



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

JANUARY 10, 2012

0. **Closed Session at 6:00 p.m.**

The Special Meeting of the Dixon City Council was convened at 6:00 p.m. by Mayor Jack Batchelor, Jr. to meeting in Closed Session to discuss the following:

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(c), and based on existing facts and circumstances, the legislative body is deciding whether to initiate litigation:

One case.

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

Absent: Vice Mayor Dane Besneatte*

Councilmember Ceremello asked about the need to disclose the specific name of the case to be discussed in Closed Session.

Stephen Muzio, Associate City Attorney, reported that disclosure is not necessary under Section 54956.9(c). It is only necessary under Section 5956.9(b).

The Council convened into Closed Session at 6:04 p.m.

* Vice Mayor Dane Besneatte arrived at 6:15 p.m.

The Council recessed from Closed Session at 6:30 p.m.

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened in the City Council Chambers at 7:00 p.m. by Mayor Jack Batchelor, Jr. Mayor Batchelor noted there was no reportable action from the Closed Session.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Resolution honoring Police Sergeant Tony Morris who retired on December 17, 2011 after 27 years of service to the City of Dixon.**

Mayor Batchelor congratulated Sergeant Tony Morris on his retirement after 27 years of service to the City of Dixon, noted Sergeant Morris was not present to receive the proclamation, and read the Proclamation.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to adopt Resolution No. 12-001, honoring Police Sergeant Tony Morris. Roll call was taken as follows:

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

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

5.1 Byron Chapman asked if details of the anticipated litigation discussed in Closed Session could be disclosed.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Ceremello thanked the City Manager Citizens Selection Committee for their participation in the interviews and the good questions posed to the candidates.

6.2 Councilmember Fuller reported working with Sergeant Tony Morris for 16 of his 27 years of service, noted he was an excellent officer and a good supervisor, and wished him well in his retirement.

6.3 Councilmember Bogue noted during his ride-along with Sergeant Morris for the Neighborhood Watch Program, he found him to have a great sense of humor. He wished him well in retirement.

6.4 Vice Mayor Besneatte noted Sergeant Morris was a nice, low-key professional who he knew his entire career in Dixon.

6.5 Mayor Batchelor commended Sergeant Morris and his willingness to share compassion with others.

He thanked the City Manager Citizens Selection committee for doing a very good job.

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested that Items 9.3, 9.4 and 9.5 be heard separately.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Fuller, to approve the Consent Calendar, except for Items 9.3, 9.4 and 9.5. Roll call was taken as follows:

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

9.1 Approved the November 22, 2011 Minutes of the Regular City Council Meeting.

9.2 Adopted Resolution No. 12-002 approving the Enumeration of Claims.

9.3 Matters relating to the preparation of a Street Master Plan and completing the five-year update of the City's Capital Facility Fee Schedule (AB 1600 Fees):

- 1. By Minute Action, authorize staff to issue separate requests for proposals (RFPs) for consultant services related to completion of the Master Plan and Fee Update; and**

2. Acknowledge waiver of the annual cost of living increase for AB 1600 Fees.

Councilmember Ceremello questioned whether the Street Master Plan could be prepared in-house to reduce costs, even if it would take several months to accomplish, and noted it has been in progress for three years.

Janet Koster, Senior Management Analyst, reported the process was halted due to some issues related to Dixon Downs, staff has been working on a traffic model that will be provided to the consultant, staffing is not adequate to perform the work in-house, an issue exists with the AB1600 fee schedule, and it is advisable to have an expert available in the event of legal challenges.

A motion was made by Councilmember Ceremello, seconded by Councilmember Bogue, authorizing staff to issue separate requests for proposals (RFPs) for consultant services related to completion of the Master Plan and Fee Update; and acknowledge waiver of the annual cost of living increase for AB 1600 Fees. Roll call was taken as follows:

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

9.4 Waive reading, read by title only, and adopt an ordinance amending Section 12.20.06F.2 of the Dixon Zoning Ordinance (Sign Regulations) regarding "Electronic message center signs.

Councilmember Ceremello reported viewing the Sacramento sign for comparison, spoke to people in the housing development near the proposed sign who expressed no objections, noted he had no objections to the sign, and asked that the reference to the Dixon Tribune in the ordinance be removed.

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

Councilmember Bogue noted he was amazed at how well the lighting works on the comparable Fairfield sign.

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt Ordinance OR12-001, as amended, amending Section 12.20.06F.2 of the Dixon Zoning Ordinance (Sign Regulations) regarding Electronic message center signs. Roll call was taken as follows:

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

9.5 Resolution authorizing the City Manager to execute Amendment No. 2 to the agreement between the Solano Transportation Authority on behalf of itself and the cities of Dixon, Fairfield, Vacaville and Vallejo and Akin Gump Strauss Hauer & Feld, LLP (Akin Gump) for Federal Legislative Consultant services, and approving a budget amendment.

