



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

SEPTEMBER 8, 2009

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 September 8, 2009, by Mayor Batchelor.

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

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

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

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision(a) of Government Code Section 54956.9

Name of Case: Claim of Byron Chapman

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.8: One case

Michael Dean, City Attorney, reported the facts and circumstances surrounding Item 2 above relates to the receipt of a letter from Marshall Drack regarding potential litigation relating to Jackson Square. He also noted that there was no public present.

The City Council recessed into Closed Session at 6:03 p.m.

*Councilmember Ceremello arrived at 6:04 p.m.

The City Council reconvened into Open Session at 7:00 p.m.

The Regular Meeting of the Dixon City Council was convened at the hour of 7:00 p.m.

Mr. Dean reported the City Council met in Closed Session relating to the two items listed above and there was no reportable action on either item.

2. **PLEDGE OF ALLEGIANCE**

Mayor Batchelor led the Pledge of Allegiance.

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Fire Prevention Week Proclamation.**

Mayor Batchelor read the proclamation.

Ed Tubbs, Assistant Fire Chief, received the proclamation and discussed the activities during Fire Prevention Month and the Fire Department open house on October 10th.

4.2 **Presentation by Gerry Raycraft, on behalf of the Child Care Planning Council, regarding the 2008 Solano County Child Care Needs Assessment.**

Mr. Raycraft noted with Dixon poised for growth, the importance of the quality of life for families and children. He showed a video that discussed the shortage of child care, the need for good child care in Solano County, general recommendations and findings, and encouraged Dixon to proactively support the development of child care.

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

None

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Ceremello reported about attending the Parks and Recreation Commission.

- 6.2 Councilmember Cayler reported she attended the Chamber of Commerce Board meeting and discussed their upcoming events.
- 6.3 Councilmember Besneatte apologized for missing the Closed Session. He noted he will be leaving on vacation and has asked to participate in the September 22nd Council meeting by phone. He discussed the availability of child care when his daughter was born and his visit to a marijuana collective in South Lake Tahoe.
- 6.4 Mayor Batchelor announced a five and ten kilometer walk in Dixon on October 24th and 25th sponsored by the Vaca Valley Volks. He also read an email from the League of California Cities about amending AB 88 to include language from AB 155 relating to municipal bankruptcy bill.

7. **ITEMS FROM THE CITY TREASURER**

The City Treasurer was not present.

8. **APPROVAL OF AGENDA**

Nancy Huston, City Manager, reported the applicant requested Item 10.1 be continued to a date uncertain and when it returns to Council, the project will be re-noticed.

A motion was made by Councilmember Cayler, seconded by Councilmember Besneatte, to approve the agenda, as amended. 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 these items.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to approve the Consent Calendar. 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 July 28, 2009, meeting.**
- 9.2 **Adopted Resolution No. 09-148 approving the Enumeration of Claims.**
- 9.3 **Adopted Resolution No. 09-149 amending the General Fund budget by \$122,271 to reflect Tire-Derived Products grant funds received from the California Integrated Waste Management Board and authorizing a “piggy back” purchase of rubberized bark mulch from West Coast Rubber Recycling, Inc., not to exceed \$122,271 based on the competitive bid process by the County of Santa Clara.**
- 9.4 **Adopted Resolution No. 09-150 rescinding Section 2 of Resolution 9828 and appointing the Human Resources Director as Board Member and the Public Works and Community Services Director as the Alternate Board Member to the California Transit Insurance Pool (CalTip) representing the City of Dixon.**
- 9.5 **Adopted Resolution No. 09-151 rescinding Resolution No. 09-146 and authorizing the purchase of a 2009 Ford F250 Utility Truck from Ron DuPratt Ford, in the amount not to exceed \$21,550.95.**

10. **PUBLIC HEARINGS**

- 10.1 **Matters relating to Dixon Montessori Charter School, to be located at 1855 North First Street, Suite C: (APNs 108-300-150 and 160) (PA 09-15, ZON 09-07)**
 - 1. **Categorically Exemption, Class 1 Exemption (15301)**
 - 2. **Resolution upholding the Planning Commission’s recommendation disapproving a proposed Zoning Map revision to overlay a property zoned Light Industrial-Professional Administrative Office-Planned Development (ML-PAO-PD) with an Assembly Use (AU) zoning designation.**

This item was continued to a date uncertain.

