MINUTES
REGULAR MEETING OF THE DIXON CITY COUNCIL

JULY 26, 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 26, 2011, by Mayor Jack Batchelor, Jr.

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

Absent: *Councilmember Dane Besneatte
**Vice Mayor Michael Ceremello

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

0. **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code Section 54957.6)

City Negotiators:	Jon Cox, 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 6:10 p.m.

**Vice Mayor Ceremello arrived at 6:07 p.m.

Closed Session adjourned at 6:39 p.m.

1. **CALL TO ORDER**

Mayor Batchelor convened the Regular Meeting at 7:00 p.m. and announced the City Council 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: Councilmembers Dane Besneatte, Thom Bogue, Rick Fuller, Vice Mayor Michael Ceremello, Mayor Jack Batchelor, Jr.

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Proclamation proclaiming August 2, 2011 as "National Night Out 2011" in the City of Dixon.

Mayor Batchelor presented the Proclamation to Police Chief, Jon Cox.

Chief Cox reported the Dixon Fire and Police Departments will be circulating through the City and invited the Council to meet at the Police Station at 6:30 p.m. to join the tour. He noted the public may contact Sergeant Perry at 678-7070 to sign-up for their block party.

4.2 Proclamation honoring Jeremy Craig, Dixon Finance and Technology Director.

Mayor Batchelor read the Proclamation and presented it to Jeremy Craig, thanked him for his dedicated work for the City of Dixon, and wished him well in his new position with the City of Vacaville.

Mr. Craig noted it was a pleasure working with all of the excellent Finance staff and appreciated his time with the City of Dixon.

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

5.1 Mike Hamilton, Director of Grillin' and Chillin', reported success of the event was over-the-top this year and thanked the City Council, Police Chief, Fire Chief, and City staff for their participation and sponsorship.

5.2 Byron Chapman discussed the ADA Transition Plan and the chain of command described in the document between the City Manager, ADA Coordinator, and staff. He noted the new City Manager should have experience with ADA,Title 2,

and Title 3 and consideration for that should be included in setting the new City Manager's salary.

5.3 Ron Wilson, representing Citizens Acting for the Rights of the Disabled (C.A.R.D.), reported a meeting at the Police Department where the route to the parking lot from the Police Station entrance and handrails were discussed and asked for clarification on measurement determinations.

6. ITEMS FROM THE CITY COUNCIL

6.1 Vice Mayor Ceremello asked that the Social Host Ordinance be agendized for action for revocation, not discussion, and the Recology Contract rates be agendized for action.

He congratulated the organizers of the Grillin' and Chillin' event, which was a great success, provided plenty to do for everyone, with a good Police presence that prevented large problems.

6.2 Councilmember Bogue asked that review of the next Finance Director's salary be placed on the agenda.

He congratulated Grillin' and Chillin' on their success and apologized that he was unable to participate in the dunk tank as originally planned.

6.3 Councilmember Besneatte discussed his participation in the dunk tank and beer booth at Grillin' and Chillin' and thanked the Downtown Dixon Business Association for their participation.

He took personal offense to false statements in an editorial and article in the Independent Voice regarding Recology liens which misrepresented what the law states and made untrue statements that the City was going to use City staff and resources for placing private company liens and would cause people to lose their homes.

6.4 Mayor Batchelor complimented the Grillin' and Chillin' staff on clean-up of the event, discussed his participation in the dunk tank, and suggested next year it be moved to a sunnier location and have a step stool inside.

He congratulated Larry Simmons on being named Patron of the Year by the Downtown Dixon Business Association.

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**

Vice Mayor Ceremello requested that Items 9.3, 9.5, 9.7, 9.8 and 9.11 be discussed separately.

Councilmember Besneatte requested a correction to the Minutes of June 30, 2011. His statement regarding fire retardant tent structures on Page 3 should be corrected by adding "only if necessary" to the end of the sentence.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the Consent Calendar, except for Items 9.3, 9.5, 9.7, 9.8 and 9.11. Roll call was taken as follows:

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

9.1 Matters relating to City Council Minutes:

1. **Approved the City Council Minutes for the June 30, 2011 Special Meeting, as amended.**
2. **Approved the City Council Minutes for the July 12, 2011 Regular Meeting.**

9.2 Adopted Resolution No. 11-104 approving the Enumeration of Claims.

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 on Page 5.

