MINUTES
REGULAR MEETING OF THE DIXON CITY COUNCIL

JULY 12, 2011

Closed Session at 6:00 p.m.

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 July 12, 2011, by Mayor Jack Batchelor, Jr.

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

Absent: *Councilmember Dane Besneatte

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, Steve Johnson, Michael Dean, Stephen Muzio and Eddie Kreisberg
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

There were no public comments.

The City Council recessed into Closed Session at 6:00 p.m.

*Councilmember Besneatte arrived at 6:06 p.m.

Closed Session adjourned at 6:40 p.m.

1. **CALL TO ORDER**

Mayor Batchelor convened the Regular Meeting at 7:00 p.m. and announced the City Council had met in Closed Session for a conference with labor negotiators and the Closed Session was adjourned with no reportable action.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Recommendation of Christina Gastelum as recipient of the City of Dixon's Bi-Annual Employee Award.

Police Chief Jon Cox, discussed Christina Gastelum's innovative, go-getter attitude toward her code compliance duties, numerous improvements suggested and implemented by Ms. Gastelum, and noted her work increases the beauty of Dixon.

Mayor Batchelor presented Ms. Gastelum with her award and noted how well she handles a job that is sometimes not the most pleasant or popular.

Ms. Gastelum thanked her supervisors, family, and friends, discussed her transition from the Parks and Recreation Department to Code Compliance last year, and noted it was a pleasant learning experience where everyone was welcoming.

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

None.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Bogue requested discussion of the pay rate for the City Manager be placed on the July 26, 2011 Regular City Council Meeting Agenda to determine the pay range before the recruitment process begins.

Councilmember Besneatte and Vice Mayor Ceremello supported the recommendation.

Mayor Batchelor noted that salaries are typically discussed in Closed Session and the job announcement can state that "salary will be based on qualifications" so as not to delay the process and allow future determination

Stephen Muzio, Associate City Attorney, confirmed that an official motion was not required to place discussion on the agenda.

Councilmember Bogue also requested that discussion be agendized for the July 26, 2011, meeting to establish a workshop relating to a Sunshine Ordinance.

Jon Cox, Acting City Manager, reported that the Sunshine Ordinance discussion has been agendized for the August 23, 2011 Council Meeting. Councilmember Bogue noted that date was acceptable.

6.2 Councilmember Ceremello referenced the Brown Act, noted salary discussions should not be held in Closed Session, and asked Mr. Muzio for legal clarification.

Mr. Muzio responded that he was not aware of such a rule.

6.3 Councilmember Besneatte reported he recently met a gentleman who offered a demonstration to Council on a paint additive that prevents graffiti from sticking, and recommended the City consider the product.

Mayor Batchelor asked the City Engineer to contact Councilmember Besneatte for contact information on the anti-graffiti product.

Councilmember Besneatte thanked the community for their cooperative and responsible participation in 4th of July Fireworks, and reminded everyone that the Grillin' and Chillin' event will be held July 23rd.

6.4 Mayor Batchelor acknowledged the passing of former Planning Commissioner, Dianne Hefner, with a moment of silence.

7. **ITEMS FROM THE CITY TREASURER** None.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Councilmember Fuller, seconded by Councilmember Besneatte, 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**

Councilmember Bogue requested that Item 9.2 be heard separately. Councilmember Ceremello requested that Items 9.3 and 9.4 be heard separately.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to approve the Consent Calendar, except Items 9.2, 9.3 and 9.4. 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 June 28, 2011 Regular Meeting.

9.2 Adopt Resolution approving the Enumeration of Claims.

See Minutes Page 5.

9.3 Adopt Resolution amending the City of Dixon's Personnel Rules by adding Sections 4.9.2.16 and 4.9.2.17 relating to inappropriate employee conduct.

See Minutes Page 5.

9.4 By minute action, approve the Notice to Bidders and authorize the City Clerk to advertise for bids for publication of legal notices.

See Minutes Page 6.

9.5 Adopted Resolution No. 11-096 accepting the $23,380. bid by Centerline Striping Company, Inc. of Elk Grove, California, as the lowest responsive bidder for the North Adams Street Bike Lane Project 2011-03; authorizing the City Manager to execute a construction agreement with Centerline Striping Company, Inc. (AG 11-029); and establishing a total project construction budget of $37,809.06.

9.6 Matters relating to the North Dixon Annexation to correct typographical errors:

1. **Adopted revised Resolution No. 11-101 adopting a Negative Declaration;**
2. **Adopted revised Resolution No. 11-100 requesting the Solano County Local Agency Formation Commission (LAFCO) approval of annexing the project area to the City of Dixon and detachment from Solano County and the Dixon Fire protection District.**

9.2 TAKEN OUT OF ORDER

Resolution approving the Enumeration of Claims.

