



***AMENDED MINUTES**
SPECIAL MEETING OF THE
DIXON CITY COUNCIL

June 30, 2011

1. **CALL TO ORDER**

The Special Meeting of the Dixon City Council was called to order in the Dixon Fire Station Training Room at 205 Ford Way, Dixon, California, at 7:00 p.m. by Mayor Jack Batchelor, Jr.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Jack Batchelor, Jr.

3. **ROLL CALL**

Present: Councilmembers Dane Besneatte, Thom Bogue, Rick Fuller, Vice Mayor Michael Ceremello, Jr., Mayor Jack Batchelor, Jr.

Absent: None

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

4.1 Gary Short, acknowledged shade structures for fireworks stands was the agendized item, but issues about portable signage also arose. He noted staff direction to remove A-frame signs appeared to be in violation of the ordinance that allows A-frame signage up to ten square feet, he was told by staff that portable signage was not allowed, was confused as to whether portability or size was the issue, and asked for Council direction as to the reason the signs were removed and authorization to continue to use them.

Councilmember Besneatte asked for Council consensus to direct the Community Development Director to allow the fireworks booths to retain their signage since it is only a week-long event and the government should not be hindering the success of the non-profit organizations.

Councilmember Boguc agreed that staff should be given direction to respond by the next morning with resolution of the issue.

Mayor Batchelor noted the Council is obligated to enforce ordinances, and asked Mr. Short if absence of A-Frame signs impacts their business given all of the other banners and signs.

Mr. Short responded that A-frame signs serve different purposes and aid in freeway visibility.

Vice Mayor Ceremello noted the Community Development Director is given no ministerial discretion to waive the ordinance and Council should give direction to waive the ordinance temporarily for one week.

Michael Dean, City Attorney, reported that Council would be violating the Brown Act by taking action on an item that was not agendaized, they may hear comments but not discuss, they do not have the authority to waive an ordinance, amending an ordinance requires a public hearing process, and the Fireworks Ordinance was a pilot, experimental, ordinance for which issues could arise for revision.

Vice Mayor Ceremello noted that Phantom Fireworks signs meet the requirements.

Dennis Revelle, Revelle Communications, suggested an appeal process for citations that are issued which could be dismissed by Council.

Mr. Dean reported that Administrative Citations are not handled at the Council level.

Kathy Castilone, TNT Fireworks, noted their 4x4 A-frames would not be acceptable under the code but asked if banners could be attached to vehicles or fences.

Ted Hickman noted the City Manager sets priorities and asked whether there would be staff available to issue citations on the weekend.

Gregg Coppes noted that he mistakenly made his own sign and did not want all non-profits to be cited for signs.

Vice Mayor Ceremello noted the responsibility for signage enforcement lies with Community Development staff rather than the on-duty Police.

Councilmember Besneatte noted that staff should be business-friendly.

5. **ITEMS FROM THE CITY COUNCIL**

None

6 **NEW BUSINESS**

6.1 **Shade structures for Fireworks Stands – Consideration of temporary revision of regulations for fireworks stands to permit addition of shade structures.**

Fire Chief, Aaron McAlister, reported the Fire Department ensures public safety utilizing the State Fire Code and local ordinances and hazardous conditions in violation of those codes were noted by Fire Marshall, Greg Lewis, whereby shade structures were connected to fireworks booths and storage containers for explosive materials, volunteers were asked to remove those structures and complied voluntarily, but volunteers at fireworks booths were seeking allowable alternatives to cool the booths and surrounding areas.

Chief McAlister reviewed the maximum 500 square footage requirements for the booths that measure 400 square feet, ways in which tents could be installed that did not conflict with code or violate the square footage allowances, non-flammable material for tents, locations for fans or RV vehicles, and noted alternatives suggested were accepted by the groups.

Councilmember Besneatte noted the solutions may be inadequate given the 104 degree heat anticipated for the weekend.

Discussion followed on the definition of “attached” structures, distances that apply, how the use of “easy-up” tent structures applies during other community events such as the May Fair and Grillin’ and Chillin’, and enforcement during those events.

Greg Lewis, Fire Marshall, noted he recently obtained new knowledge not previously known from contacts in Vacaville and the Health Department that will need to be considered for other events.

Ted Hickman drew a diagram of the booths, outlined issues of heat and sun that need to be considered for the safety and welfare of the citizens working there, many of whom are elderly, and noted the City could be sued if there were no allowances for shade.

Michael Dean, City Attorney, read the definition of a tent contained in the State Code.

Dennis Revelle, Revelle Communications, and Kathy Castilone, TNT Fireworks, reported that TNT only supplies 8ft x 24ft and 8ft x 32ft booths, both of which are far less than 400 square feet, and felt there should be no issue with attaching shade structures since they would still be under the 500 square foot requirement.

- * Councilmember Besneatte noted that tent structures should be fire retardant, only if necessary.

Gary Short noted the booths themselves are made of wood and are not fire retardant and saw little purpose in requiring fire retardant shade structures.

Mr. Dean noted a shade structure could also be made of plywood.

Chief McAlister reported that the definition of a tent in the Fire Code requires it to be fire retardant, but that the Fire Code changed dramatically in 2007 and 2010 and interpretations may be different.

Mayor Batchelor asked for public comments.

Dave Scholl noted the difference between framing space and floor space, two 100 square foot tents could be installed and still be within the 500 square foot limit, and asked about applicability to booths at the Grillin' and Chillin' event.

Gregg Coppes noted those canopies were not connected, his booth structures were placed to shelter from the rain, and there was no fire danger.

Councilmember Besneatte concluded that booths should be allowed to attach canopies and pop-ups, the State should be encouraged to modify the code regarding pop-ups and tents, and City ordinance amendments should be considered, including signage.

Councilmember Fuller noted that shade for people is a very important consideration and suggested the Fire Department be provided direction on enforceability.

Councilmember Bogue noted staff should follow-up with the State Fire Marshall for interpretations since such situations will arise again.

Vice Mayor Ceremello noted it is ridiculous to force an attachment to be fire retardant when the original structure is not.

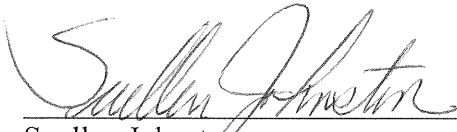
Chief McAlister requested a requirement that tents be fire retardant.

A motion was made by Councilmember Bogue, seconded by Vice Mayor Ceremello, that flame retardant shade structures may be attached to fireworks booths as long as the total of booth and shade structure does not exceed 500 square feet and shade structures may not connect the booth with the storage container. Roll call was taken as follows:

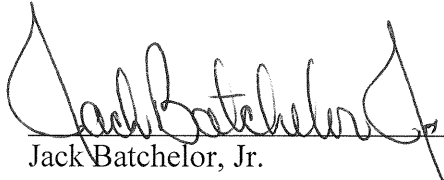
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| AYES: | Besneatte, Bogue, Ceremello, Fuller, Batchelor |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | None |

7. **ADJOURNMENT**

The Special Meeting of the Dixon City Council was adjourned at the hour of 8:15 p.m.



Suellen Johnston
Acting Deputy City Clerk



Jack Batchelor, Jr.
Mayor