Councilmember Ceremello noted Akin Gump Strauss Hauer & Feld attempts to procure money from the Federal government for special projects through agencies such as Solano Transportation Authority. The staff report refers to the West B Street Undercrossing, the Parkway Boulevard Overcrossing, the Train Station, and the Vaughn Road Realignment. He noted he does not support the Train Station Project, therefore he could not support this agreement.

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

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to adopt Resolution No. 12-003 authorizing the City Manager to execute Amendment No. 2 to the agreement between the Solano Transportation Authority on behalf of itself and the cities of Dixon, Fairfield, Vacaville and Vallejo and Akin Gump Strauss Hauer & Feld, LLP (Akin Gump) for Federal Legislative Consultant services, and approving a budget amendment. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

11. **UNFINISHED BUSINESS**

11.1 Waive reading, read by title only, and adopt an Ordinance amending Sections 11.04.040, 11.04.050 and 11.04.070 and adding Section 11.04.090 to Chapter 11.04 of Title 11 of the Dixon Municipal Code relating to the Social Host Ordinance.

Jon Cox, Police Chief and Acting City Manager, presented the changes to the Social Host Ordinance as directed by Council, and requested approval to adopt the Ordinance.

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

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Ordinance No. OR12-002 amending Sections 11.04.040, 11.04.050 and 11.04.070 and adding Section 11.04.090 to Chapter 11.04 of Title 11 of the Dixon Municipal Code relating to the Social Host Ordinance. Roll call was taken as follows:

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

11.2 Reach consensus on the make-up of the City's Labor Negotiations team.

Mayor Batchelor noted staff had provided an in-depth report, the make-up of the City's Labor Negotiations team was discussed at two previous meetings, and is being brought back for final determination.

Steve Johnson, Human Resources Director, noted the staff report is essentially the same as previously, however a primer from the League of California Cities on labor negotiations was added, and expressed the desire to receive final direction.

Councilmember Ceremello noted he reviewed the primer and found it to be more of the same "in-the-box" thinking he would expect from the League of California Cities, and he was still looking to divert from such traditional formats by adding a councilmember such as himself into the equation. He noted Councilmember Besneatte is also qualified and factual reports from labor indicate they feel they are not being properly represented to Council, He expressed utmost faith in Mr. Johnson as a negotiator and felt that all references to "City Manager" in negotiations be changed to "Human Resources Director". He addressed Councilmember Fuller's comments that he was incorrectly laying blame on staff, noted 80% of expenses relate to staff, many projects are not completed, the current way of doing things has failed, and he encouraged Councilmember Fuller to change his mind and support his recommendations.

Councilmember Bogue noted he often finds himself seeing both sides of an issue, asks questions of people to determine their opinions, would like to see a councilmember on the negotiation team although not as lead negotiator, felt the councilmember volunteering can handle himself in a more calm setting if necessary, and supported Councilmember Ceremello's desire to be on the negotiating team.

Councilmember Fuller was concerned about the employees who have recently experienced substantial decreases, noted Councilmember Ceremello's strong communication style, and felt regardless of which Councilmember was considered, having a decision maker on the negotiation team can give false hope and goes beyond what is expected from councilmembers. He expressed satisfaction with the Human Resources Director's position on the team and could not support including a councilmember.

Vice Mayor Besneatte noted the rest of the Councilmembers have no desire to negotiate with labor, there is a policy concern about reporting back without injecting personal desires, Councilmember Ceremello has a very strong opinion and personality that may not fare well during disagreements and could result in less, rather than more, getting accomplished, it could be discussed with the new

City Manager who could be very capable, however he felt they would be better served by Mr. Johnson and other staff, and was not prepared to make a change right now.

Mayor Batchelor noted he researched the standard in other cities and the Human Resources Manager is generally the negotiator, the Council is an elected body and holds people accountable for enacting their policies, Councilmember Ceremello does not like the word “compromise” and the Mayor could not support any Councilmember on the team but supported including the Human Resources Director and removing the City Manager from the team.

Councilmember Ceremello noted he originally just wanted an observer role and considered references to his strong comments to be compliments.

Councilmember Bogue noted the City Manager should not have a personal interest in the negotiated contract rates.

Mayor Batchelor asked for public comments.

Byron Chapman was pleased that the Human Resources Director would be on the team and agreed that the City Manager’s salary should not be tied to a percentage of negotiated wages.

