



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

APRIL 27, 2010

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened at 7:00 p.m. in the Council Chamber on April 27, 2010, by Mayor Batchelor.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Proclamation recognizing National Military Appreciation Month.**

Mayor Batchelor read the proclamation and presented it to Scott Smith.

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

5.1 Kevin Kilkenny invited everyone to the annual Memorial Day service on May 31st at Silveyville Cemetery.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Mayor Batchelor announced that applications are being accepted until May 17th for vacancies on the Planning Commission, Parks and Recreation Commission, and the Solano Transportation Authority (STA) Pedestrian Advisory Committee.

Mayor Batchelor reported about attending the National Memorial Service (for those with no next of kin) and the touching ceremony. He also announced that the California Transportation Commission approved the rehabilitation project on Interstate 80 from Vacaville through Dixon, Meridian to east of State Highway 113 in years 2011-12.

6.2 Councilmember Ceremello discussed Robert's Rule of Order interpretation about conducting Council meetings.

6.3 Councilmember Cayler announced the Rotary Pancake Breakfast at the Moose Lodge and May Fair Parade on May 8th. She also noted that the Veterans of Foreign War (VFW) were concerned about an article in the Independent Voice that the VFW and American Legion were requesting to play bingo. Councilmember Cayler clarified that only the American Legion is requesting bingo.

6.4 Councilmember Besneatte reported about attending the Association of Bay Area Government's (ABAG) General Assembly.

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested Items 9.3 and 9.5 be considered separately from the Consent Calendar.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt the Consent Calendar, Items 9.1, 9.2, and 9.4. Roll call was taken as follows:

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

- 9.1 **Approved the City Council Minutes for the April 13, 2010, meeting.**
- 9.2 **Adopted Resolution No. 10-062 approving the Enumeration of Claims.**
- 9.3 **Resolution relating to soil and groundwater remediation at the Municipal Service Center (MSC), located at 285 East Chestnut Street:**
1. **Authorizing an agreement with Central Valley Engineering, Incorporated (CVEI) to perform testing, sampling, and reporting, for the cost not to exceed \$215,609.**
 2. **Adopting Budget Amendment #2009-10-10-01 authorizing funds for work in Fund 440 (Public Works Capital Fund) with reimbursement from the State Underground Storage Tank Cleanup Funds.**

See Minutes on Page 3.

- 9.4 **Adopted Resolution No. 10-064 authorizing the purchase of a Type III Paratransit Bus from Bus West, in the amount not to exceed \$67,800, declaring Bus 305 and Bus 306 to be surplus, and authorizing the sale of surplus busses to Bus West as trade-in.**
- 9.5 **Resolution authorizing the application and execution of a grant agreement with the State for a California Sustainable Communities Grant for the purpose of updating the General Plan Elements to address sustainability.**

See Minutes on Page 4.

9.3 **TAKEN OUT OF ORDER**

- Resolution relating to soil and groundwater remediation at the Municipal Service Center (MSC), located at 285 East Chestnut Street:**
1. **Authorizing an agreement with Central Valley Engineering, Incorporated (CVEI) to perform testing, sampling, and reporting, for the cost not to exceed \$215,609.**
 2. **Adopting Budget Amendment #2009-10-10-01 authorizing funds for work in Fund 440 (Public Works Capital Fund) with reimbursement from the State Underground Storage Tank Cleanup Funds.**

Councilmember Ceremello asked why this project is taking so long. Janet Koster, Senior Management Analyst, and Royce Cunningham, City Engineer, responded to Council questions.

A motion was made by Councilmember Ceremello, seconded by Councilmember Cayler, to adopt Resolution No. 10-063 relating to soil and groundwater remediation at the MSC. Roll call was taken as follows:

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

9.5 **TAKEN OUT OF ORDER**

Resolution authorizing the application and execution of a grant agreement with the State for a California Sustainable Communities Grant for the purpose of updating the General Plan Elements to address sustainability.

Councilmember Ceremello expressed concern about lack of definition, grantor responsibility, and not knowing its meaning.

Councilmember Besneatte felt Dixon is remote from the area, the funding is minimal, that Dixon is different than other Bay Area cities, and that this is not a viable economic opportunity for Dixon.

Mayor Batchelor noted that asthma statistics are discussed within Item 10.1.