Councilmember Bogue reported his questions had been sufficiently answered by staff prior to the meeting, but asked about procedures for objecting to a payment in the Enumeration of Claims since it is reviewed after checks have been issued.

Mayor Batchelor noted if payments are made in accordance with the budget, Council should have faith in staff.

Councilmember Fuller noted concerns should be brought up for the future.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-095 approving the Enumeration of Claims. Roll call was taken as follows:

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

9.3 TAKEN OUT OF ORDER

Resolution amending the City of Dixon's Personnel Rules by adding Sections 4.9.2.16 and 4.9.2.17 relating to inappropriate employee conduct.

Vice Mayor Ceremello noted inclusion of the language was unnecessary since there are laws and unions in place to deal with inappropriate conduct, it didn't need to be so specific, and it is just more to be misinterpreted.

Steve Johnson, Human Resources Director, explained public due process rights are different from the public sector, the City Attorney noted the Personnel Rules were inadequate and needed to include a list of misconduct as specific examples to properly discipline, and common sense also applies.

Mayor Batchelor noted the rules are intended to avoid a hostile work environment, there are formal and informal discipline processes, employees and supervisors need to be held responsible for their actions, and this brings the City into compliance.

Councilmember Besneatte noted the language and grammar could be improved, and "among others" is particularly unclear.

Councilmember Bogue requested this item be continued to allow staff to rework the language and provide a copy of the entire section to Council when resubmitting.

Mayor Batchelor asked for public comments.

Dave Scholl recommended the use of semi-colons to make the wording clearer.

Staff was directed to clarify the language and include the complete section when returning to Council for approval.

9.4 TAKEN OUT OF ORDER

By minute action, approve the Notice to Bidders and authorize the City Clerk to advertise for bids for publication of legal notices.

Vice Mayor Ceremello supported the Notice to Bidders, but recommended that the City not split the advertising between two papers as was done last year, and select only one provider based on the winning bid.

Mayor Batchelor asked for public comments.

Dave Scholl, Independent Voice, noted no other entity requires the same level of insurance and it is discriminatory to smaller business. He noted that Page 5 is not clear on whether all pages should be clearly numbered or just those that contain legal notices, and stated that adjudication is permanent unless revoked by the Courts. Regarding newspapers being delivered on the same date, he noted his newspaper is replenished after initially distributed.

Mayor Batchelor noted the process is the same as last year, there will likely be two bids, and, depending on bids, may again be split between two newspapers.

Vice Mayor Ceremello preferred to revise the Notice to Bidders to select only one provider.

A motion was made by Councilmember Ceremello to amend criteria for the Notice to Bidders to state that a single provider be selected after review of the bids. The motion died for lack of a second.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to approve the notice to Bidders as submitted and authorize the City Clerk to advertise for bids for publication of legal notices. Roll call was taken as follows:

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

10. PUBLIC HEARINGS

10.1 Conduct public hearing and adopt Resolution confirming the assessment for delinquent refuse collection accounts and directing liens be placed against certain properties.

Martha Jensen Felsch, Management Analyst II, reported a public hearing is being conducted in accordance with franchise agreement terms and introduced Scott Pardini, General Manager of Recology Dixon.

Mr. Pardini reported on the 41 non-owner-occupied, 137 owner-occupied accounts, and 5.6% increase in delinquent accounts and 9.3% increase in total dollars from last year, and discussed the noticing process and research conducted prior to issuing liens.

Councilmember Fuller confirmed with Mr. Pardini that if liens were not approved rate increases may be necessary.

Councilmember Besneatte asked if liens could result in property foreclosure and about staff time that is devoted to the process.

Mr. Pardini noted the Recology lien is added to the County property tax costs.

Mayor Batchelor opened the public hearing.

Dave Scholl noted that if the 77 properties are not occupied and bank-owned, they should not be charged for services, should not include charges for recycling, and he was philosophically opposed to the City putting liens on property on behalf of a private business, and felt there should be more than one provider available.

Mayor Batchelor noted that refuse collection is required by law.

Mayor Batchelor closed the public hearing.

Councilmember Besneatte approved of the lien process if the stand alone lien does not cause the loss of someone's property, discussed recycling, and felt the City has an obligation to assist with the contract.

Vice Mayor Ceremello noted a Mechanic's lien would be more acceptable, felt unoccupied homes should not be charged and could not support approval based on both. He asked Mr. Pardini the number of homes that are vacant and not charged.

Mr. Pardini responded that a report could be generated and homes are checked on a regular basis.

