



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

OCTOBER 11, 2011

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order at 7:01 p.m. in the City Council Chambers 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,
Mayor Jack Batchelor Jr.

Absent: *Vice Mayor Michael Ceremello

*Vice Mayor Ceremello arrived at 7:09 p.m.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None.

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

None.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Besneatte provided a reminder about the Senior Resource Fair that will be held on Saturday, October 15, 2011, at the Senior Center with free admission, the Oktoberfest on Saturday, October 15, 2011 in Downtown Dixon, and the Epicurean Fete on Friday, October 21, 2011 at the May Fair.

6.2 Mayor Batchelor commended the Fire and Police Departments for their quick action in responding to a recent fire on Jefferson Street.

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 Bogue, to approve the Agenda, as submitted. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

There was no discussion on this item.

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

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

9.1 Adopted Resolution No. 11-151 approving the Enumeration of Claims.

9.2 Adopted Resolution No. 11-152 approving the request from the Downtown Dixon Business Association (DDBA) to host the 2011 Octoberfest, Halloween Walk, and the Christmas Tree Lighting Festivals in Downtown Dixon and establishing specific use conditions for the events.

9.3 Adopted Resolution No. 11-153 authorizing the City Manager to execute a consultant services agreement with Bartle Wells Associates for the Wastewater Rate and Fee Study for a cost not to exceed \$20,000 (AG 11-049).

10. **PUBLIC HEARINGS**

10.1 Conduct a Community Development Block Grant (CDBG) close-out Public Hearing to receive staff report on Grant Products, take comment, close Public Hearing and, by Minute Action, approve the Report to close CDBG Grant PTA 09-PTAE-6317.

Mark Heckey, Economic Development Director, reported completion of a two-year grant process to study the drainage improvement needs of the Core Area Improvement Project and provide design and planning pre-construction technical analysis, the grant provided \$70,000 in Federal funds and an additional \$17,500 in local program CDBG income money was added for a total project cost of \$87,500. He reported the majority of funds paid City Engineering staff to do work related to drainage, design specifications, environmental clearances, right-of-way, and easements, however some outside consultants were used for survey, appraisals and attorney time, and the project took 18 months to complete. He noted public hearings are required at application and upon completion of all of the tasks and those speaking are required to sign-in on a hearing log.

Jason Riley, Associate Engineer, confirmed the design and survey work covered Adams Street to the railroad tracks, plans were started for both phases, but this grant covered plans for Route 113 to the railroad tracks.

Mayor Batchelor opened the public hearing.

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

By Minute Action, a motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to approve the report to close out the Community Development Block Grant (CDBG) Grant PTA 09-PTAE-6317. Roll call was taken as follows:

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

11. UNFINISHED BUSINESS

Mayor Batchelor requested that Items 11.1 and 11.2 be heard and acted on at the same time since they relate to the same process.

11.1 **Matters relating to California Public Employees' Retirement System:**

1. **Waive second reading, read by title only, and adopt an Ordinance authorizing an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to Police employees benefit formula, and**
2. **Approval of the following Certifications:
Certification of Governing Body's Action
Certification of Compliance with Government Code Section 7507
Certification of Compliance with Government Code Section 20475**

11.2 **Matters relating to California Public Employees' Retirement System:**

1. **Receive report identifying the actuarial impact upon future City annual savings relating to the proposed adoption of a 3% @ 55**

retirement formula for Dixon Professional Firefighter Association members and direct staff to present the Council with the associated required certifications for adoption by the City Council on November 8, 2011;

- 2. Resolution of Intention approving an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City of Dixon relating to a 3% @ 55 retirement formula for DPFA members; and**
- 3. Waive the first reading, read by title only and introduce an Ordinance approving the amendment of the CalPERS contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System for DPFA employees to allow implementation of the 3% @ 55 benefit formula for new DPFA employees.**

Steve Johnson, Human Resources Director, reported that in order to implement a second tier retirement formula of 3% at 55 for newly-hired sworn members of the Dixon Police Officers Association, CalPERS requires that the approximate savings of implementing this new formula be presented at a public meeting prior to the adoption of an ordinance amending the CalPERS contract. The first reading of the ordinance and Resolution of Intention to amend the contract were adopted by Council at the September 13, 2011, meeting and this second reading is required to finalize the ordinance in Item 11.1 within 30 days.

