIC COMMENT (NON-AGENDA ITEMS)**

Public comment was received from Mr. Mike Ceremello and Mr. Rick Fuller.

8. **ITEMS FROM THE CITY COUNCIL**

Councilmember Ted Hickman commented on the lack of personal contact regarding the City Hall phone system. He asked about follow-up on the Post Office relocation, a cost estimate for a new fire station, and the PACE representative returning to Dixon for the benefit of the senior population. He commented on the solar speed signs placed at the schools, noting a good response from the public; additionally, he had visited a medical marijuana dispensary in Sacramento and three smoke shops to become better educated on the marijuana matter.

Councilmember Minnema attended the *Oasis Reading Room* ribbon cutting at Gretchen Higgins Elementary School, and announced that this weekend is the Kiwanis *Festival of Trees* open for viewing and that bids would close on Sunday.

Vice Mayor Scott Pederson brought attention to the recent blood drive that had low participation numbers and encouraged the community to participate in the drive that occurs every eight weeks.

Councilmember Bird attended the North Bay Standown and assisted with the Rotary Club Pancake Breakfast. He also announced the passing of his mother, a long-time Solano County and Dixon resident.

Mayor Thom Bogue had attended the Dixon Teen Center Open House. He noted he would have a presentation regarding the marijuana items later in the meeting.

9. **CONSENT CALENDAR**

There was no discussion on this item.

A motion was made by Councilmember Bird, seconded by Vice Mayor Pederson, to approve the Consent Calendar.

Roll call was taken as follow:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

9.1 Adopt a resolution approving the Enumeration of Claims.

Contact: Joan Michaels Aguilar, Deputy City Manager/Administrative Services, (707) 678-7000, ext. 1108
jmichaelsaguilar@ci.dixon.ca.us

Action: Resolution No. 17-167

9.2 Adopt the 2018 City Council Meeting Calendar

Contact: Leticia I. Miguel, City Clerk, (707) 678-7000, ext. 1103
lmiguel@ci.dixon.ca.us

Action: Approved by Minute Action

10. PUBLIC HEARINGS

10.1 Waive second reading, read by title only, and adopt an ordinance amending Chapter 6.12, Medical Marijuana Businesses, of Title 6, repealing Chapter 11.13, Marijuana Cultivation, of Title 11, and amending Chapter 18.03, Chapter 18.15, and Chapter 18.16 of Title 18, of the Dixon Municipal Code, relating to cannabis businesses.

RECOMMENDATION: Adopt an ordinance amending Chapter 6.12, Medical Marijuana Businesses, of Title 6, repealing Chapter 11.13, Marijuana Cultivation, of Title 11, and amending Chapter 18.03, Chapter 18.15, and Chapter 18.16 of Title 18, of the Dixon Municipal Code, relating to cannabis businesses.

Contact: Dina Tasini, Community Development Director, (707) 678-7000, ext. 1114, dtasini@ci.dixon.ca.us

Mr. Douglas White, City Attorney, and Ms. Dina Tasini, Community Development Director, presented the item, noting that this discussion would determine changing the number of dispensaries from three (3) to two (2) in addition to cleaning up language; this is pertaining to the "general" ordinance and the *Pilot Program*, not a specific applicant. They answered questions from the Council.

Public comment was received from Mr. Rob Reid (Hwy 80 Dispensary), Mr. Mike Ceremello, Mr. Brian Wadell, Mr. Rick Fuller, Mr. Jerry Castañon, Ms. Tiffany Fabiani, Ms. Ginger Emerson, Pastor Joe Mejia, an un-named member of the public, and Ms. Erica Mejia.

Mayor Bogue closed public comment and announced he would re-open following his presentation. He continued with a PowerPoint Presentation regarding deferred maintenance of City streets, sidewalks, curbs, and

parks due to lack of revenue for materials/staff, and admonished that part of the public for discouraging certain businesses from coming to Dixon that would provide needed revenue.

Councilmember Bird called a *Point of Order* for side-tracking away from the subject of discussion before the Council.

Mayor Bogue called for a recess at 8:38 p.m.

The City Council Meeting reconvened at 9:01 p.m.

Mayor Bogue re-opened public comment.

Public comments were received from Mr. Rick Fuller, Mr. Kevin Johnson, an un-named member of the public, Mr. Mike Ceremello, Mr. Don Ritchey, Pastor Joe Mejia, and Ms. Erica Mejia.

