



**\*\*AMENDED MINUTES  
REGULAR MEETING OF THE  
DIXON CITY COUNCIL**

**MAY 24, 2011**

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order 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

\*Vice Mayor Ceremello arrived at 7:02 p.m.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

**4.1 Proclamation congratulating Dixon High School for being recognized by the California Department of Education as a 2011 California Distinguished School.**

Mayor Batchelor presented the Proclamation and Key to the City to Dixon High School Principal Ivan Chavez.

Mr. Chavez thanked the Dixon Superintendent of Schools for his leadership, the School Board and staff, noted the award honors efforts of the entire district, citizens are lucky to live in a family-oriented community, and this is a historical award for Dixon.

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

- 5.1 Bessie Miller introduced Nancy Wells and Duaine Worden who were honored at the Living Legacy Awards in Suisun City and discussed their leadership in the community. Mayor Batchelor presented Ms. Wells and Mr. Worden with a City pin and congratulated them.
- 5.2 Roger Halberg, Dixon Superintendent of Schools, thanked the City Manager and City Council for issuing the proclamation to Dixon High School and noted that if the student succeeds, the City succeeds.
- 5.3 Vice Mayor Ceremello read a letter into the record from Byron Chapman and C.A.R.D. regarding police officer response to an illegal parking complaint regarding disabled parking spaces and thanking the officers for looking out for the disabled.
- 5.4 Shirley Humphrey felt the Council should reconsider their approval of the lease for the Chamber of Commerce since the original grant application stated it would be used as a transit and dispatch center, nothing in the application said it would be rented to the Chamber, and legally it should be used as intended and market rate rent should be charged. She felt locating Read-Ride in the middle of town, as originally proposed, would be beneficial and help promote ridership and suggested a committee of five citizens, two taxpayers, a non-profit organization, a teenage or senior citizen, not including the Chamber of Commerce or DDBA, to decide how to utilize tax dollars.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Mayor Batchelor welcomed Councilmember Fuller back to the Council after medical leave.
- 6.2 Councilmember Fuller thanked everyone who contacted him and was grateful for the community support while he was dealing with a serious medical condition that came on suddenly, noted he has sustained a full recovery but retains residual side effects that will not prevent him from performing his duties, and he will strive to be the best councilmember possible.
- 6.3 Councilmember Bogue noted Councilmember Fuller was missed and was happy he was back.
- 6.4 Councilmember Besneatte welcomed Councilmember Fuller back on behalf of himself and his wife.
- \*\* He reminded everyone that the Farmer's Market started for the season with 150 people in attendance last weekend, and encouraged local vendors and the public to attend.
- 6.5 Vice Mayor Ceremello welcomed Councilmember Fuller.

He reported on attending a Wastewater Dischargers Meeting in Sacramento last week where stricter controls were the mantra and salt and cyanide were concerns.

Addressing the comments made by Shirley Humphrey regarding the Chamber lease, Councilmember Ceremello noted the decision which he considers a gift of public funds was based on inaccurate information and upon criticism, research with the State, and a possible technical error by two councilmembers who should have recused themselves because they are members of the Chamber of Commerce, he noted his intention to call for reconsideration.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Bogue, for the City Council to reconsider approval of the lease with the Chamber of Commerce. Roll call was taken as follows:

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

The motion to reconsider was not approved.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter announced the Dixon Chamber of Commerce is having its annual golf tournament on Friday June 10, 2011 and, on June 11<sup>th</sup> and 12<sup>th</sup> the Relay for Life will be held at the Fairgrounds.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the agenda, as submitted. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Vice Mayor Ceremello noted the \$970.00 total on the resolution in Item 9.7 appears to have no purpose and should be eliminated, since the bids are hourly. Martha Jensen Felsh, Management Analyst II, noted the totals are estimates based on hourly rate, which satisfied the Vice Mayor's question.

