



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

**FEBRUARY 24, 2009**

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened at the hour of 7:00 p.m. in the Council Chambers on February 24, 2009, by Mayor Batchelor.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

Present: Councilmembers Kay Fulfs Cayler, Michael Ceremello, Victoria Coppes, Rick Fuller, and Mayor Jack Batchelor.

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None

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

None

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Cayler pointed out a discrepancy in a local paper that she had not attended Council goal sessions before and clarified that she had attended two or three in the past.

Councilmember Cayler also reported that she attended the Transportation Advisory Committee meeting.

6.2 Vice Mayor Fuller reported attended the Planning Commission meeting, felt it was informative and that they had a full Commission.

6.3 Mayor Batchelor announced that the draft State Route 113 Major Investment and Corridor Study is available for public comment and is available at City Hall and on the City's website.

Mayor Batchelor responded to inaccurate statements in a local newspaper regarding the recent goal setting session by Councilmember Ceremello. Mayor Batchelor felt it was unfortunate that Councilmember Ceremello did not participate during the meeting and that he did not return after the lunch break. Mayor Batchelor reported Councilmember Ceremello's comments about the meeting are unfounded. Unfortunately, Councilmember Ceremello denigrates any process that does not fit his liking but, despite Councilmember Ceremello, a set of goals, objectives, and action plan will be developed with the intent to move Dixon forward.

7. **ITEMS FROM THE CITY TREASURER**

7.1 David Dingman, City Treasurer, noted the sales report states that Dixon is five percent lower than one year ago and felt this is expected with the current recession.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9. **CONSENT CALENDAR**

Mayor Batchelor noted that Mike Smith requested Item 9.4 be considered separately from the Consent Calendar.

Councilmember Ceremello requested Items 9.5 and 9.6 be considered separately from the Consent Calendar.

Mike Smith noted Item 9.4 relates to Federal requirements and discussed the need for a local debarment ordinance to be approved. Mr. Smith responded to Council questions.

Relating to Item 9.5, Councilmember Ceremello expressed concern about hiring a collection agency service to collect for administrative citations and, as it stands, he could not support it.

Relating to Item 9.6, Councilmember Ceremello asked if the entire Council can attend the Police Chief interviews. Mayor Batchelor noted that the past practice has been for two Councilmembers to attend and discussed the past safety experience of Vice Mayor Fuller and himself.

Nancy Huston, City Manager, discussed the interview process, the three panels developed, and the hiring process.

Councilmember Ceremello felt the process is similar to a Closed Session and felt that all Councilmembers could attend as observers.

Michael Dean, City Attorney, advised that if the City Council is the hiring authority, then calling a Closed Session is appropriate. The hiring process for a department head is the City Manager appoints with advice and consent of the Council. If the City Manager wishes to do so, she may hold her interviews in Closed Session with the full Council as a Special Meeting. The City Manager is not required to have any Council members present.

Councilmember Ceremello expressed concern that he receives the information second-hand if he is not involved in the interview process and that he must rely on the interpretation of the Councilmembers participating.

Mayor Batchelor noted the goal is to hire the best for the City's positions and that Councilmembers needs a level of trust be given for the process.

Councilmember Ceremello believes in trust, but he can not verify information that he is not part of.

A motion was by Vice Mayor Fuller, seconded by Councilmember Coppes, to adopt the Consent Calendar, except Items 9.4, 9.5, and 9.6. Roll call was taken as follows:

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

9.1 **Approved the City Council Minutes for the regular meeting of January 27, 2009.**

9.2 **Adopted Resolution No. 09-024 approving the Enumeration of Claims.**

9.3 **Adopted Resolution No. 09-025 authorizing Agreement Amendment No. 1 with Mann, Urrutia, Nelson CPAs & Associates LLP to complete the annual audits and provide accounting services for Fiscal Year (FY) 2007-08, 2008-09, and 2009-10, not to exceed \$20,500.**

9.4 **Administrative policy for compliance with Federal and State prevailing wage requirements and debarment of contractors by the Federal Government.**

See Minutes for this item on Page 2.

A motion was made by Councilmember Cayler, seconded by Councilmember Coppes, to adopt Resolution No. 09-026 approving an administrative policy for compliance with Federal and State prevailing wage requirements and debarment of contractors. Roll call was taken as follows:

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

9.5 **Agreement with Credit Bureau Associates to provide collection agency services for delinquent accounts.  
(AG09-011)**

See Minutes for this item on Page 3.

