



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

**FEBRUARY 23, 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 February 23, 2010, by Mayor Batchelor.

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

Absent: None

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

Mayor Batchelor noted there was no public comment because there was no one from the public present.

The City Council recessed into Closed Session at 6:01 p.m.

Closed Session adjourned at 6:40 p.m.

Mayor Batchelor convened the Regular Meeting at 7:00 p.m. and announced that the City Council met in Closed Session on the item listed above and that there was no reportable action. He also noted there are technical difficulties with the Cable Television channel and the meeting will not be aired live.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of the Allegiance was led by Councilmember Ceremello.

3. **ROLL CALL**

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

Absent: \*Councilmember Besneatte

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None

\*Councilmember Besneatte arrived at 7:02 p.m.

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

5.1 Drew Graska asked about the status of securing funds for the South Almond Street project.

5.2 Byron Chapman recognized the Council for volunteering their time.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Ceremello reported about holding office hours, attending the Transportation Advisory Commission (TAC) and Planning Commission meetings, discussed an appeal of Planning Commission's action and Planning Commissioner Stalnaker's Letter to the Editor.

6.2 Councilmember Cayler reported about the TAC meeting and noted how well the State of the City Address was.

6.3 Councilmember Besneatte asked the light sequence at Adams and A Street be returned to what it was, expressed concern with the senior housing project and the Bloom house, and announced the grand opening of JC Penny services at Dixon Ace Hardware. He noted that he has asked the City Attorney to copy the Council when department heads ask for information or advice that is outside his standard contract.

6.4 Mayor Batchelor suggested Councilmember Besneatte talk to the owner about the Bloom house. He expressed concern about the Council being copied on emails from staff to the City Attorney, thought they could cause a flurry of emails that would increase the cost to the City, and noted being criticized for Attorney fees in the past. Mayor Batchelor discussed the Gas Tax bill by the Assembly and announced that Michael Smith resigned from the Planning Commission. He noted the City Clerk will proceed with the application process.

7. **ITEMS FROM THE CITY TREASURER**

The City Treasurer position was vacant at this time.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, 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**

Councilmember Ceremello requested Items 9.3, 9.4, 9.5, 9.6, and 9.8 be considered separately from the Consent Calendar.

Councilmember Besneatte also requested Items 9.5 and 9.6 be discussed.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Items 9.1, 9.2, and 9.7. Roll call was taken as follows:

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

9.1 **Matters relating to the City Council Minutes:**

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

9.2 **Adopted Resolution No. 10-024 approving the Enumeration of Claims.**

9.3 **Minute action authorizing the issuance of a Request for Proposals for the City of Dixon Renewable Energy Project.**

See Minutes on Page 4.

- 9.4 **Matters relating to Stratford Avenue Rehabilitation Project 2009-06, Federal-Aid Project #ESPL-5056(017):**
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.

- 9.5 **Resolution accepting the 2009 Street Reconstruction Project #2009-03 as complete and authorizing the City Clerk to file a Notice of Completion.**

See Minutes on Page 5.

- 9.6 **Resolution accepting the North Almond Street Rehabilitation Project #2009-01, Federal Aid Project #ESPL-5056(016), as complete and authorizing the City Clerk to file a Notice of Completion.**

See Minutes on Page 6.

- 9.7 **Adopted Resolution No. 10-028 accepting the State Office of Emergency Services (OES) reimbursements for the 2009 fire strike teams and amending the Fire Department Fiscal Year (FY) 2009-10 Budget, in the amount of \$35,283.20. (Budget Adjustment Nos. 2009-10-02-02 and 2009-10-10-2)**

- 9.8 **Resolution amending the FY 2009-10 Budget not to exceed \$9,000, and authorizing a focused update for portions of the Safety and Conservation Elements of the General Plan. (Budget Adjustment No. 2009-10-02-05)**

See Minutes on Page 6.

9.3 **TAKEN OUT OF ORDER**

**Minute action authorizing the issuance of a Request for Proposals (RFP) for the City of Dixon Renewable Energy Project.**

Councilmember Ceremello noted he will vote no because of the American Recovery and Reinvestment Act (ARRA) funding.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to authorize the issuance of a RFP for the Renewable Energy Project. Roll call was taken as follows:

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

9.4 **TAKEN OUT OF ORDER**

**Matters relating to Stratford Avenue Rehabilitation Project 2009-06, Federal-Aid Project #ESPL-5056(017):**

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 Ceremello noted he will vote no because it is ARRA funding.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-025 finding the project exempt from CEQA and authorized the City Clerk to advertise for bids. Roll call was taken as follows:

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

9.5 **TAKEN OUT OF ORDER**

**Resolution accepting the 2009 Street Reconstruction Project #2009-03 as complete and authorizing the City Clerk to file a Notice of Completion.**

Relating to Items 9.5 and 9.6, Councilmember Besneatte expressed concern about accepting bids and the completing the project at a cost of 25% to 50% more.