9.4 Adopted Resolution No. 11-105 accepting the bid from Custom Pump & Power, Inc. of Sacramento in the amount of $11,021.93 for an irrigation booster pump to be installed in Veterans Park (AG 11-032).

9.5 Minute Action authorizing staff to issue a Request for Proposals for a Financial Advisor.

See Minutes on Page 6.

9.6 Adopted Resolution No. 11-107 accepting the bid for street light maintenance and authorizing execution of a three-year service contract with Country Bear Electric, Inc. of Dixon (AG 11-033).

9.7 Adopt Resolution authorizing the City Manager to execute Consultant Services Agreement Amendment #1 with Brown & Caldwell Consultants to perform third party review of Wastewater Treatment Plant Facilities Planning documents.

See Minutes on Page 7.

9.8 Introduce an Ordinance adding Title 3 (Personnel) to the Dixon Municipal Code; introduce an ordinance adding Chapter 2.10 (Civil Emergencies) to the Dixon Municipal Code; introduce an ordinance adding Chapter 12.11 (Bicycles) to the Dixon Municipal Code; and introduce three ordinances repealing Chapters 3, 6 and 7 of Article I of the Dixon City Code.

See Minutes on Page 7.

9.9 Minute Action approving the appointment of Ronald Mulligan to the Planning Commission to fill the unexpired term of former Commissioner Rebecca Whitesel through June 30, 2014.

9.10 Adopted Resolution No. 11-09 amending the Fiscal Year (FY) 2011-2012 General Fund Budget for funds received from FM Global and authorizing staff to utilize the funds for Fire Investigation Equipment.

9.11 Adopt Resolution authorizing the City Manager to execute a Consultant Services Agreement with Monarch Engineering to design solar facilities at various City buildings and approving a budget amendment to Fund 830 to fund said design work.

See Minutes on Page 8.

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 the amendments are still excessively wordy and language was not changed as requested. He noted Sections 4.9.2.14, .16 and .17 are redundant.

Councilmember Bogue noted in Section 4.9.2.16 the word "or" should be removed prior to "conviction of a crime", regarding Section 4.9.2.11 Smoking on Duty, the word "or" should be removed, Section 4.9.2.14 should just read "discourtesy to fellow employees" and the word "supervisor" should be removed.

Mike Dean, City Attorney, agreed the new language is wordy and could be rewritten more concisely, but noted the wording in Sections 4.9.2.11 and .14 is there for clarity and should probably stay as written. He made suggestions for improved wording as follows:

Section 4.9.2.16 could be changed to "Engaging in conduct during working hours which tends to reflect unfavorably on the City or its employees is prohibited."

Section 4.9.2.17 could be changed to "Engaging in conduct during work hours which adversely impacts an employee's ability to perform the employee's required duties or results in an employee not having required licensure or certification."

Mayor Batchelor asked for public comments.

Larry Simmons noted commission of a crime is very broad and the word "felony" is more appropriate.

Vice Mayor Ceremello supported approval with the changes discussed by Mr. Dean.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Bogue, to adopt Resolution No. 11-105, as amended. Roll call was taken as follows:

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

9.5 TAKEN OUT OF ORDER

Minute Action authorizing staff to issue a Request for Proposals for a Financial Advisor.

Vice Mayor Ceremello asked whether the City has had a financial advisor do this in the past and whether the additional cost is warranted.

Councilmember Besneatte asked what the actual cost would be and whether the City Treasurer could perform the analysis.

Jeremy Craig, Finance and Technology Director, reported the advisor would review all of the City's bond debt which has not been done before, the City Treasurer is not qualified to perform this type of analysis, and the cost is estimated at about $15,000 per year based on another city, but the RFP responses will provide a better idea of cost for Dixon.