Councilmember Besneatte stressed that the cost for outside counsel should be kept to a minimum and used only when necessary.

Councilmember Ceremello noted that City documents such as Personnel Rules and City Manager Job Description be changed to delete the duties of negotiator from the City Manager, and noted he would be available for future negotiations.

Councilmember Bogue noted if communication issues arise again, the Council consider including a silent observer in negotiations and reminded everyone that all comments heard about previous negotiations were one-sided and the previous City Manager was not present to provide her perspective.

Mayor Batchelor confirmed the consensus that the Human Resources Director would head the negotiations team, consult the City Attorney for input, and could request assistance from the Finance Director, City Engineer, or others with agreement from Council.

11.3 Resolution authorizing the City Manager to execute a Consultant Services Agreement with Bartel Associates, LLC, for GASB 45 Actuarial Services in an amount not to exceed \$14,000 and approving a budget amendment in the amount of \$2,000.

Joan Michaels Aguilar, Interim Finance and Technology Director, reviewed the attributes of the firms responding to the Request for Proposal and reported that

Bartel Associates was recommended unanimously by the Committee, explained the study was needed for post-employment benefits not related to pensions, and requested approval of a contract not to exceed \$14,000 with a budget amendment in the amount of \$2,000.

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

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 12-004 authorizing the City Manager to execute a Consultant Services Agreement with Bartel Associates, LLC, for GASB 45 Actuarial Services in an amount not to exceed \$14,000 (AG 12-001) and approving a budget amendment in the amount of \$2,000. Roll call was taken as follows:

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

11.4 Waive reading, read by title only, and introduce an ordinance amending the Dixon Fireworks Pilot Program Ordinance.

Aaron McAlister, Fire Chief, reported that changes requested by the Council had been formally incorporated into the ordinance, requested approval, and responded to questions from Council regarding State Regulations relating to tents and fireworks use in City parks.

Mayor Batchelor expressed major concerns about usage in parks, felt it opened the City to civil liability, and he could not support the ordinance.

Vice Mayor Besneatte appreciated that the Fire Chief had accepted the decision to allow fireworks and responded by making it as safe and functional a program as possible.

Mayor Batchelor asked for public comments.

Dennis Revelle, TNT Fireworks, fully supported the ordinance as written.

Larry Simmons commented that it looked like a battlefield at last year's fireworks and felt it was not safe to allow fireworks in parks.

Greg Coppes noted he was impressed with the Fire Chief's response regarding the ordinance and amendments.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Ceremello, to adopt an ordinance amending the Dixon Fireworks Pilot Program Ordinance. Roll call was taken as follows:

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

The City Council recessed for break at 8:31 p.m.

The City Council reconvened at 8:44 p.m.

12. **NEW BUSINESS**

12.1 Matters relating to City of Dixon Information Technology Services:

- 1. Resolution accepting an equipment donation from the City of Vacaville;**
- 2. Resolution approving a budget amendment for \$23,306.90 to improve system security and authorizing the purchase of network storage for City Hall and the Police Department; and**
- 3. By Minute Action, authorize staff to request proposals to install Windows Server 2008, Exchange 2010, and Symantec Endpoint Protection.**

Joan Michaels Aguilar, Interim Finance and Technology Director, discussed problematic technology with aging City servers and slow computers, introduced Alex Martinez, Interim Information Technology Manager, noted his invaluable experience and hours dedicated to emergency remedies and creative solutions, and asked him to speak about the technology issues the City faces.

Mr. Martinez reported that computers with ½ megabytes of RAM and 504-512k of memory are average for the City while running a full operating system, he experienced “boot-up” times of twenty minutes for one computer, a Pentium-based computer is utilized for AutoCAD software, disk errors, registry errors, and noted only 18 out of 102 computers were purchased since 2008 and are compatible with Windows 7. He also discussed a recent critical server crash for which assistance was received from Vacaville staff that resulted in their offer to donate a server which was being disposed of that would be an upgrade for Dixon.

Mr. Martinez responded to questions from Council regarding the use of Wave Broadband, consideration of a new rather used server, outreach to the County, equipment replacement funds, and the cost to upgrade all of the computers. He noted the City needs to build a good foundation and the current recommendation is a beginning, but additional funds would be needed for broader replacements and provided an estimate of \$200,000.

Ms. Michaels Aguilar noted that staff could undertake an estimate of costs and phasing program at Council direction.

Councilmember Fuller felt the current request was more of a stop-gap measure and they needed to think seriously about providing staff with better equipment.

Councilmember Ceremello noted the cost of storage space has decreased, offsite

services such as Carbonite should be considered, as well as other configurations, coordination between locations, and providing cheaper computers with one or two larger servers.