A motion was made by Councilmember Coppes, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-027 authorizing an agreement (AG 09-011) with Credit Bureau Associates to provide collection agency services. Roll call was taken as follows:

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

9.6 **Council subcommittee consisting of Mayor Batchelor and Vice Mayor Fuller to serve as observers during the Police Chief interviews.**

See Minutes for this item on Page 3.

A motion was made by Councilmember Cayler, seconded by Councilmember Coppes, to approve a Council Subcommittee to serve as observers during the Police Chief interviews. Roll call was taken as follows:

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

- 9.7 **Adopted Resolution No. 09-028 amending rental fee schedule for park rentals with athletic field lights.**
- 9.8 **Waive reading, read by title only, and introduced the following City Code/Municipal Code amendments, and continue to March 10, 2009:**
1. **Ordinance addition Chapter 16.00 to Title 16 of the Dixon Municipal Code relating to definitions of local codes.**
  2. **Ordinance amending Sections 16.04.020 and 16.04.110 of Chapter 16.04 of Title 16 of the Dixon Municipal Code relating to references to the Dixon Uniform Codes.**
  3. **Ordinance amending Sections 9.01.020 and 9.01.060 of Chapter 9.01 of the Dixon Municipal Code relating to the Dixon Uniform Codes.**
  4. **Ordinance amending Sections 10.01.04, 10.04.05, and 10.05.05 of Chapter 10 of Article II of the Dixon City Code relating to references to the Dixon Building Code.**
  5. **Ordinance amending Section 16.03.030A of Chapter 16.03 and Section 16.05.030 of Chapter 16.05 of Title 16 of the Dixon Municipal Code relating to amendments to the California Building Code and Plumbing Code.**
- 9.9 **Adopted Resolution No. 09-029 authorizing one year agreements for on-call materials testing services with Matriscope Engineering Laboratories, Inc., not to exceed \$40,000 (AG09-012); and Inspection Consultant, Inc., not to exceed \$20,000 (AG09-013).**
- 9.10 **Adopted Resolution No. 09-030 approving Agreement Amendment No. 5 with Eco:Logic Engineering for quarterly and annual Groundwater Monitoring Reports, not to exceed \$29,500.**

10. **PUBLIC HEARINGS**

- 10.1 **Resolution approving transfer of \$50,000 from the Community Development Block Grant (CDBG) Business Revolving Loan account to the CDBG Housing Revolving Loan account for the Dixon Veterans Home, located at 261 and 261½ South Jefferson Street. (PA 08-14) (CUP 08-06) (VAR 08-03)**

Mark Heckey, Economic Development Director, discussed development of a group home in two single family residences. The Council is being asked to transfer funds from the City's CDBG funds to the Business Revolving Loan Account for purchase and rehabilitation and authorize deferral for 20 years. Mr. Heckey responded to Council questions.

Tom McRee, applicant from Community Action Council, noted they intend to operate transitional housing, they target homeless veterans, and discussed services offered. Mr. McRee responded to Council questions.

Mayor Batchelor opened the public hearing.

Chris Cannon discussed being a graduate from the “Building a Better Lives Program”, that he went from being homeless to a working member of society, and felt the City would benefit from this program.

Bob Dohr asked what percentage would be Dixon veterans. Mr. McRee responded the percentage of homeless is low in Dixon, but would always make Dixon a first priority.

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 Coppes, to adopt Resolution No. 09-031 approving transfer of \$50,000 from CDBG Business Revolving Loan to CDBG Housing Revolving Loan. Roll call was taken as follows:

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

10.2 **Matters relating to Orchard Estates “Sanders” Tentative Map, located east of Pitt School Road, south of the Orchard Estates “Garcia” property and the Lincoln Park Subdivision: (APN: 114-040-040 and 114-154-060) (PA 06-38) (ZON 06-06) (PD 06-04) (TM 06-09) (Quasi-Judicial Hearing)**

1. **Waive reading, read by title only, and introduce an Ordinance to rezone approximately 27 acres of the Orchard Estates “Sanders” Subdivision from Single Family (R1) to Single Family Residential-Planned Development (R1-PD) and approve the Planned Development Plan.**
2. **Adopt Resolution conditionally approving the Orchard Estates “Sanders” Tentative Map to subdivide two parcels totaling 30.4 acres into 96 lots, 89 residential lots, and 7 open space or road parcels.**

Councilmember Cayler reported she has a conflict of interest because her residence is within 500' of the project and left the room.