Michael Dean, City Attorney, added that it is better to have an independent rather than in-house review.

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

A motion was made by Mayor Batchelor, seconded by Vice Mayor Ceremello, to approve a Minute Action authorizing staff to issue a Request for Proposals for a Financial Advisor. Roll call was taken as follows:

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

9.7 TAKEN OUT OF ORDER

Resolution authorizing the City Manager to execute Consultant Services Agreement Amendment #1 with Brown & Caldwell Consultants to perform third party review of Wastewater Treatment Plant Facilities Planning documents.

Vice Mayor Ceremello asked for the status of data from the test wells and whether the City has been successful in reducing undesirable levels in wastewater.

Chris Gioia, Associate Civil Engineer, noted a report was received that day which shows a noticeable decrease in chloride and sodium since the Water Softener Program was put in place and the results will be presented at the Wastewater Committee Meeting next month.

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. 11-108 authorizing the City Manager to execute Consultant Services Agreement Amendment #1 with Brown & Caldwell.. Roll call was taken as follows:

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

9.8 TAKEN OUT OF ORDER

Introduce an Ordinance adding Title 3 (Personnel) to the Dixon Municipal Code; introduce an ordinance adding Chapter 2.10 (Civil Emergencies) to the Dixon Municipal Code; introduce an ordinance adding Chapter 12.11 (Bicycles) to the Dixon Municipal Code; and introduce three ordinances repealing Chapters 3, 6 and 7 of Article I of the Dixon City Code.

Vice Mayor Ceremello recommended at least one Council member be included on the Civil Emergency Council, questioned the designation for order of succession in 2.10.060 B, and asked whether penalties/misdemeanors for bicycles now in place are according to statute.

Michael Dean, City Attorney, clarified that the City Attorney's office is moving items from the old City Code into the new Municipal Code so the entire code can be placed on the City's website, they started with these easier ones with almost no changes and will progress to the more difficult ordinances, but the intention is not a thorough scrub and they are trying not to overdo changes. He discussed demeanors related to bicycles, the fact that much of the bicycle code is regulated by the vehicle code, and noted under an emergency declaration the City Council is divested of its authority which is transferred to the designated emergency team.

Vice Mayor Ceremello noted now is the time to make changes during the transfer and if the Council sees flaws, they should be addressed.

Councilmember Bogue preferred to bring back the ordinances relating to civil emergencies and bicycles, particularly 12.11.020 Item J, K, L because he finds it very punitive and far-reaching.

Mayor Batchelor asked for public comments.

Byron Chapman felt that Police and Fire are better-trained in emergency services than the Mayor or Council.

Councilmember Fuller noted that cherry-picking items related to the vehicle code hinders leverage in enforcement, results in loss of control, and recalled multiple concerns expressed by citizens regarding vehicles on downtown sidewalks that the code is intended to address.

A motion was made by Councilmember Bogue, seconded by Vice Mayor Ceremello, to continue this item to a date uncertain for further discussion. Roll call was taken as follows:

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

9.11 TAKEN OUT OF ORDER

Resolution authorizing the City Manager to execute a Consultant Services Agreement with Monarch Engineering to design solar facilities at various City buildings and approving a budget amendment to Fund 830 to fund said design work.

Vice Mayor Ceremello noted the project appears to be increasingly expensive with a lot more line items included and asked for clarification on expenditures.

Councilmember Bogue asked about the financial ramifications of investing in the contract if the grant is refused.

Councilmember Besneatte asked about the status of the audit.

Janet Koster, Senior Management Analyst, noted an investment grade audit would be more refined, they plan to return in August to present the findings to decide whether to proceed, approximately half has been spent, and the grant would not be refused if the December deadline is met.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-110 authorizing the City Manager to execute a consultant Services Agreement with Monarch Engineering (AG 11-034) and approving a budget amendment to Fund 830. Roll call was taken as follows:

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

10. PUBLIC HEARINGS

10.1 Resolution authorizing the City Manager to execute and submit a 2011 Rental Project Grant Application to the State Department of Housing and Community Development under the State's HOME Investment Partnership Program for financing of the Valley Glen Apartments project.