A motion was made by Vice Mayor Pederson, seconded by Councilmember Bird, to adopt *Ordinance Option No.2* as presented in the staff report, with the stipulation(s) that there are restrictions of two (2) locations, that the zoning could be reviewed and staff return with certain overlay designations to be reviewed and approved by the Planning Commission with a recommendation to the City Council.

For clarification, Mr. White recommended a joint City Council/Planning Commission meeting be held for recommendation(s) on the zoning, and noted the current applicant(s) would not be affected by any potential zoning change, and that the number of dispensaries has be reduced from three (3) to two (2).

Roll call was taken as follows:

AYES: Bird, Hickman, Pederson, Bogue
NOES: Minnema
ABSENT: None
ABSTAIN: None

Action: Ordinance No. 17-008, as amended.

- 10.2 **Waive second reading, read by title only, and adopt an ordinance approving a development agreement by and between the City of Dixon and BEGK, Inc. BEGK seeks to execute a development agreement for that certain real property located at 500 Industrial Way, Unit 13, in the City of Dixon, for the purpose of operating a non-volatile cannabis manufacturing business.**

RECOMMENDATION: Adopt an ordinance approving a development agreement by and between the City of Dixon and BEGK, Inc. BEGK seeks to execute a development agreement for that certain real property located

at 500 Industrial Way, Unit 13, in the City of Dixon, for the purpose of operating a non-volatile cannabis manufacturing business.

Contact: Dina Tasini, Community Development Director, (707) 678-7000, ext. 1114, dtasini@ci.dixon.ca.us

Ms. Tasini presented the Development Agreement (DA) Ordinance for the second reading with the changes requested by the City Council from the first reading regarding Section 1.9 of the DA. She answered questions from the Council. Ms. Joan Michaels Aguilar and Mr. White, also answered questions of the Council regarding financial aspects.

Public comments were received from Ms. Ginger Emerson, Ms. Tiffany Fabiani, Mr. Mike Hamilton, Mr. Mike Ceremello, and Mr. Ben Schwab from BEGK. There were no further public comments.

Mr. White noted that for consistency, all the DA's presented at this meeting should include changes recommended by the Planning Commission.

A motion was made by Councilmember Hickman, seconded by Mayor Bogue, to adopt an ordinance approving a development agreement by and between the City of Dixon and BEGK, Inc. BEGK to execute a development agreement for that certain real property located at 500 Industrial Way, Unit 13, in the City of Dixon, for the purpose of operating a non-volatile cannabis manufacturing business, amending Section 4.2-C and Section 4.5, as recommended by the Planning Commission and staff.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: Ordinance No. 17-009, as amended.

- 10.3 **Waive second reading, read by title only, and adopt an ordinance approving a development agreement by and between the City of Dixon and developers Dixon Indoor Farming Properties LLC, and Emerald Capital Holdings LLC. The developers seek to execute a development agreement for that certain real property located at 725 Vaughn Road and 855 Vaughn Road in the City of Dixon, for the purpose of operating a cannabis dispensary business.**

RECOMMENDATION: Adopt an ordinance approving a development agreement by and between the City of Dixon and developers Dixon Indoor Farming Properties LLC, and Emerald Capital Holdings LLC. The developers seek to execute a development agreement for that certain real property located at 725 Vaughn Road and 855 Vaughn Road in the City of Dixon, for the purpose of operating a cannabis dispensary business.

Contact: Dina Tasini, Community Development Director, (707) 678-7000, ext. 1114, dtasini@ci.dixon.ca.us

Ms. Tasini presented the item, noting the only change from the 1st reading are the same changes as noted in the prior Development Agreements.

Public comment was received from Wanda Kiger Tucker, resident on Vaughn Road, an un-named member of the public, and Mr. Mike Ceremello. Mr. White answered questions raised during public comment. There were no further public comments.

A motion was made by Councilmember Minnema, seconded by Councilmember Hickman, to adopt an ordinance approving a development agreement by and between the City of Dixon and developers Dixon Indoor Farming Properties LLC, and Emerald Capital Holdings LLC for that certain real property located at 725 Vaughn Road and 855 Vaughn Road in the City of Dixon, for the purpose of operating a cannabis dispensary business, including the aforementioned amendments regarding Section 4.3, 4.5, and Article 5.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: Ordinance No. 17-010, as amended

- 10.4 **Waive first reading, read by title only, and introduce an ordinance approving a development agreement by and between the City of Dixon and M.E.H.C., Inc., a California corporation doing business as, Dixon Wellness. Dixon Wellness seeks to execute a development agreement for that certain real property located at 1150 North 1st Street, units B and C, in the City of Dixon, for the purpose of operating cannabis dispensary business.**

RECOMMENDATION: Introduce an ordinance approving a development agreement by and between the City of Dixon and M.E.H.C., Inc., a California corporation doing business as, Dixon Wellness. Dixon Wellness seeks to execute a development agreement for that certain real property located at 1150 North 1st Street, units B and C, in the City of Dixon, for the purpose of operating cannabis dispensary business.