Mr. Johnson reported that Item 11.2 implements a similar process by introducing an ordinance and Resolution of Intention to allow a 3% at 55 benefit formula for new Dixon Professional Firefighters.

Mayor Batchelor asked for public comments on Items 11.1 and 11.2. There were no public comments.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Bogue, to approve Items 11.1 and 11.2 as follows:

- 11.1 Adopt Ordinance OR 11-008 authorizing an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to Police employees benefit formula; and
- 11.2 Adopt Resolution of Intention No. 11-154 approving an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City of Dixon relating to a 3% @ 55 retirement formula for Dixon Professional Firefighters Association members; and

Adopt an ordinance approving the amendment of the CalPERS contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System for Dixon Professional

Firefighters Association employees to allow implementation of the 3% @ 55 benefit formula for new DPFA employees.

Roll call was taken as follows:

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

11.3 Receive direction from the City Council on the salary and benefits for the City Manager position.

Steve Johnson, Human Resources Director, noted packet information was provided to assist the City Council in determining compensation ranges and criteria for recruitment of the new City Manager, Paul Kimura from Avery & Associates was in attendance to answer questions and provide input, decisions and approval are requested to enable the recruitment to move forward, and the original timeline would be further impacted if a consensus cannot be reached.

Mr. Johnson noted that the 4.6% furlough salary reduction was not included in the base information, six department head positions are related to the salary set for the City Manager, and a meet and confer process would be required to reduce the salaries of senior management positions.

Paul Kimura, Avery & Associates, reported he was anxious to commence the recruitment but needed direction and approval of the salary range in order to finalize and distribute the brochure. He reported a number of calls were received from interested candidates, they were all from the public sector, the recommended salary range of \$115,000 to \$145,000 per year stills allows them to pursue experienced applicants, and he noted the City Manager should be the highest paid on staff to avoid inconsistencies that could cause problems.

Mayor Batchelor asked if more cities were trending to three-step salary ranges based on performance with no guaranteed increases.

Mr. Kimura responded there is no specific trend in that regard.

Councilmember Besneatte asked if the ad had been placed in publications other than Western Cities Magazine, recommended St. Mary's College Alumni as a potential resource, and discussed the number of senior managers currently at the top of their salary range.

Mr. Kimura responded they don't begin further outreach until the job announcement is officially approved and it will be marketed to both public and private sector resources.

Vice Mayor Ceremello discussed auto allowances and Medicare.

Councilmember Bogue asked about the benefits of providing a vehicle rather than a car allowance.

Mr. Kimura noted a vehicle allowance is the norm, although some people may prefer a city-issued vehicle.

Mayor Batchelor noted the economics of using the City vehicle pool and, given gas costs and vehicle wear-and tear, most cities received more benefit from a vehicle allowance.

Councilmember Fuller noted leasing a vehicle through the County worked for him, it is really based on personal preference and convenience, and some people prefer not to worry about where they are driving by using their own car.

Councilmember Besneatte thought \$400.00 per month was a reasonable vehicle expense.

Mr. Johnson discussed educational incentive pay which is provided to all department heads as incentive to obtain a Master's degree.

Mayor Batchelor noted education is important and advanced degrees bring knowledge, but favored a flat annual rate of \$2,000 rather than a percentage of salary.

Mayor Batchelor and Vice Mayor Ceremello discussed the proposed salary range reduction in comparison to recent reductions assumed by Police and Fire.

Mayor Batchelor felt an 8% salary reduction was fair.

Vice Mayor Ceremello felt the reduction should 15% to 20% and that all salaries need to come down.

Councilmember Bogue preferred the City Manager salary be 5% over department heads with the same number of steps, noted department heads frequently have more knowledge to offer, favored eliminating the educational incentive but continue reimbursement for continuing education, and discussed the dollar value of time-off allocated to the position.

Mr. Kimura noted it is not typical to assign a dollar value to vacation and leave time, and such benefits are usually part of negotiations.

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

Vice Mayor Ceremello supported a salary range of \$110,000 to \$135,000 to send a strong message about salary reductions.