Dave Dowswell, Community Development Director, explained sponsorship of the HOME grant and provided a history of the condominium approval and changes made after the original approval.

Councilmembers Fuller, Besneatte, and Bogue disclosed meetings and discussion with the developer. Mayor Batchelor disclosed a phone conversation with the developer.

Bill Spahn, representing Pacific West Communities, provided a PowerPoint showing them as developers of affordable rental housing, discussed the need for low income housing, and that they retain a resident manager, on-site services for the residents, and zero tolerance for criminal activity. He responded to Council questions regarding payback of the HOME grant, timeframe for installation of additional access roads, and impact fees needed to construct the overpass to relieve traffic.

Mr. Dowswell reported there are positives and negatives to not connecting West Cherry Street, and plans for alternate egress and ingress may not materialize for five years.

Mayor Batchelor opened the public hearing.

Byron Chapman asked whether the on-site manager will be retained permanently and who is responsible for enforcement.

Mr. Spahn reported that a manager is a requirement of the Tax Credit Allocation Committee which is in place for 55 years.

Ginger Emerson read a letter of opposition into the record, noted the older neighborhood residents have already absorbed more than their share of low-income housing, discussed the troublesome Bristol Apartments indicated in Police reports, and declared "enough is enough".

Susan Werrin read Ginger Emerson's letter representing the Old Town Neighbors Association presented to the Planning Commission, and noted this is an entirely different concept that requires new public noticing and hearings.

Councilmember Besneatte asked about the Old Town Neighbors Association since he lives in that area and has not been contacted and whether it is an officially formed association.

Ms. Werrin responded the Association was informally formed, serves as a support group, and noted it was a grave omission if he was not contacted.

Clifton Taylor, Richland Communities, noted Ms. Emerson's comment regarding connection to Pulte may have been misrepresented, Pulte's interests were sold to them in December 2009, Pulte has no right to speak on behalf of the project, and noted residents are appreciative of the government restrictions on maintenance.

Larry Simmons noted it is unfortunate when a Councilmember attacks the messenger.

Mr. Spahn noted that the 270 market-rate units need to be built to contribute to the overpass, but that cannot happen until the multi-family units are built.

Byron Chapman agreed that the Association has been severely impacted by school traffic and there are enough people associated with the group regardless of an official structure.

Ginger Emerson reported that flyers were left on Councilmember Besneatte's doorstep, they are more interested in everyone's involvement than having official officers, and her reference was to a resident living in the Pulte Development rather than the Pulte company.

Mayor Batchelor closed the public hearing.

Vice Mayor Ceremello noted little can be done about the high school traffic until the overpass is built, 59 units should not have a big impact on traffic, Ms. Emerson is incorrect that the Council has not approved apartments in other areas, and has prevented duplexes in the older area. He found no reason to deny the grant and that the project should move forward.

Councilmember Fuller noted that something is going to be built in that area, the project is worthwhile for many reasons, and he supported approval.

Councilmember Bogue supported approval of the grant and suggested stoplights and stop signs at Highway 113 and Cherry Street to make access through those areas less attractive.

Councilmember Besneatte noted the Council has an obligation to provide affordable housing, the project is not really focused in the old town area, 59 units should not seriously impact traffic, and he supported approval of the grant.

Mayor Batchelor noted this project is less about money and more about providing safe and affordable housing, it will be well-maintained, and gives others an opportunity to participate in the community.

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to adopt Resolution No. 11-111 authorizing the City Manager to execute and submit a 2011 Rental Project Grant Application for financing of the Valley Glen Apartments project. Roll call was taken as follows:

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

The Council recessed for break at 10:03 p.m.

The Council reconvened at 10:13 p.m.