Contact: Dina Tasini, Community Development Director, (707) 678-7000, ext. 1114, dtasini@ci.dixon.ca.us

Ms. Tasini presented the item, noting this applicant had a new location for the proposed business, consequently, this will be the first reading; the primary changes are the location and a name change. She answered questions from the Council.

The applicants answered questions from the Council and discussed their "open house"; feedback had been positive.

Public comment was received from an un-named member of the public.

A motion was made by Councilmember Hickman, seconded by Councilmember Minnema, to approve the first reading of an ordinance approving a development agreement by and between the City of Dixon and M.E.H.C., Inc., a California corporation doing business as, Dixon Wellness for that certain real property located at 1150 North 1st Street, units B and C, in the City of Dixon, for the purpose of operating cannabis dispensary business, amended to include the change to Article 5, as previously adopted.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: First reading approved.

- 10.5 **Waive first reading, read by title only, and introduce an ordinance amending Chapter 9.03, Alarm Systems of Title 9, Health and Safety, of the Dixon Municipal Code, pertaining to alarm registration, administering and managing the City's response to alarms, authorizing fees and fines, and establishing an appeal process.**

RECOMMENDATION: Waive first reading, read by title only, and introduce an ordinance amending Chapter 9.03, Alarm Systems of Title 9, Health and Safety, of the Dixon Municipal Code, pertaining to alarm registration, administering and managing the City's response to alarms, authorizing fees and fines, and establishing an appeal process.

Contact: Robert Thompson, Police Chief, (707) 678-7070, ext. 3104, rthompson@ci.dixon.ca.us

Chief Robert Thompson presented the item and answered questions from the Council.

Public comment was received from Mr. Kevin Johnson and Mr. Mike Ceremello. There were no further public comments.

A motion was made by Vice Mayor Pederson, seconded by Councilmember Hickman, to waive first reading, read by title only, and introduce an ordinance amending Chapter 9.03, Alarm Systems of Title 9, Health and Safety, of the Dixon Municipal Code, pertaining to alarm registration, administering and managing the City's response to alarms, authorizing fees and fines, and establishing an appeal process.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: First reading approved.

11. **UNFINISHED BUSINESS**

11.1 **Waive second reading, read by title only, and adopt an Ordinance of the Council of the City of Dixon amending Chapter 6.02 Business License Required of Title VI, Business Licenses and Regulations of the Dixon Municipal Code, exempting new businesses established by Dixon residents, with proof of residency, from initial payment of the Business License Tax through June 30, 2018, excluding solicitors, peddlers and itinerant merchants.**

RECOMMENDATION: Adopt an Ordinance of the Council of the City of Dixon amending Chapter 6.02 Business License Required of Title VI, Business Licenses and Regulations of the Dixon Municipal Code, exempting new businesses established by Dixon residents, with proof of residency, from initial payment of the Business License Tax through June 30, 2018, excluding solicitors, peddlers and itinerant merchants.

Contact: Joan Michaels Aguilar, Deputy City Manager/Administrative Services, (707) 678-7000, ext. 1108
jmichaelsaguilar@ci.dixon.ca.us

Ms. Joan Michaels Aguilar presented the item for second reading and answered questions from the Council.

There were no public comments.

A motion was made by Vice Mayor Pederson, seconded by Councilmember Minnema, to adopt an Ordinance of the Council of the City of Dixon amending Chapter 6.02 Business License Required of Title VI, Business Licenses and Regulations of the Dixon Municipal Code, exempting new businesses established by Dixon residents, with proof of residency, from initial payment of the Business License Tax through June 30, 2018, excluding solicitors, peddlers and itinerant merchants.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: Adopt Ordinance No. 17-011

12. NEW BUSINESS**12.1 Discussion regarding survey results from recent poll regarding potential sales tax measure to fund road maintenance and transportation projects in the City and receive direction from Council.**

RECOMMENDATION: Discussion only

Contact: Joan Michaels Aguilar, Deputy City Manager/Administrative Services, (707) 678-7000, ext. 1108

jmichaelsaguilar@ci.dixon.ca.us

Ms. Michaels Aguilar presented the item and introduced Mr. Pobolski, Pobolski Research, who conducted the survey.