A motion was made by Mayor Batchelor, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-065 authorizing the application and grant agreement for updating the General Plan Elements to address sustainability. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Matters relating to General Plan Amendment #10-02, Air Quality and Energy Element: (PA 10-13) (GPA 10-02) (ENV 10-02)**

1. **Resolution finding General Plan Amendment #10-02 exempt from the California Environmental Quality Act (CEQA).**
2. **Resolution adopting the General Plan Air Quality and Energy Element.**

Janet Koster, Senior Management Analyst, discussed the purpose for the amendment, air pollution sources, effects, and control, and the General Plan Advisory Committee and Planning Commission review. She reviewed the California Air Pollution Control Officers Association (CAPCOA) Top 10 recommendations for reducing greenhouse gas emissions, key milestones and actions, recommended land use separations, new development, key partners, requested action, and implementation/monitoring, pending legislative changes, and recommended the Resolution be amended for greenhouse gases to meet State law. Ms. Koster responded to Council questions.

Mayor Batchelor opened the public hearing.

Stephen Sikes discussed the monitoring station in Dixon, dangers of effluents in the air, and responded to Council questions.

Mike Hamilton felt that Air Resources is “all over the board”, and discussed the need to clean the air and educate people.

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

Mayor Batchelor recommended the Resolution be amended as stated by Ms. Koster.

After a lengthy Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-066 finding the General Plan Amendment exempt from CEQA and to adopt Resolution No. 10-067, as amended, approving the General Plan Air Quality and Energy Element. Roll call was taken as follows:

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

11. UNFINISHED BUSINESS

11.1 **Resolution relating to the Dixon Municipal Service Center Expansion Project (Project #2008-01):**

1. **Awarding the bid to JDS Builders Group, Inc., in the amount of \$881,750;**
2. **Authorizing execution of a construction contract with JDS Builders Group, Inc.;**
3. **Approving Change Order No. 1 with JDS Builders Group, Inc., reducing the total contract amount by \$206,085; and**

4. **Authorizing the expenditure of up to \$873,000 from Public Works Funds 440-105 to complete the project.**

Christina Castro, Junior Engineer, discussed the bid award, bringing the building up to code exceeding the cost of a new building, project funding, proposed expenditure, and Change Order #1 to reduce/eliminate costs to the meet budget. Ms. Castro and City Engineer Royce Cunningham responded to Council questions.

Mayor Batchelor asked for public comment.

Mike Hamilton discussed outsourcing the mechanic work, thought outsourcing would justify a position, that the building should be used, and to hire qualified people to use it.

Jeff Matheson, Public Works and Community Services Director, noted it is more economical to outsource.

Byron Chapman felt if there is no mechanic to use the building, it would take 16 years to recoup the costs and suggested a portable unit be considered.

After Council deliberation, a motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-068 awarding the bid to JDS Builder Group, Inc. (AG10-016), approving Change Order No. 1, and authorizing the expenditure of up to \$873,000. Roll call was taken as follows:

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

12. **NEW BUSINESS**

12.1 **Matters relating to Bingo:**

1. **Waive reading, read by title only, and introduce an ordinance repealing Chapter 22 of Article I of the Dixon City Code.**
2. **Waive reading, read by title only, and introduce an ordinance adding Chapter 11.06 to Title 11 of the Dixon Municipal Code relating to regulation of bingo, including “remote caller” bingo.**

Michael Dean, City Attorney, discussed the existing ordinance relating to bingo since the 1970’s, the approval of remote bingo by the State, noted the bingo ordinance is an option of the Council, and that the proposed ordinance is a model from the Solano County Ordinance. Mr. Dean responded to Council questions.

Mayor Batchelor preferred the minimum age limit of 18 years old be more specific in the ordinance so it is not confused with the minimum age for consuming alcohol of 21 years old.

Mayor Batchelor also asked if the City could conduct an audit and can condition for renewal. Mr. Dean replied yes.

Mayor Batchelor preferred more definitive language as to when a review of records could be conducted. He preferred quarterly or bi-annually by the Finance Director instead of a “reasonable time” by the Chief of Police.

Councilmember Cayler noted American Legion has agreed to place “Gamblers Anonymous” signs at the Veterans Hall.