10.2 Matters relating to the Landscaping and Lighting (L&L)

1. **Conduct a public hearing to receive comments on the proposed assessments for the FY 2011-12 Dixon Landscaping and Lighting (L & L) Maintenance District; and**
2. **Adopt Resolution approving the Engineer's Report for the Dixon Landscaping and Lighting (L&L) Maintenance District for FY 2011-12 including the assessments and diagrams and ordering the levy of assessments.**

Vice Mayor Ceremello noted at the last meeting Stephen Muzio, Associate City Attorney advised them that those needing to abstain could not participate in the

discussion prior to leaving the meeting for the vote and Vice Mayor Ceremello felt they should be able to go forward with discussion and then leave the room for this meeting since they are considering a city-wide zone. He suggested approving this year's assessments and re-agendizing discussion of zoning changes.

Michael Dean, CityAttorney, reported the Fair Political Practices Commission addresses this issue, explained the Public Generally Exception and the small jurisdiction test, and noted the participants cannot participate in or influence a decision which will have economic interest for them. He noted this is an acceptance of a particular Engineer's Report and reworking the Assessment District would be an entirely different discussion.

Mayor Batchelor noted the Council needs to move forward with this item, discussion for a City-wide L&L is impractical in August or September, the Prop 218 process is difficult to get approved and needs to be done before year's end.

Mayor Batchelor and Vice Mayor Ceremello abstained from approval of Zone C only and left the room. Councilmember Fuller assumed chair of the meeting.

Martha Jensen, Management Analyst II, explained the preliminary approval and split vote process.

Chair Fuller opened the public hearing for Zone C. There were no public comments.

A motion was made by Councilmember Bogue, seconded by Councilmember Besneatte, to adopt Resolution No. 11-112, approving the Engineer's Report for the Dixon Landscaping and Lighting (L&L) Maintenance District for FY 2011-12 including the assessments and diagrams and ordering the levy of assessments for 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. Mayor Batchelor resumed chair of the meeting.

Mayor Batchelor opened the public hearing for all Zones except Zone C.

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

A motion was made by Councilmember Bogue, seconded by Councilmember Besneatte, to adopt Resolution No. 11-112, approving the Engineer's Report for the Dixon Landscaping and Lighting (L&L) Maintenance District for FY 2011-12 including the assessments and diagrams and ordering the levy of assessments for all zones except Zone C. Roll call was taken as follows:

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

10.3 Matters relating to Weed Abatement:

1. **Conduct a public hearing to receive and consider the report of the costs of the weed abatement on certain vacant properties and to hear any objections to the accounting made by the property owners; and**
2. **Adopt Resolution confirming the report of the costs per Government Code Sections 39576, 39577 and 39578 for the abatement of weeds on certain vacant properties.**

Christina Gastelum, Code Compliance Technician, displayed photos of the properties, reviewed the timeline followed during the noticing process, and requested public comment and approval for recovery of costs of weed abatement.

Mayor Batchelor opened the public hearing.

Byron Chapman asked if any weeds have regrown following abatement and noted that property owners should be responsible for removing re-growth.

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

Vice Mayor Ceremello noted some grass in Northwest Park was missed in mowing and is over eighteen inches high, he received some public complaints, and the City should also comply.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-113, confirming the report of costs per Government Code Sections 39576, 39577 and 39578 for the abatement of weeds on certain vacant properties. Roll call was taken as follows:

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

Mayor Batchelor asked the Council to consider hearing New Business items prior to discussion of Item 11.1 since representatives from the Solano Transportation Authority were waiting in the audience for discussion of those items.

Councilmember Bogue requested Items 12.1 and 12.2 be heard together.

By consensus of the Council, the changes to the agenda were approved.

11. **UNFINISHED BUSINESS**

11.1 Request by Councilmember Bogue for discussion related to new City Manager salary.

See Minutes on Page 16.

12. **HEARD OUT OF ORDER.**

NEW BUSINESS

ITEMS 12.1 AND 12.2 WERE HEARD TOGETHER.