Vice Mayor Fuller reported he does not have a conflict of interest.

Dave Dowswell, Community Development Director, discussed the background of the project, noted the Planning Commission recommendation is to approve the rezoning and tentative map. He noted suggested wording changes from the City Attorney that provides clarification to the Conditions of Approval and that the applicant agrees with the amendments. Mr. Dowswell, City Engineer Royce Cunningham, and City Attorney Michael Dean responded to Council questions.

Mayor Batchelor opened the public hearing.

Bernard Sanders, applicant, noted he is preparing for the “big push” when it happens, would appreciate approval, and responded to Council questions.

Drew Graska supported the project and recommended approval.

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

A motion was made by Councilmember Coppes, seconded by Vice Mayor Fuller, to waive reading, read by title only, introduce the rezoning ordinance, and continue to March 10<sup>th</sup> for a second reading, and to adopt Resolution No. 09-032, as amended, approving the Orchard Estates “Sanders” Tentative Map. Roll call was taken as follows:

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

## 11. UNFINISHED BUSINESS

### 11.1 **Reconsider Council direction to have the City Manager come back to the City Council to authorize judicial foreclosure attorney fees greater than \$20,000 and by minute action remove the \$20,000 cap on fees relating to the agreement with Sherman Feller, as Foreclosure Counsel.**

Sandra Sato, Interim Finance and Technology Director, discussed the Council’s action on January 13<sup>th</sup> stipulating a \$20,000 cap on legal fees. She discussed the unique nature of these cases, that there is no amount the Foreclosure Counsel will agree to, and that typically \$20,000 is adequate. Ms. Sato asked the Council to reconsider placing a \$20,000 cap. Ms. Sato and City Attorney Michael Dean responded to Council questions.

Mayor Batchelor asked for public comment.

Dane Besneatte recommended denial of staff's recommendation, felt this decision would be fiscally irresponsible, and felt another firm could do the work.

After Council deliberation, a motion was made by Councilmember Coppes, seconded by Councilmember Cayler, to remove the \$20,000 cap on Foreclosure Counsel fees. Roll call was taken as follows:

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

The City Council recessed for a break at 8:50 p.m.

The City Council reconvened the meeting at 9:01 p.m.

## 12. NEW BUSINESS

### 12.1 **Matters relating to Street Sweeping Services:**

1. **Policy discussion regarding street sweeping services within the City of Dixon.**
2. **Adopt Resolution authorizing an amendment to the Solid Waste Franchise Agreement with Dixon Sanitary Services to increase solid waste collection rates to include street sweeping services beginning July 1, 2009.**

Jeff Matheson, Interim Public Works Director, discussed how street sweeping services are funded, the street sweeping policy, past practices, and the level of impacts. He noted the Council can established the level of service to be provided and he strongly recommended the existing level of service be provided. Mr. Matheson reviewed the options available to Council and responded to Council questions.

Vice Mayor Fuller recommended Dixon Sanitary Service not return the ten percent franchise fee to the City and use it to reduce their street sweeping rate.

Mayor Batchelor asked for public comment.

David Dingman felt street sweeping service should be paid from the General Fund and if not, reduce the level of service with the existing contractor.

Drew Graska supported service as currently provided.



Gary Archer requested the level of service not be reduced, noted Dixon Sanitary Service had provided good service, and that the current service is inconsistent.

Dane Besneatte felt the existing service is virtually useless, cost should not be borne by the citizens, and felt Dixon Sanitary Service should provide service at the same rate as the hired contractor.

Ed Farewell, Dixon Sanitary Services, discussed the difference between the hired contractor and Dixon Sanitary Services, including complying with hours of sweeping, customer service, and provides billing.

After a lengthy Council deliberation, a motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-033, as amended, authorizing an amendment to the Solid Waste Franchise Agreement with Dixon Sanitary Service, delete the Franchise Fee relating to street sweeping, and reduce the street sweeping rate. Roll call was taken as follows:

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

## 12.2 **Matters relating to the Transportation Permit Program:**

1. **Adopt Resolution finding the establishment of a Transportation Permit Program to be categorically exempt from the California Environmental Quality Act (CEQA).**
2. **Waive reading, read by title only, and introduce an Ordinance adding Section 12.06.07 to Chapter 12, of Title 12 of the Dixon Municipal Code authorizing the establishment of a Transportation Permit Program.**
3. **Adopt Resolution establishing the Transportation Permit Program.**
4. **Adopt Resolution establishing Transportation Permit fees.**

Jason Riley, Associate Engineer, discussed the background of the current Transportation Permit Program and the pilot program that was started in November 2008. He noted the purpose of the ordinance is to address movement of oversize loads and he provided the highlights of the program. He reported the Transportation Advisory Commission unanimously supported the Transportation Permit Program and recommended approval. Mr. Riley responded to Council questions.