Councilmember Ceremello requested that Item 9.6 be heard separately. Councilmember Besneatte requested that Item 9.4 be heard separately.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to approve the Consent Calendar, except Items 9.4 and 9.6. Roll call was taken as follows:

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

- 9.1 Approved the City Council Minutes for the May 10, 2011, Regular meeting.**
- 9.2 Adopted Resolution No. 11-058 approving the Enumeration of Claims.**
- 9.3 Approved Minute Action authorizing the City Clerk to advertise for bids for the North Adams Bike Lane Project #2011-03.**
- 9.4 Resolution declaring found, abandoned and lost bicycles as surplus property and authorizing the property to be redistributed.**

*See Minutes Page 4.*

- 9.5 By minute action, set the July 12, 2011, City Council meeting as the time and place for a public hearing regarding past due Recology Dixon accounts.**
- 9.6 Resolution declaring certain City vehicles and equipment listed to be obsolete and surplus.**

*See Minutes Page 5.*

- 9.7 Adopted Resolution No. 11-061 accepting the bid for On-Call Weed Abatement Services from Keystone Tractor Service of Marysville and authorizing the City Manager to execute an on-call abatement of rubbish and weeds agreement for a one year term with options for three one-year extensions (AG 11-019).**

**9.4 TAKEN OUT OF ORDER**

**Resolution declaring found, abandoned and lost bicycles as surplus property and authorizing the property to be redistributed.**

Councilmember Besneatte clarified that the five bicycles listed are for Sober Grad Night, and the Police Department has more bicycles which are distributed for other charitable causes during the year.

A motion was made by Councilmember Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 11-059 declaring found, abandoned and lost bicycles as surplus property and authorizing the property to be redistributed.

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

## 9.6 **TAKEN OUT OF ORDER**

### **Resolution declaring certain City vehicles and equipment listed to be obsolete and surplus.**

Vice Mayor Ceremello questioned why the vehicle with only 38,000 miles has outlived its life expectancy.

Martha Jensen Felsch, Management Analyst II, noted the vehicle is old but was only driven in the City by an employee who has retired, it is not currently used, the air conditioner does not work, the starter is replaced annually, and it experiences frequent electrical shorts that make it costly to maintain.

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

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 11-060 declaring certain City vehicles and equipment listed to be obsolete and surplus.

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

## 10. **PUBLIC HEARINGS**

## 11. **UNFINISHED BUSINESS**

### **11.1 Resolution approving the request from the Downtown Dixon Business Association (DDBA) to host the Second Annual Grill-In & Chill-In event in Downtown Dixon and establishing specific use conditions for the event.**

Police Captain Tony Welch discussed the support and street closures requested by the Downtown Dixon Business Association (DDBA) for the Second Annual Grill-In & Chill-In event, outlined the conditions recommended by staff, provided options for approval, and reported an estimated staff cost to the City of \$6,244 if the DDBA is not charged again this year.

Vice Mayor Ceremello asked why City police officers are utilized instead of private security, what duties the ten Public Works employees perform, and whether volunteers could be trained to do the work.

Captain Welch reported that private security is used, but police are also required, traffic control is needed in five locations, and Public Works staff possess special training by the California Highway Patrol that is necessary.

Mike Hamilton, Executive Director of the Grill-in and Chill-in event, noted they are not asking for more assistance than last year, the event is bigger this year and should be self-sustaining next year, but they only made \$800 after bills last year.

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

Mayor Batchelor noted it is a nice event that he could support this year but at some point the Council must cut the umbilical cord, and he does not intend to provide the same support next year.

Councilmember Bogue questioned alcohol levels of margaritas in a can versus beer.

Councilmember Besneatte supported providing the same \$5,000 as last year, felt the event has the potential for long-term benefits to the City, and most downtown restaurants and stores generated additional tax revenue for the City.

Mayor Batchelor proposed designating that the City would provide three uniformed officers and ten Public Works employees, and Mr. Hamilton should work out the details with staff.

Mr. Hamilton noted he could provide some volunteers to help move things instead of relying solely on Public Works staff.

Vice Mayor Ceremello supported the proposal, but preferred that the DDBA repay the City if the event is an overwhelming success, and noted the City cannot continue to give away funds.

Mayor Batchelor preferred the DDBA hold onto the funds instead of paying the City back so that they do not need assistance next year.

Mike Dean, City Attorney, noted Condition #12 should be rewritten to read "the City will provide up to three safety officers and 10 Public Works employees as in-kind support for the event. The DDBA will reimburse the City's General Fund for the cost of City staff overtime hours required to support this event to the extent other employees are required".