Councilmember Besneatte did not support \$135,000 as the top range since it would be less than higher paid senior managers and felt \$140,000 would be a more reasonable top salary.

Councilmember Bogue supported a range of \$115,000 to \$140,000 broken into five steps.

Councilmember Fuller supported the \$115,000 to \$140,000 range and noted a 2.5% educational incentive was too high.

Mayor Batchelor confirmed Council direction that the salary range would be \$115,000 to \$140,000 and noted he was not in favor of the City Manager's ability to cash out 57 hours of Administrative Leave annually.

Paul Poczobut felt it was important for the City to stipulate who is paying the employee's share of PERS.

By consensus of the City Council, direction was provided to set the City Manager's salary range at \$115,000 to \$140,000 per year with benefits addressed during contract negotiations.

11.4 Verbal update on status of Core Area Drainage Project.

Morrie Barr, Interim City Engineer and Director of Public Works, provided a verbal update on the status of the Core Area Drainage Contract which was awarded to D. A. Woods Construction but has not received authorization to proceed in light of recent legislation related to Redevelopment, weather may not allow the project to begin until Spring 2012, and the contractor will be contacted within the next week for expectations related to the contract.

Councilmember Besneatte noted some work underneath the railroad tracks could be completed within a matter of weeks and he was uncomfortable putting off the work without the contractor's input.

Vice Mayor Ceremello asked whether concerns about Redevelopment Agency funding still exist, and if not, they should just proceed if weather permits.

Mayor Batchelor responded the City Attorney provided a legal opinion that the work could proceed, weather would not be likely to hinder the ability to dig a trench, and he was willing to take a chance to complete Phase I of the project.

Jon Cox, Acting City Manager, reported Attorney Robin Donahue's opinion was to expend only those funds for which alternative sources are available.

Councilmember Besneatte supported taking a chance in getting the project underway.

Mayor Batchelor asked for public comments.

Dan Figueroa, representing the local property owners, supported proceeding with the project and provided the reminder that the land for this Phase I easement was given to the City at no cost.

Larry Simmons noted the Council speaks facetiously about spending \$450,000 for what they support but seriously discuss \$10,000 they don't want to spend and he recommended direction to proceed as soon as possible.

Direction was provided to proceed with the contract as soon as possible after speaking with the contractor.

The City Council recessed for break at 8:45 p.m.

The City Council reconvened at 8:53 p.m.

12. NEW BUSINESS

Mayor Batchelor requested that Item 12.3 be heard next on the agenda to not further delay those present from the City of Winters.

12.3 HEARD OUT OF ORDER

Resolution authorizing the Acting City Manager to execute a three-year contract between the City of Dixon and the City of Winters for fire administration services.

Aaron McAlister, Fire Chief, reported that over the last several months a vision for a shared services arrangement has formed between the City of Winters and the City of Dixon and provided highlights of the proposed three-year agreement that would provide the City of Dixon with \$90,000 per year in revenue in exchange for approximately 24 hours of staff time per week. Chief McAlister responded to questions from Council regarding compensation, availability of staff time and City of Winters Council meeting dates.

Mayor Batchelor noted this is a win/win situation for both cities and shared services are becoming normal for smaller cities.

Jon Cox, Acting City Manager, noted that Dixon has experience with the growth Winters is experiencing and cross training will benefit both agencies.

Mayor Batchelor asked for public comments.

Dave Scholl felt the agreement would improve cooperation between two fire departments in serving the community.

Vice Mayor Ceremello supported the agreement as long as Dixon does not debilitate their department to respond properly.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Ceremello, to adopt Resolution No. 11-155 approving a three-year contract between the City of Dixon and the City of Winters for fire administration services (AG 11-050). Roll call was taken as follows:

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

12.1 Discussion and direction to staff related to a request from Councilmember Thom Bogue for staff to review the feasibility for the City of Dixon to own, maintain and operate the public potable water system currently owned and operated by the Dixon/Solano Water Authority.

Councilmember Bogue noted his original request was to form an ad hoc committee to explore the feasibility for Dixon to maintain its own potable water system, and he did not recall requesting staff to spend time preparing such a detailed report.