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

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 09-034 finding the establishment of the Transportation Permit Program categorically exempt from CEQA; waived reading, read by title only, introduced an Ordinance adding Section 12.06.07, to Chapter 12.06 of Title 12 of the Dixon Municipal Code, and continuing to the March 10, 2009, meeting for the second reading; adopt Resolution No. 09-035 establishing the Transportation Permit Program; and adopt Resolution No. 09-036 establishing the Transportation Permit fee. Roll call was taken as follows:

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

**12.3 Direction to staff to have the California Public Employees Retirement System (PERS) conduct seven actuarial studies, in the amount of \$1,400.** (Requested by Councilmember Ceremello)

Steve Johnson, Human Resources Director, requested direction from Council regarding conducting actuarial studies regarding PERS benefits. He noted that any modifications to the plan would affect employees hired after the change and the studies can be used for only 90 days.

Councilmember Ceremello discussed the variables of the formulas, formula descriptions, the differences and costs between programs, and the State bill to eliminate the contract clause. It may not be necessary to move forward until the contract clause is addressed. If the benefits need to be lowered to preserve the City's budget, it would be a strong incentive to move forward.

Vice Mayor Fuller felt this action would be premature, employees are already making sacrifices, and this action may be interpreted negatively. He preferred to delay these studies until a need arises in the future.

Mayor Batchelor noted there is a contract clause and until the clause is modified, there are few options available.

Councilmember Cayler felt this can be considered, but this may not be the practical time to consider it.

Councilmember Coppes noted that this would not affect existing employees, few new employees will be hired, and this will cost the City money now.

Councilmember Ceremello felt there was no point in bringing this back until serious cuts are needed. He felt this is informational and the Council would have more knowledge about how much the benefit costs are to the City.

Mayor Batchelor asked for public comment.

Jason Riley, representing Public Employees Union, Local 1, asked why this is being requested at this time. He thought it was ironic just before the April election and discussed the perception that this was requested to develop a platform for a particular Council candidate. He noted that City employees are not interested in being part of political campaign and thought this is an inappropriate use of funds for now.

Mr. Riley discussed retirement being subject negotiations, Local 1 having negotiated in good faith, and noted their contract does not end until June 2010. He felt that one side imposing changes to the employee compensation package constitutes bad faith negotiations and exposes the City to extensive litigation. Employee groups have met and conferred in good faith to close the financial gap that resulted in the “global” economic crisis. If modifications are made to future employees, there is a fairness issue within Dixon’s organization and there are already recruitment issues.

Mayor Batchelor noted the consensus is to review all areas of the budget to reduce costs.

This item was filed.

13. **OTHER AGENCY BUSINESS**

- 13.1 **Redevelopment Agency Resolution approving a \$110,000 deferred Agency Loan to Fairfield Community Action Council for acquisition and rehabilitation of two single family residences for the Dixon Veterans Home, located at 261 and 261½ South Jefferson Street, and authorize Executive Director to sign all related loan documents. (PA 08-14) (CUP 08-06) (VAR 08-03)**

See Redevelopment Agency Minutes for February 24, 2009.

14. **ITEMS FROM THE CITY ATTORNEY**

None

15. **ITEMS FROM THE CITY MANAGER**

None

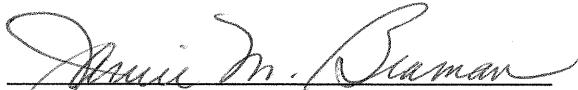
16. **CLOSED SESSION**

None

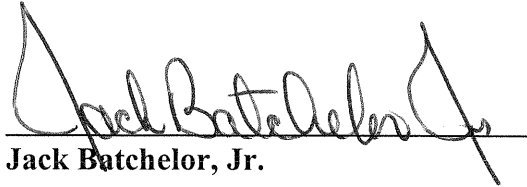
17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 10:22 p.m.

**ATTEST:**



**Janice Beaman, CMC**  
City Clerk



**Jack Batchelor, Jr.**  
Mayor