A motion was made by Mayor Batchelor, seconded by Councilmember Fuller, to adopt Resolution No. 11-062, as amended, approving the request from the Downtown Dixon Business Association (DDBA) to host the Second Annual Grill-

In & Chill-In event in Downtown Dixon and establishing specific use conditions for the event. Roll call was taken as follows:

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

**11.2 Minute Action approving expenditures not to exceed \$1,700 for purchase of equipment necessary to complete the VHS Conversion Project.**

Steve Johnson, Human Resources Director and Acting City Clerk, reported that staff was directed by Council during their goal setting session to explore options for conversion of old VHS meeting tapes to DVD format for more permanent storage. He provided two options and recommended Option One as the most economical at a cost not to exceed \$1,700.

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

Mayor Batchelor and Councilmember Besneatte commented that Option One provides significant cost savings.

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to approve Option One to complete the VHS Conversion Project. Roll call was taken as follows:

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

**11.3 Resolution to authorize the City Manager to execute a contract for a cost allocation study with NBS, Inc. This item was continued by Vice Mayor Ceremello to ask questions of vendors who submitted proposals.**

Jeremy Craig, Finance and Information Technology Director, reported this item was continued from the May 10, 2011, when staff presented a recommendation to execute a contract with NBS, Inc. At the meeting, Vice Mayor Ceremello indicated he had called one vendor to ask questions about her RFP response and felt there may have been confusion about her ability to provide an electronic version as requested in Section 3.1 of the RFP. As a result, vendors were invited back to respond to Council questions prior to a decision. Mr. Craig invited the vendors present to speak.

Nicolie Cass Lettini, Capital Accounting Partners, noted she originally declined to provide an Excel spreadsheet because it utilizes proprietary software created by her company, the database version is preferable to Excel, and she could provide the spreadsheet but Capital Accounting Partners could take no liability for the

resulting product. She responded to questions from Council regarding her prior work with the City of Dixon, confirmed she was aware that declining the spreadsheet could take her out of consideration, and discussed the impracticality of locking formulas on the spreadsheet.

Nicole Kissam, representing NBS, Inc., noted they were happy to meet all of the requirements of the RFP, are committed to knowledge transfer, provide continued support, stand behind their original product, explained the types of functions that can be internalized and that their models are working in four jurisdictions.

Councilmember Bogue asked Ms. Kissam if they assume liability after the product is delivered.

Ms. Kissam responded they cannot stand behind numbers that their company does not generate, but do work with staff to answer questions and provide support and training.

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

Councilmember Fuller, who was not present at the previous meeting, asked the City Attorney whether re-opening this bid will cause problems, and asked Mr. Craig for his recommendation.

Mike Dean, City Attorney, explained this is an informal bid process and it could not be done in a formal process, however, if done repeatedly on bids the City's credibility could suffer.

Mr. Craig recommended NBS, Inc. because their bid was the most cost effective of those who met all of the qualifications and responded to Council questions.

Vice Mayor Ceremello noted the City will be paying \$1,615 more just because of a spreadsheet that neither vendor is willing to warrant.

Mayor Batchelor noted the elements of the RFP were not retractable from the beginning, it is a matter of professionalism, integrity and reputation rather than just saving \$1,600, perception is important, and it is not ethical to change the rules after the fact.

Councilmember Fuller noted he had no concerns about either firm and recommended a vote be cast to decide.

Councilmember Bogue supported honoring the RFP process.

Councilmember Besneatte supported the RFP process and the City Attorney's comments, noted they need to rely on City staff, expressed his high regard for Mr. Craig's abilities, and wanted people to be able to rely on the Council and staff for proper decisions.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 11-063 authorizing the City Manager to execute a contract for a cost allocation study with NBS, Inc. (AG 11-020). Roll call was taken as follows:

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

The City Council recessed for break at 9:07 p.m.

The City Council reconvened at 9:17 p.m.

## 12. NEW BUSINESS

### **12.1 Minute action appointing a subcommittee of two City Council members to review purchasing policy updates with staff to provide input and recommendations.**

Jeremy Craig, Finance and Technology Director, requested two Councilmembers be appointed as a subcommittee to review the purchasing policy updates with staff to provide input and recommendations.