Greg Coppes, American Legion, replied that no alcohol can be sold during bingo, but they can serve alcohol to the general public under their license. He noted that bingo is a fundraiser, that an audit has to be completed before the game starts, and the maximum amount of money on the premises would be about \$3,500. Mr. Coppes responded to Council questions.

Nancy Huston, City Manager, discussed her experience with bingo from Fairfield, wanted on the record that the Chief of Police can conduct inspections and she felt it is important for the City to have the right to inspect records.

Mayor Batchelor asked for public comment.

Larry Simmons asked if there would be a fee for the audit. Ms. Huston replied the City would hire a Certified Public Accountant for the audit, but did not know the cost.

After Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler to waive reading, read by title only, introduce an ordinance repealing Chapter 22, Article I, of the Dixon City Code, and continue it to May 11, 2010. Also to waive reading, read by title only, introduce an ordinance to add Chapter 11.06 to Title 11 relating to regulation of bingo, including “remote caller” bingo, as amended in Sections 11.06.260 and 11.06.270. Roll call was taken as follows:

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

12.2 **Resolution authorizing execution of the Public Private Partnership (PPP) Agreement with Medic Ambulance Service, Inc., for Advanced Life Support (ALS) First Responder Emergency Services and Funding Allocation agreement with Solano County Emergency Medical Services System (SEMSC) and the partnering cities.**

Aaron McAlister, Assistant Fire Chief, discussed pre-hospital care, continuation of the existing agreement, response time, and most efficient and effective agreement. Assistant Chief McAlister responded to Council questions.

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

A motion was made by Councilmember Cayler, seconded by Councilmember Besneatte, to adopt Resolution No. 10-069 authorizing execution of the PPP Agreement with Medic Ambulance Service, Inc. (AG10-017). Roll call was taken as follows:

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

12.3 **Presentation and possible discussion regarding the 2009 Dixon Police Department Year-End Report.**

By consensus of the City Council, this item was continued to June 8, 2010.

12.4 **Matter relating to California Public Employees Retirement System (CalPERS):**

1. **Receive report identifying the costs of the proposed CalPERS two year service credit program and direct staff to present associated required certifications for adoption by the City Council on May 25, 2010 to implement this program;**
2. **Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City of Dixon relating to Miscellaneous Employees' service credit; and**
3. **Waive the first reading, read by title only, and introduce an Ordinance that authorizes an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to Miscellaneous Employees' service credit.**

Steve Johnson, Human Resources Director, noted the amended staff report and that there are no changes to the process, discussed the Council action to accept the cost of the program, PERS process, qualifications of the program, and the General Fund saving to the City. Mr. Johnson responded to Council questions.

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

Councilmember Ceremello noted he did not support this in Closed Session and preferred layoffs and salary reductions.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to file the report, adopt Resolution of Intention No. 10-070 to approve the agreement amendment, and waive reading, read by title only, introduce an ordinance amending the PERS agreement, and continue the ordinance to May 25, 2010. Roll call was taken as follows:

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

12.5 **Resolution authorizing the City of Vacaville staff as lead agency, execution of all documents necessary to implement purchases of bank-owned properties in the Newgate Way Target Area with the Neighborhood Stabilization Program administered by the Vacaville Department of Housing and Redevelopment.**

Mark Heckey, Economic Development Director, discussed implementation of the program, purchase of foreclosed properties that are bank owned, program goals, allocation among agency participants, First Time Homebuyer requirements, and current implementation issues. Mr. Heckey responded to Council questions.

Mayor Batchelor asked for public comment.

Ginger Emerson discussed multi-family residential areas and to be homeowners competing with investors.

A motion was made by Councilmember Cayler, seconded by Mayor Batchelor, to adopt Resolution No. 10-071 authorizing the City of Vacaville staff as lead agency, execution of documents necessary to implement purchases of bank-owned properties in the Newgate Way Target Area. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Fuller, Batchelor
Noes: Ceremello
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**

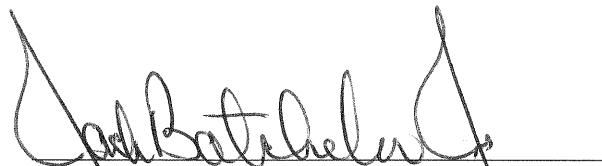
None

17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 11:30 p.m.

ATTEST:


Janice Beaman, CMC
City Clerk


Jack Batchelor, Jr.
Mayor