11. **UNFINISHED BUSINESS**

- 11.1 **Waive reading, read by title only, and introduce an ordinance repealing and reenacting Part 14F of Chapter 14 of Article 1 of the Dixon City Code relating to medical cannabis dispensaries and forbidding issuance of licenses or permits to unlawful uses.**

Jon Cox, Police Chief, presented the background of the report and noted the Planning Commission would consider this for a zoning ordinance amendment at a later date. Chief Cox and City Attorney Michael Dean responded to Council questions.

Mayor Batchelor asked for public comment.

Russ Cayler discussed the Federal government considering this illegal, having no enforcement, and the need for a regulatory system. Later in the meeting he discussed having to go to Sacramento to get his medication, residents possibly not wanting a dispensary located in Dixon, and providing the convenience for buyers of marijuana.

Larry Simmons asked how dispensaries would be regulated and discussed the need for oversight so there is no illegal sales and technical evaluation.

The City Council had a lengthy discussion and deliberation.

Peter Keyes supported the original ordinance that is in place.

Mayor Batchelor asked if this action precludes the City Council from considering this again at a later time. Michael Dean, City Attorney, replied no.

A motion was made by Mayor Batchelor, seconded by Councilmember Cayler, to waive reading, read by title only, introduce the ordinance, and continue to September 22, 2009, for second reading. Roll call was taken as follows:

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

12. **NEW BUSINESS**

12.1 **Discussion relating to parking on Atkinson Court.** (Requested by Councilmember Besneatte)

Jason Riley, Associate Engineer, presented the background relating to parking on Atkinson Court, alternatives and options, and responded to Council questions.

Mayor Batchelor asked for public comment.

Sherryl Parker noted their storage facility during the months of August/September have an overflow of trucks from returning college students.

Councilmember Cayler noted she rents a storage unit at Atkinson Storage and she has a conflict of interest.

Vice Mayor Fuller and Councilmember Ceremello noted they also rent storage units at Atkinson Storage.

Mr. Dean reported the law allows that if a quorum of the legislative body has a conflict then lots could be drawn to determine who would remain.

The City Council took a recess at 8:45 p.m.

Mr. Dean prepared the lots to be drawn and conducted the drawing. The drawing resulted in Vice Mayor Fuller and Councilmember Ceremello leaving the meeting due to conflict of interest and Councilmember Cayler staying to participate in the meeting.

The City Council reconvened the meeting at 8:50 p.m.

Mr. Dean reported that three Councilmembers rent storage space at Atkinson Storage, which is interest in real property, and consequently there is no quorum. The Fair Political Practices Commission regulations provide for such an incident. Between the three Councilmembers, they drew lots as to who would participate in the Council meeting. Through the lot drawing, it was determined that Councilmember Cayler would participate as though she has no conflict.

Vice Mayor Fuller and Councilmember Ceremello left the Council Chambers.

Councilmember Besneatte asked if the adjacent undeveloped property will be developed as an expansion to the business. He felt it was too late to address the problem this year since students are back in school.

Ms. Parker replied with the economy she did not know if development of the lot would proceed. She asked if trucks could be parked on the dirt lot.

Royce Cunningham, City Engineer, thought that if gravel was placed on the lot first, it would be fine, otherwise trucks would track mud onto the street.

Mayor Batchelor encouraged Atkinson Storage to develop their property on the south side of Atkinson Court and supported Option 1.

A motion was made by Mayor Batchelor, seconded by Councilmember Cayler, to maintain existing parking restrictions on Atkinson Court and encouraged the owner to improve their property on the south side of Atkinson Court. Roll call was taken as follows:

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

Vice Mayor Fuller and Councilmember Ceremello returned to the meeting.

13. OTHER AGENCY BUSINESS

None

14. ITEMS FROM THE CITY ATTORNEY

None

15. ITEMS FROM THE CITY MANAGER

None

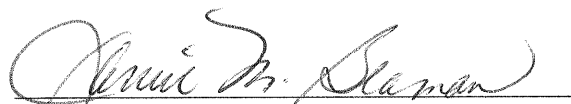
16. CLOSED SESSION

None

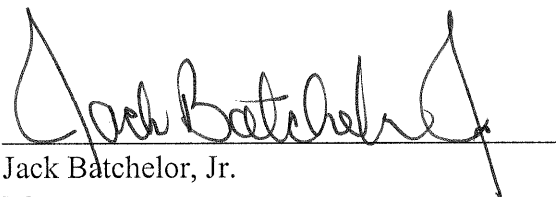
17. ADJOURNMENT

The City Council meeting adjourned at the hour of 9:20 p.m.

ATTEST:



Janice Beaman, CMC
City Clerk



Jack Batchelor, Jr.
Mayor