12.1 Matters relating to the West B Street Undercrossing:

1. **Adopt Resolution finding the West B Street Undercrossing Project exempt from the California Environmental Quality Act (CEQA).**
2. **Adopt Resolution authorizing the Interim City Manager to execute an agreement between the Solano Transportation Authority (STA) and the City of Dixon for design and construction of the West B Street Undercrossing Project; and rescinding Resolution No. 11-013.**
3. **Adopt Resolution authorizing the Interim City Manager to execute Consultant Service Agreement amendments for the existing agreements with Circlepoint, Inc., and TRC Solutions, Inc., for the West B Street Undercrossing.**

12.2 Matters relating to the proposed West B Street Undercrossing Project:

1. **Discussion and direction to staff regarding the project funding strategy and local match requirements.**
2. **Adopt Resolution approving a budget amendment for Funds 460 and 470 to provide a local match for the project.**

Regarding Item 12.1, Morrie Barr, Interim City Engineer and Public Works Director, discussed the approvals being requested, key items for consideration, funding of the project, Solano Transportation Authority's (STA) agreement to pay for costs over $6.1 million, and the local match required. He responded to Council questions by confirming that the rail platform is not included in the project and studies showed that 500 pedestrian and bicycles cross the tracks daily.

Michael Dean, City Attorney, reported two minor additions to the agreement that were not included in the packet and both favor the City. Change orders will require City Engineer approval and the STA Board will have final say on disputes utilizing baseball-style arbitration where each side will provide a solution and the arbitrator selects one of them.

Regarding Item 12.2, Janet Koster, Senior Management Analyst, discussed the strategy for funding the $1.151 million funding shortfall that included use of $465,000 available in the Transit Capital Fund and an interfund loan from the

Transportation Capital Fund to cover the additional $686,000, payable over the next several years from either Development Impact Fees or Gas Tax Funds.

Responding to a question from Councilmember Besneatte, Ms. Koster confirmed that projects normally funded by gas tax would be deferred for three to four years.

Vice Mayor Ceremello felt this project is not a top priority, the Parkway Boulevard overcrossing is more important, the project is a waste of $6 million, Highway 113 should be moved out of town instead, the undercrossing will be unsafe for other reasons, there has only been one fatality, and the train station is just a traditional concept.

Councilmember Besneatte noted use of Gas Tax for even a few years is a concern to him, but he was inclined to support the project because it would enhance the use of that area during events, safety is an important issue even if there was only one death, and the other projects discussed by the Vice Mayor would cost far more than $6 million.

Councilmember Bogue did not support the project because of the lack of funds, noted other projects would come to a grinding halt if taxes were used, and the area can be made safer at a much cheaper cost.

Mayor Batchelor asked for public comments.

Larry Simmons noted the project is expensive but the area is unsafe, you can't legislate foolishness, and felt an overcrossing would be better than an undercrossing with blind corners.

Byron Chapman felt there were valid arguments about safety on both sides, ADA improvement still need to be made that are required by law that money should be devoted to, and borrowing from one account to pay for another is not wise.

Mayor Batchelor felt it was better to borrow the funds from Development Fees rather than Gas Tax, moving Highway 113 would likely cost $50-60 million, the number of fatalities is irrelevant, and he found others' disregard for safety abhorrent.

Mayor Batchelor read a comment card from Jill Orr who supported the project for safety issues and as an investment in the future, and to rely more on mass transit.

Councilmember Fuller supported the project and felt safety was important.

Vice Mayor Ceremello noted his comments regarding safety were an objection to a Nanny state with no personal responsibility and even the railroad is not willing to spend money for fences they say are needed.

Councilmember Bogue took offense at the insinuation that he does not value human life.

Mayor Batchelor pointed out that the Finance and Human Resources Directors are the only Department Head positions that don't fall under collective bargaining, distributed a list of City Manager salaries for comparison, discussed the high and low salaries, the former City Manager's actual salary reductions, and asked if Councilmember Bogue's intention was to assign a specific dollar amount, a salary range, or a percentage of comparison salaries within the organization.

Councilmember Bogue preferred to review the extra benefits, noted a preference for not bringing someone in at the top step, and recommended a workshop be scheduled to discuss a list of fringe benefits.