Royce Cunningham responded to Council questions.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-026 accepting the 2009 Street Reconstruction Project and authorizing the City Clerk to file a Notice of Completion. Relating to Item 9.6, adopted Resolution No. 10-027 accepting the North Almond Street Rehabilitation Project and authorizing the City Clerk to file a Notice of Completion. Roll call was taken as follows:

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

Byron Chapman asked to make a comment. He felt if there is a low bidder, the costs should not exceed the bid.

Mayor Batchelor noted the reasons for the extra costs were explained at a previous meeting and they were due to unforeseen circumstances.

9.6 **TAKEN OUT OF ORDER**

**Resolution accepting the North Almond Street Rehabilitation Project #2009-01, Federal Aid Project #ESPL-5056(016), as complete and authorizing the City Clerk to file a Notice of Completion.**

See Minutes with Item 9.5 above.

9.8 **TAKEN OUT OF ORDER**

**Resolution amending the FY 2009-10 Budget not to exceed \$9,000, and authorizing a focused update for portions of the Safety and Conservation Elements of the General Plan by PMC. (Budget Adjustment No. 2009-10-02-05)**

Councilmember Ceremello suggested City staff do this instead of hiring the consultant.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to authorize a focused update for portions of the Safety and Conservation Elements of the General Plan.

Nancy Huston, City Manager, advised that it will take staff longer to complete this and felt the consultant would provide a good work product.

Councilmember Ceremello withdrew his motion.

Councilmember Besneatte withdrew his second to the motion.

A motion was made by Councilmember Ceremello to table this item until more information is provided to make an informed decision. There was no second to the motion.

A motion was made by Vice Mayor Fuller, seconded by Mayor Batchelor, to amend the budget and authorize an update to the Safety and Conservation Elements of the General Plan by PMC. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

None

11. **UNFINISHED BUSINESS**

- 11.1 **Resolution approving request to join the Travis Community Consortium, in the amount of \$1,000 annually, and authorize the City Manager to execute the documentation.** (Budget Adjustment No. 2009-10-02-03)

Mayor Batchelor reviewed the report.

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

Councilmember Ceremello noted the old information and membership reduction.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-030 approving the request to join the Travis Community Consortium and authorize a budget amendment. Roll call was taken as follows:

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

12. **NEW BUSINESS**

- 12.1 **Mid-Year financial information and approve a Resolution for a budget amendment to reduce revenues and expenditures in the Transit Fund.** (Budget Adjustment No. 2010-02-04)

Jeremy Craig, Finance and Technology Director, discussed the downturn in revenues over two years, the reduction of expenditures from 2007-2010, provided a mid-year snapshot of the General Fund, Dixon-Solano Municipal Water Service Fund, Sewer rate impact, and Gas Tax Fund. He reviewed the Transit Fund and its revenue changes.

Mr. Craig and 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 Vice Mayor Fuller, seconded by Mayor Batchelor, adopted Resolution No. 10-031 authorizing a budget amendment to reduce revenues and expenditures in the Transit Fund. Roll call was taken as follows:

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

12.2 **Waive reading, read by title only, and introduce an ordinance amending Section 14B.6 of Chapter 14 of Article I of the Dixon City Code exempting veterans, their spouses, and their widows from payment of the Business License Tax.**

Jeremy Craig, Finance and Technology Director, noted information from the prior meeting was incorporated as directed and asked the Council to provide any other fees to tell staff.

Councilmember Ceremello thought all Veterans were to be exempt from all business license fees.

Michael Dean, City Attorney, noted the City Code/Municipal Code and Resolutions have to be reviewed and be brought back. There was some consensus with this ordinance and noted they did not want to delay this.

Mayor Batchelor asked for public comment.

Dave Scholl noted this addresses the major problem, discussed fees being exempt, and asked that the name of "Dixon Tribune" be deleted from the ordinance as newspaper of general circulation.

Drew Graska noted, as a Veteran, he appreciated the ordinance.

Following Council deliberation, a motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to amend the ordinance to delete "Dixon Tribune" and for staff to bring back a compilation of fees and taxes that can be exempt from being paid.



Mayor Batchelor confirmed that no specific date is scheduled for the compilation of fees to return to Council. All Councilmembers confirmed there is no specific date to return. Roll call was taken as follows:

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

The City Council recessed for a break at 8:22 p.m.