Mayor Batchelor felt it was important to obtain information first to determine feasibility and that was staff's intention.

Morrie Barr, Interim City Engineer and Public Works Director, provided history on the water agreements with Solano Irrigation District (SID), displayed the boundaries for both water agencies serving Dixon and discussed details that included water system labor requirements, after hours personnel, and required equipment.

Jason Riley, Associate Engineer, also responded to Council questions.

Vice Mayor Ceremello noted that all of the costs are not included in the analysis, an ad hoc committee should be formed to review everything in detail, SID would still sell us the water and the equipment can be contracted.

Councilmember Besneatte did not agree with the figures displayed in the chart of labor hours, felt the charges by SID for equipment and labor are highly inflated, Dixon is buying SID equipment and paying SID employees for them, felt the intention of the staff report was to discourage future discussion, and expressed a preference for termination rather than an ad hoc committee.

Councilmember Bogue was skeptical that it would cost \$111,000 more for the City to run the system, there are qualified people of the same SID caliber looking for work, SID is a vendor and should not be telling the City what to do, and the

Council needs to explore the real costs and options for the citizens through an ad hoc committee.

Mayor Batchelor noted there is a more important revenue issue to resolve before an ad hoc committee is established, this Council cannot take back other Council's decisions and needs to work with what they have, and discussing minutia will confuse the important issue.

Vice Mayor Ceremello noted there is no revenue problem, it is a spending problem, expenses can be decreased, meters can be read with a wand, and he hasn't heard any SID member say they will not sell water to the City in the future.

Councilmember Bogue noted one SID Board member did say they "will shut the water off".

Councilmember Besneatte felt the City does not need to wait for a rate study and should look at other options sooner rather than later.

Councilmember Fuller noted there are two competing issues, the City does not know if SID is overcharging but it has been a fairly consistent concern with Council, the rates are much lower than a for-profit company, he knows from experience that running a 24-hour department takes more man-hours than anticipated, a city-run service would be costly to set up but may not be as expensive in the long term, and he is not completely satisfied with a consultant telling the City to tolerate an increase. He noted SID has made veiled threats, however the City has not been friendly either.

Mayor Batchelor asked for recommendations for participants in the ad hoc committee.

Councilmember Bogue recommended two councilmembers, two wastewater staff (one engineering and one field person), and two members of the public.

Mayor Batchelor felt wastewater staff is not as applicable as potable water staff, they should set aside preconceived notions about SID and include water experts on the committee, and he questioned three councilmembers ability to be impartial.

Councilmember Bogue did not support involving SID staff on the ad hoc committee and recommended the Mayor volunteer to serve on the committee with him.

Councilmember Besneatte said he harbored no preconceived notions until he experienced interactions and costs, felt he could be fair, but supported the Mayor and Councilmember Bogue for the committee.

Mayor Batchelor recommended the committee consist of two councilmembers, one engineering staff member, one SID member, one residential ratepayer (Joe Fleischman) and one business ratepayer (Ron Mulligan).

Councilmembers Fuller and Besneatte supported the Mayor's recommendation.

Mayor Batchelor asked for public comments.

Dave Scholl noted SID is charging double what they pay their staff, plus 20%, and recommended three options to either stay with SID, take over the system and run it with City staff, or contract with another company to run it for the City. He noted SID could bid competitively along with others but could not be counted on for frugality and noted straight answers are also needed about the bond to pay off Lake Berryessa.

Larry Simmons felt more and better information is needed regarding expenses and the difference in costs between private enterprise and government.

Mayor Batchelor confirmed that the committee make-up would follow his recommendation, letters would be drafted inviting Joe Fleischman and Ron Mulligan to participate, the City Manager would assign a staff member and David Mansfield would be asked to recommend an SID staff member.

12.2 City Council review and consideration of an ordinance repealing Title 11, Chapter 11.04 of the Dixon Municipal Code.

Tony Welch, Police Captain, discussed the history of the Social Host Ordinance adopted on November 24, 2009 and Vice Mayor Ceremello's request that the ordinance be revisited for revocation. He reported all other Solano County cities have adopted Social Host Ordinance, noted Governor Swartzenegger and many other agencies support such ordinances, stated the goal is not to punish but to educate, and recommended the ordinance remain in force.