Councilmember Fuller agreed that lowering the salary range was desirable, but not to a level lower than the senior managers, and suggested 10% above the highest senior manager and with the ability for discretion for level of experience.

Steve Johnson, Human Resources Director, provided the salary paid to Royce Cunningham, the highest paid senior manager prior to his resignation, and the Police and Fire Chiefs who are the next highest.

Councilmember Besneatte felt the City Manager should be paid the highest salary and a comfortable lower range could be established based on knowledge of current senior manager salaries.

Mayor Batchelor suggested performance-based increases rather than annual increases.

Paul Kimura, Avery Associates, noted salary parameters should be established but stretched as much as possible and give consideration to time-off, deferred compensation and severance clauses. A city manager in a comparable city would probably not be willing to consider the position for a lesser salary given relocation and he urged flexibility to get the best possible candidate.

Vice Mayor Ceremello noted he was not in favor of the furlough program and preferred salary reductions. He discussed the list of City Manager salaries and proposed a top-end range of $136,000 per year. He confirmed with Mr. Kimura that the City may get fewer candidates, but will be offered the best of what fits the reduced criteria. He preferred someone who wants to work in the community for reasons other than money.

Councilmember Besneatte noted the City will hire the best person it can afford and suggested a starting salary of $125,000 with 5% step increases.

Mayor Batchelor suggested that the Human Resources Director provide the Council with information on specific benefits and example figures from other cities to help with their decision.

Mr. Johnson noted the benefit information can be provided via memo within a couple of days.

Councilmember Besneatte felt Byron Chapman's comments about other ADA projects were disingenuous, the comments he heard were from those who want the project to go forward and it will cost more later if they wait.

A motion was made by Mayor Batchelor, seconded by Councilmember Fuller, to adopt Resolutions No. 11-114, 11-115, 11-116, and 11-117 relating to the West B Street Undercrossing Project. Roll call was taken as follows:

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

12.3 Resolution authorizing the City Manager to execute a Performance Contract with the Solano Transportation Authority (STA) for Dixon Readi-Ride administrative assistance.

Morrie Barr, Interim City Engineer and Public Works Director, noted the details of the agreement that assists the City with the bus transit system, the original agreement was already extended once, STA is a very effective layer from which the City derives a lot of value, and he recommended approval of a new six-month agreement with one possible extension.

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. 11-118, as amended, authorizing the City Manager to execute a Performance Contract with the Solano Transportation Authority (STA) for Dixon Readi-Rice administrative assistance (AG 11-036). Roll call was taken as follows:

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

11.1 TAKEN OUT OF ORDER.

Request by Councilmember Bogue for discussion related to new City Manager salary.

Councilmember Bogue noted he requested discussion of the new City Manager's salary because the budget is still not balanced and his intention is to get the salary more in line with what the City can afford. In order to make the determination, he requested a report on Department Head salaries to use as a basis and to compare with the people they supervise.

Mr. Kimura noted the benefit information is needed for the brochure.

Mayor Batchelor felt a workshop was not necessary, after reviewing the comparison information they should be able to provide the necessary input, and a special meeting can be scheduled if additional discussion is required by Council.

Mayor Batchelor asked for public comments.

Byron Chapman noted he was pleased to see the direction of Council, it is not written in stone that the City Manager should make more than senior managers, salary reductions should be considered, there are people who need the money, and the City does not need the best.

Mayor Batchelor noted the Council has made a lot of reductions, implemented retirement programs without replacements, and reduced expenses that will provide significant savings.

Staff was directed to provide the additional information for Council decision.

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

None.

15. **ITEMS FROM THE CITY MANAGER**

Jon Cox, Acting City Manager, recognized and thanked Pernell Colter and the rest of City staff who provided excellent service for the Grillin' and Chillin' event.

16. **CLOSED SESSION**

RECONVENE TO OPEN SESSION

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council adjourned at the hour of 12:48 a.m.

Suellen Johnston
Acting Deputy City Clerk

Jack Batchelor, Jr.
Mayor