Mr. Adam Pobolski presented the results of the survey and discussed the top issues from the public, including a potential sales tax. He answered questions from the Council.

Public comment was received from Mr. Kevin Johnson and Mr. Mike Ceremello. There were no further public comments.

Action: Discussion only - no action required

The City Council recessed for a break at 11:08 p.m.

The City Council re-convened at 11:22 p.m.

12.2 Discussion/direction regarding sale of City Water System.

RECOMMENDATION: Discussion/direction only

Contact: Joseph M. Leach, City Engineer/ Public Works Director, (707) 678-7030, ext. 5305, jleach@ci.dixon.ca.us

Joe Leach, City Engineer/Public Works Director, presented the item and answered questions from the Council.

Kerry Fuller, staff attorney with Churchwell White, discussed how a Franchise Agreement, and/or a Joint Powers Authority (JPA), and/or an Operating Agreement for the water operations would work. She answered questions from the Council.

Public comments were received from an un-named member of the public, Mr. Mike Hamilton, and Mr. Mike Ceremello.

A motion was made by Councilmember Minnema, seconded by Councilmember Hickman, to give clarity of direction to staff as follows: *to retain the water system and set up our own [City owned] water operations system division within the City Engineering/Public Works Department.*

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Bogue
NOES: Pederson
ABSENT: None
ABSTAIN: None

Action: Direction given to staff.

12.3 Adopt a resolution authorizing the purchase of one (1) new 2018 Ford F250 4x4 from Ron DuPratt Ford of Dixon, with a total cost not to exceed \$37,000.

RECOMMENDATION: Adopt a resolution authorizing the purchase of one (1) new 2018 Ford F250 4x4 from Ron DuPratt Ford of Dixon, with a total cost not to exceed \$37,000

Contact: Jay Bushrow, Fire Chief, (707) 678-7060, ext. 2107, jbushrow@ci.dixon.ca.us

Chief Jay Bushrow presented the item for purchase vs. leasing. There were no questions from the Council.

Public comment was received by an un-named member of the public.

A motion was made by Vice Mayor Pederson, seconded by Councilmember Bird, to adopt a resolution authorizing the purchase of one (1) new 2018 Ford F250 4x4 from Ron DuPratt Ford of Dixon, with a total cost not to exceed \$37,000.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: Adopt Resolution No. 17-168

12.4 Council discussion and possible Minute Action regarding cancellation of the December 26, 2017 City Council Meeting.

Contact: Leticia I. Miguel, City Clerk, (707) 678-7000, ext. 1103
lmiguel@ci.dixon.ca.us

RECOMMENDATION: Cancel December 26, 2017, City Council Meeting

A motion was made by Councilmember Minnema, seconded by Vice Mayor Pederson, to cancel the December 26, 2017, City Council Meeting.

Roll call was taken as follows:

AYES: Bird, Hickman, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None

Action: December 26, 2017, City Council Meeting cancelled by Minute Action.

13. ITEMS FROM THE CITY ATTORNEY

None.

14. ITEMS FROM THE CITY MANAGER

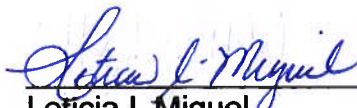
None.

15. INFORMATIONAL ITEMS - Upcoming Meetings (30-day Calendar)

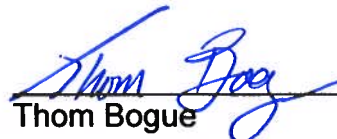
11/28/17	7:00 pm.	Council Chambers	City Council Meeting
12/05/17	7:00 p.m.	Council Chambers	Parks & Recreation Commission Meeting
12/12/17	7:00 pm.	Council Chambers	City Council Meeting
12/19/17	7:00 p.m.	Council Chambers	Planning Commission Meeting
12/20/17	7:00 p.m.	Council Chambers	Transportation Advisory Commission Meeting

16. ADJOURNMENT

There being no further business to come before the Dixon City Council, Mayor Thom Bogue closed the Regular Meeting of the Dixon City Council at the hour of 12:34 a.m. on November 29, 2017.



Leticia I. Miguel
 City Clerk of the City of Dixon



Thom Bogue
 Mayor of the City of Dixon