Stephen Muzio, Associate City Attorney, noted that foreclosures would include five years of non-payment of property taxes.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-097 confirming the assessment for delinquent refuse collection accounts and directing liens be placed against certain properties. Roll call was taken as follows:

AYES: Besneatte, Bogue, Fuller, Batchelor

NOES: Ceremello
ABSTAIN: None
ABSENT: None

10.2 Conduct public hearing regarding placing liens on property owners responsible for delinquent City of Dixon sewer service accounts and adopt Resolution authorizing the City of Dixon to confirm the assessment for delinquent sewer system accounts and to direct liens to be placed against the identified properties.

Jeremy Craig, Finance and Technology Director, noted this process is the same as discussed in Item 10.1 for delinquent sewer services provided by the City, the list of 104 accounts was updated that day to reflect most recent collections, and staff will continue to contact owners prior to sending the list to the County.

Mayor Batchelor opened the public hearing.

Daniel Green noted that his property is on the list, he did not close escrow until after the March 31st deadline, has not missed a payment, and contacted the escrow company to resolve, City staff assured him that the bill was his responsibility, and he requested his property not be included for lien.

Mr. Craig speculated that proper notice of ownership transfer may not have been received from the realtor, staff can work with the new owner, and the property will be removed from the lien list.

Mayor Batchelor closed the public hearing.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 11-102 authorizing the City of Dixon to confirm the assessment for delinquent sewer system accounts and to direct liens to be placed against the identified properties, omitting 680 Amesberry Drive from the list. Roll call was taken as follows:

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

11. UNFINISHED BUSINESS

11.1 Verbal update and Council discussion of citation issues, including Priddy Drive, and related code enforcement issues.

Police Sergeant Ron Willingmyre provided history of the report, inspections and warning notices issued on Priddy Drive, reported 34 code violations were issued between April and June 2011, the owner who complained was very cooperative and the issues have been resolved. Sergeant Wilingmyre discussed the improved

notice of violation that was developed, reported 221 nuisance citations were issued since April throughout the City of which 220 have been resolved, 57 were public complaints, and the rest were initiated by the Code Compliance Officer or Public Works.

Vice Mayor Ceremello noted he was happy that Code Enforcement is predominantly self-initiating rather than complaint driven.

This item was filed.

11.2 Matters relating to Energy Subcommittee:

1. **Receive status report regarding various energy conservation and renewable energy programs and proposed implementation plan for FY 2011-12.**
2. **Provide direction to staff regarding pursuing funding through First Northern Bank for the leasing of solar systems to serve various City Facilities.**
3. **Provide direction to staff to proceed with an investment grade audit of proposed solar systems at City facilities to finalize cost estimates and estimated energy savings prior to final design.**

Janet Koster, Senior Management Analyst, noted a report was received from the Energy Subcommittee consisting of Mayor Batchelor and Councilmember Fuller on October 26, 2010 that resulted in a Council minute action directing staff to proceed with a no-cost preliminary renewable energy utility audit of City facilities as well as exploring wind turbine power at the Wastewater Plant.

Ms Koster discussed a 0% interest financing program through First Northern Bank, conversion of streetlights to LED lighting, and feasibility for solar power installations on roofs or carports at four city facilities, the 25 year net benefit of $1,337,184, the 30% Federal funding program that expires at the end of the year, and the next steps necessary to move forward.

Roberto Cortez, Monarch Engineering, confirmed that carports would be most economical and responded to Council questions

Dick Fleece, Belvedere Equipment Finance, discussed the completion and delivery schedule necessary to comply with grant criteria.

Mayor Batchelor asked for public comments.

Dave Scholl supported installation of solar energy, suggested the parking area across from the Police station for carport installation, and noted savings should be even greater.

Ms. Koster responded to Council questions regarding the benefits options at each facility, Net Present Value, roof repairs, and the ability to meet the timeframes required for the grant.

Mr. Cortez confirmed that end of year deadlines could be met and does even provide some cushion.

Staff was directed to proceed with an audit of proposed solar systems for four City facilities and include LED lighting, if possible.

11.3 Verbal update on Fireworks Program.

Aaron McAlister provided an update on the success and challenges of the Fireworks Program during the Fourth of July holiday, reported about 100 community contacts logged, 64 911 calls with valid complaints, illegal products seized in twenty different locations, very positive interactions with the community, the successful lottery process, and recommended that policies regarding shade structures and signage be reviewed.

Mayor Batchelor asked for public comments.

Dave Scholl thanked City staff for adopting a positive attitude that rubbed off on the community, estimated that local groups will retain $70,000 in proceeds, and the program provided an opportunity for neighbors to bond.

Gregg Coppes noted there were many volunteers, many positive comments received, felt eight booths were appropriate but better locations should be considered for some, and credited Police and Fire for the lack of problems.

This item was filed.

The City Council recessed for break at 9:28 p.m.

The City Council reconvened at 9:35 p.m.