Mayor Batchelor supported approval of the current requests and asked for a document that would show what the City currently has along with steps needed to upgrade and costs involved, and felt it should be a high priority.

Vice Mayor Besneatte noted staff should have adequate tools to do their jobs.

Mr. Martinez confirmed that \$23,000 would provide initial relief and allow time to establish a better strategy. He noted Iron Mountain can provide remote backups but the City system is too small to transmit as required.

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

A motion was made by Councilmember Fuller, seconded by Councilmember Ceremello, to adopt Resolution No. 12-005 accepting an equipment donation from the City of Vacaville; to adopt Resolution No. 12-006 approving a budget amendment for \$23,306.90 to improve system security and authorizing the purchase of network storage for City Hall and the Police Department; and by Minute Action, to authorize staff to request proposals to install Windows Server 2008, Exchange 2012, and Symantec Endpoint Protection. Roll call was taken as follows:

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

12.2 City Council review and approval of a City Council, Boards, Commissions and Committees Electronic Communications Policy.

Steve Johnson, Human Resources Director and Acting City Clerk, reported that with the intention to move forward with I-pad technology in the next few weeks, there is a precursory need to establish a policy to include not only City Council but Boards, Commissions, and Committees to ensure that members are in compliance with State and Federal Laws, the Brown Act, the Public Records Act, and common practices that govern electronic communication. In conjunction with this approval, he also noted a timeline for the final transition to paperless packets should be discussed.

Mr. Johnson responded to questions from Council regarding the cost savings, ability to access other sites for information and staff's ability to review Council usage.

Stephen Muzio, Associate City Attorney, noted that Council must be careful during Quasi-judicial hearings not to access anything that is not presented during the hearing.

Councilmember Ceremello noted he did not see the policy as overbearing, but considered some items unnecessary, was concerned Council could be criticized for receipt of unsolicited spam, preferred to have hard copies on which to make notes, felt one month was inadequate before eliminating paper packets, and would return his tablet if he did not like using it.

Mayor Batchelor noted the Ipad is a device to use for Council business and to save paper, is not intended for extensive personal use, and e-mails can be accessed from home computers.

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

Vice Mayor Besneatte supported the use of the Ipad, noted he can print the documents he needs, agreed with some of Councilmember Ceremello's comments, and noted the policy can be rewritten as experience and technology expands.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to approve the City Council, Boards, Commissions and Committees Electronic Communications Policy. Roll call was taken as follows:

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

12.3 Discussion of Dissolution of Dixon Redevelopment Agency.

Mayor Batchelor noted that recent laws require disclosure of stipend payments paid to Council when Redevelopment items are on the agenda.

Stephen Muzio, Associate City Attorney, explained the legal conditions regarding Redevelopment successor agencies and the need for an additional special meeting by January 13, 2012 if the City opts to not serve as successor agency.

Mayor Batchelor confirmed the City needs to adopt a resolution only if it does not want to act as successor agency and a separate action will be agendized for the January 24th meeting to take action on assuming responsibilities of the Housing Authority.

Mayor Batchelor asked for public comments.

Dan Figueroa asked if Redevelopment properties would go on the market for sale, if it would be the same for the Housing Authority, and whether funds paid to the City and set aside would go back to the State.

Mr. Muzio confirmed that all properties must be liquidated, do not revert back to the City, and must be sold to the City or others so the State can pass the money through to the School District. There is an expectation of fair market value transactions and information is still needed regarding the Housing Authority.

Mayor Batchelor reconfirmed that by taking no action the Council supports the City acting as successor agency.

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

15. **ITEMS FROM THE CITY MANAGER**

Jon Cox, Acting City Manager, noted that Alex Martinez was very humble in discussing the recent technology problems the City experienced. He worked three days with little sleep to resolve a very serious server crash and his contribution was very significant.

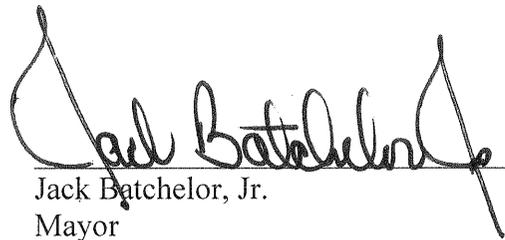
16. **CLOSED SESSION**

RECONVENE TO OPEN SESSION

17. **ADJOURNMENT**

A motion was made by Councilmember Fuller, seconded by Councilmember Ceremello, to adjourn the Regular City Council meeting at 9:52 p.m.


Suellen Johnston
Acting Deputy City Clerk


Jack Batchelor, Jr.
Mayor