Vice Mayor Ceremello felt the ordinance takes away parental rights and consent, is an invasion of privacy, contains inconsistencies, and is unnecessary since it has not been used to issue citations in the two years it has been in place. He expressed disappointment that community members who approached him with concerns about the ordinance were not present at the meeting.

Councilmember Bogue felt the ordinance was an invasion of privacy and the community needs to take a stand against giving up their rights.

Councilmember Besneatte noted citizens have rights against unreasonable search and seizure, democracy allows them freedom and privacy, the Constitution says a person's home is their sanctuary, the ordinance minimizes that protection and takes away parental rights and freedoms, and he supported repeal.

Captain Welch noted the ordinance is used as an enforcement strategy rather than punishment and provides police with the ability to check on issues of health, life and safety.

Councilmember Fuller spoke about his career in law enforcement and noted underage drinking is a problem in the community, he encountered many parents who would have preferred outside control, police do need to have reasonable cause to enter homes which are used as party places, and he supported leaving the Social Host Ordinance in place as a tool for parents and law enforcement.

Mayor Batchelor asked for public comments.

Larry Simmons asked how young is too young for children to have a drink at home, alcohol affects youths more than adults, if a child is allowed to drink at home it is easier to do so elsewhere, children and society deserve some protection and he was amazed Council would consider revoking this ordinance.

Cookie Powell, representing Dixon Family Services and ATOD, noted rather than being an invasion of parental rights the ordinance helps parents be more comfortable with their children being in someone else's home. She discussed trends over the last twenty years, data compiled by ATOD, alcohol consumption in Dixon among youths as young as fifth grade, the need to educate parents and give them tools against teen pressures, noted contributing to the delinquency of a minor is a crime, and she supported retaining the Social Host Ordinance.

Kay Fulfs Cayler noted it is more than a constitutional issue, the safety of youth is important, teens don't often control the size of parties, they can become out of control due to texting and easier communication, and parents sometimes parents are not aware of the situation.

Russ Cayler noted the ordinance is being utilized by parents rather than police as a tool, nobody knows how much it is being used, and a tool would be removed if the ordinance is repealed.

Carlos Villatoro, editor of the Dixon Patch, reported fifteen people responded to a poll he conducted where thirteen opposed repeal of the ordinance and two supported repeal.

Yvonne Vaughn, City of Vacaville ATOD Team, noted all cities joined together to promote awareness and a healthy region, the ordinance is only one component of that effort, they don't know which component will be most useful or which ones are being used by parents, and she provided statistics of drinking from a poll of seventh, ninth and eleventh grade students.

Mayor Batchelor noted the ordinance does not take away the rights of parents in their homes but puts parents on notice about their liability for events held in their home, it may be helping parents, and he did not support revocation of the ordinance.

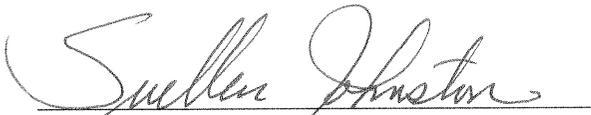
Councilmember Besneatte noted his Constitutional rights are important to him, alcohol consumption does not appear to have changed regardless of how parents are using the ordinance, and the ordinance is ripe for abuse and violations.

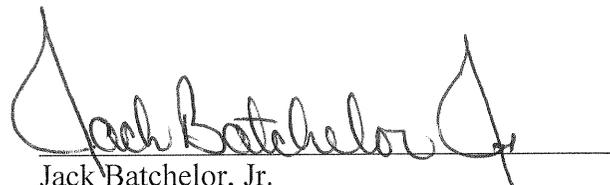
A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to adopt an ordinance repealing Title 11, Chapter 11.04 of the Dixon Municipal Code known as the "Social Host Ordinance" Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**
14. **ITEMS FROM THE CITY ATTORNEY**
15. **ITEMS FROM THE CITY MANAGER**
16. **CLOSED SESSION**
17. **RECONVENE TO OPEN SESSION**
18. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council adjourned at the hour of 11:23 p.m.


Suellen Johnston
Acting Deputy City Clerk


Jack Batchelor, Jr.
Mayor