12. NEW BUSINESS

12.1 Adopt Resolution approving the Memorandum of Understanding (MOU) with the Dixon Police Officers Association (DPOA), for the period of July 1, 2011 through June 30, 2013.

Steve Johnson, Human Resources Director, noted the Memorandum of Understanding up for approval was a combined effort discussed over the last five months that required significant compromise on both sides, provided details of the agreement, and noted implementation could begin immediately if approved. He noted the two-year savings stated in the staff report were revised to $302,080.

Mayor Batchelor asked for public comments.

Councilmember Besneatte expressed his appreciation for dedication exhibited by both sides to reach a difficult, but fair, conclusion and thanked Police for their commitment to a solution.

Councilmember Bogue expressed his appreciation to the negotiating team and thanked Police for recognizing the City's difficult budget situation.

Councilmember Fuller was appreciative and noted the acknowledgement of difficult times will go a long way to help the budget.

Mayor Batchelor acknowledged difficult negotiations and appreciated the efforts of both sides in reaching agreement. He disclosed a meeting he was requested to attend at the Police Station where he listened to comments but did not respond and made no promises to those present.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Ceremello, to adopt Resolution No. 11-098, approving the Memorandum of Understanding (MOU) with the Dixon Police Officers Association (DPOA), for the period of July 1, 2011 through June 30, 2013 (AG 11-030). Roll call was taken as follows:

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

12.2 Adopt Resolution:

1. **Preliminarily approving the Engineer's Report for the Dixon Landscaping and Lighting (L &L) Maintenance District for Fiscal Year 2011-12.**
2. **Declaring intention to levy and collect assessments.**
3. **Providing for notice and setting July 26, 2011 as the date for the public hearing.**

Mayor Batchelor announced that approval will be a two step process since he and Vice Mayor Ceremello will need to recuse themselves from approval of Zone C only, will leave the room for discussion related to Zone C, and will return for approval of all other zones.

Mayor Batchelor and Vice Mayor Ceremello left the meeting and Councilmember Fuller assumed the position of meeting chair.

Martha Jensen Felsch explained the abstentions that apply to this approval and that the resolution was broken into two separate actions to allow councilmembers living within Zone C to abstain.

Jim McGuire, Wildan Financial Services, responded to questions from Council and discussed the equivalent benefit unit for residential, methodology used, and options to equalize the cost for improvements.

Stephen Muzio, Associate City Attorney, noted that the vote must be unanimous among the three Councilmembers for Zone C in order to pass.

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to adopt Resolution No. 11-099 preliminarily approving the Engineer's Report for the Dixon Landscaping and Lighting (L &L) Maintenance District for Fiscal Year 2011-12, declaring intention to levy and collect assessments, and providing for notice and setting July 26, 2011 as the date for the public hearing with respect to Zone C only. Roll call was taken as follows:

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

Mayor Batchelor and Vice Mayor Ceremello returned to the meeting and Mayor Batchelor resumed Chair of the meeting.

Vice Mayor Ceremello noted concern about deviations in the assessments but was prepared to approve.

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

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to adopt Resolution No. 11-099 preliminarily approving the Engineer's Report for the Dixon Landscaping and Lighting (L &L) Maintenance District for Fiscal Year 2011-12, declaring intention to levy and collect assessments, and providing for notice and setting July 26, 2011 as the date for the public hearing with respect to Zones A, B, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R. Roll call was taken as follows:

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

13. OTHER AGENCY BUSINESS

14. ITEMS FROM THE CITY ATTORNEY

Stephen Muzio, Associate City Attorney, provided an update on elimination of Redevelopment, reported that uncertainty in the situation warrants delay of presentation of the Pardi Market Site responses, and distributed a memo of explanation.

Jeremy Craig, Finance and Technology Director, noted that a decision was relayed by the California Redevelopment Association that any contracts not executed by June 30, 2011 will be considered to not exist and will not be honored.

Mayor Batchelor noted the Core Area Drainage Project contract was approved at the last meeting.

15. **ITEMS FROM THE CITY MANAGER**

Jon Cox, Acting City Manager, noted that discussion of the Sunshine Ordinance workshop is scheduled for the August 23, 2011 agenda.

He relayed the status of Bill SB89. COPS funding and booking fee remediation will continue, however non-expiring VLF Funds will be taken, therefore there will be an approximate $68,000 loss for the City.

Chief Cox congratulated Jeremy Craig on his new position with the City of Vacaville although he will be missed by the City of Dixon.

Mayor Batchelor also expressed his appreciation to Jeremy Craig and noted he will be difficult to replace.

16. **CLOSED SESSION**

RECONVENE TO OPEN SESSION

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council adjourned at the hour of 10:12 p.m.

Suellen Johnston
Acting Deputy City Clerk

Jack Batchelor, Jr.
Mayor