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

Councilmember Bogue and Vice Mayor Ceremello volunteered for the subcommittee.

This item was filed.

### **12.2 City Council interviews of consultants for the Sewer Rate and Fee Structure Study.**

Jeremy Craig, Finance and Technology Director, reported that the City Council approved release of a Request for Proposals (RFP) for a Sewer Rate and Fee Study, directed staff to bring the responses directly to Council for review prior to analysis, and to instruct the respondents to make themselves available for questions at the Council meeting. He noted the respondents are G Aronow Consulting, NBS, Inc., Bartle Wells Associates and PMC, and the only representative not present is PMC due to a medical emergency.

Mayor Batchelor invited each representative to provide a five minute summary.

Georgette Aronow, G Aronow Consulting, noted she has fourteen years of utility rate experience, worked for Ecologic for seven years, began working on her own when Ecologic was sold six months ago, and would perform all of the work herself. She responded to questions from Council regarding her experience.

Councilmember Bogue asked each consultant how many times they have recommended an increase and if there were any times they did not.

Ms. Aronow responded that she has recommended to an agency that a rate be held flat for three years, state requirements usually dictate rate increases, good financial position for the agency is her primary concern, and the more you educate the community about complicated data, the better rate increases will be received.

Mr. Craig noted that Council direction on how to proceed will have a great impact on cost, and hourly rates and qualifications were the initial screening.

Vice Mayor Ceremello asked why they are looking at this now if details will not be known for a year and why the Wastewater Committee was not involved.

Mr. Craig responded that a consultant is needed to help flush out the requirements and assist with long-term planning.

Jeanette Hahn, NBS, Inc., discussed methodologies and noted three advantages of their company are they employ 35 people who focus in California and work only for the public sector, they are Prop 218 experts, and are familiar with the community expectations through work with the Dixon Solano Water Authority (DSWA). She noted they have not recommended increases in the Seattle area and have never recommended a decrease because they are generally short-term, and noted agencies usually do not spend money for consultants if there is not some imbalance to be addressed. She responded to questions from Council.

Doug Dove, Bartle Wells Associates, reported his company has four partners, eight consultants and 50 years of experience in the business, has handled salinity issues for two other cities, worked with Vacaville for 20 years, discussed variable rate structures versus fixed structures, recommended that Dixon work toward a higher fixed rate structure, and responded to Council questions regarding cease and desist orders, revolving loan funds, and recent City associations. He noted they have done rate neutral studies and rate redistributions, but have not recommended reductions because they would have been temporary.

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

Mayor Batchelor asked what information Mr. Craig expected from Council to proceed and whether a subcommittee was needed. He noted he was not impressed with previous work done by PMC.

Nancy Huston, City Manager, noted the preference was for staff to fine-tune the information and bring back recommendations to Council.

Councilmember Bogue preferred to hear from PMC, who may provide things the others don't, and wanted all four responses considered.

Mayor Batchelor recommended Councilmember Bogue provide his questions to Mr. Craig and saw no need to bring PMC to Council.

Vice Mayor Ceremello saw no point to moving forward until the scope is better defined, felt the Wastewater Committee should be involved, and noted that all of the firms are qualified to do the work.

Mr. Craig confirmed that staff would consult with the firms for input on the necessary scope of the project and have them provide an estimate based on that scope, which will be brought back to Council

This item was filed with direction provided to staff.

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

15. **ITEMS FROM THE CITY MANAGER**

Nancy Huston, City Manager, reported that a request for bids was released for the Core Area Drainage project and bids are due at 3:00 p.m. on June 16, 2011.

16. **CLOSED SESSION**

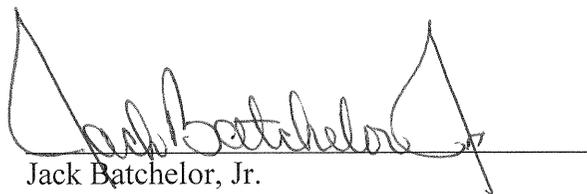
**RECONVENE TO OPEN SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council adjourned at the hour of 10:25 p.m.



Suellen Johnston  
Acting Deputy City Clerk



Jack Batchelor, Jr.  
Mayor