The City Council reconvened the meeting at 8:32 p.m.

**12.3 Resolution rescheduling the public hearing regarding the proposed Dixon-Solano Municipal Water Service (DSMWS) rates to April 19, 2010, and authorizing the City Clerk to begin the notice process for the hearing.**

Michael Dean, City Attorney, discussed the change in State Law to allow tenants to protest at the rate increase hearing, the notice being sent with wrong information which has caused the rescheduling of the joint rate hearing. He noted the State sends hundreds of changes each year and it was missed by them.

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

After Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-032 rescheduling the public hearing regarding the proposed DSMWS rate hearing to April 19, 2010. Roll call was taken as follows:

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

**12.4 Resolution rejecting all bids as non-responsive, waiving bid requirements, and authorizing the City Manager to enter into a negotiated contract with the Dixon Tribune for publication of legal notices for the remainder of Fiscal Year (FY) 2009-10.**

Jeff Matheson, Public Works and Community Services Director, discussed the bid proposal for legal advertising. He also noted the receipt of an email from Mr. Boylan, attorney for Dave Scholl, the Independent Voice, does not change staff's recommendation to adopt a Resolution to reject bids and authorize the City Manager to negotiate a contract with the Dixon Tribune for publication of legal notices. Mr. Matheson discussed Award of Contract language in the Notice of

Bidders, bid requirements, bid specifications based on the Public Contracting Code and current standard practice, and bid results from each proposal received.

Mayor Batchelor asked for public comment.

Dave Scholl, Independent Voice, discussed several legal mistakes made, the way staff has handled this, statute violation, the Council responsibility to call for bids, and alleged that the Council made the decision in Closed Session. He discussed there is no requirement for newspapers to publish more than once a week, paid circulation and distribution, that he meets the requirement that prints in Dixon based on published decision 40 years ago, cost comparison, publishing on Sunday is not necessary, and threatened legal action.

Bertrand Todd, Jr., Dixon Ministerial Association, felt the award should be fair and do what is right for the City.

John King urged the Council to accept the Resolution as written, and thought the Independent Voice is not being read, is being thrown away, and is offensive.

Byron Chapman asked the Council to do the legal and right thing.

Larry Simmons felt this is a grudge fight.

Michael Dean, City Attorney, clarified the specifications were not drawn up in Closed Session by the Council, no action was taken by Council in Closed Session, and the specifications were prepared by staff. He noted the specifications can ask for publication for more than once a week, be awarded to the one that best meets the needs of the City, requirement by State law that are both published and printed in the City, City Code bid requirements, and clarified the information in the Independent Voice bid.

Mr. Dean and Mr. Matheson responded to Council questions.

During deliberation, Vice Mayor Fuller recommended for fairness to “cut the baby in half” and award the publication to both the Dixon Tribune and Independent Voice. He recommended rejecting all bids and the City Manager to negotiate with both newspapers.

Nancy Huston, City Manager, felt the criteria needs to be the same as what it is now and expressed concern about reliability of delivery and operational issues.

Mr. Dean advised the City Council to reject bids and direct staff to negotiate with two newspapers with a publication schedule. The bids received are for the remaining fiscal year and the Council is unable to waive the bidding for next fiscal year.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Ceremello, to reject all bids as non-responsive, waive bidding requirement, and authorize the City Manager to negotiate agreements with the Dixon Tribune and Independent Voice for the remainder of FY 2009-10. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

**Redevelopment Agency**

13.1 **Update relating to the Redevelopment Agency budget.**

See Redevelopment Minutes for February 23, 2010.

14. **ITEMS FROM THE CITY ATTORNEY**

14.1 Michael Dean, City Attorney, clarified that he intends to respond to Councilmember Besneatte's request by developing a monthly report that will include what Councilmember Besneatte has requested and would be distributed to all the Council.

15. **ITEMS FROM THE CITY MANAGER**

None

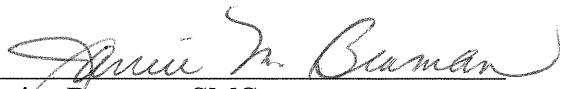
16. **CLOSED SESSION**

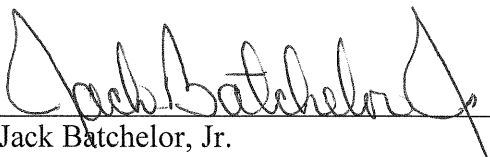
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17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 10:10 p.m.

ATTEST:

  
\_\_\_\_\_  
Janice Beaman, CMC  
City Clerk

  
\_\_\_\_\_  
Jack Batchelor, Jr.  
Mayor