



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

FEBRUARY 14, 2012

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

The Special Meeting of the Dixon City Council was convened at 6:02 p.m. by Mayor Jack Batchelor, Jr. to meet 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, Rick Fuller, Mayor Jack Batchelor, Jr.

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

The Council convened into Closed Session at 6:02 p.m.

*Councilmember Michael Ceremello arrived at 6:07 p.m.

The Council recessed from Closed Session at 6:18 p.m.

** Vice Mayor Dane Besneatte arrived at 7:02 p.m.

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened in the City Council Chambers at 7:02 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 **Receive recommendation of Rebecca Hendrix as the City's Bi-Annual Employee of the Year.**

Jon Cox, Acting City Manager, noted that Rebecca Hendrix is a pleasure to work with, is extremely helpful in fiscal matters as well as Information Technology issues, and is very deserving of the City's Bi-annual Employee of the Year Award.

Joan Michaels Aguilar, Interim Director of Finance and Technology, congratulated Rebecca, noted she has been an employee who goes above and beyond the call of duty, and is being recognized particularly for her efforts in the area of information technology in addition to her main duties as a Management Analyst in the areas of finance and labor. With the retirement of the previous Information Technology Manager, Rebecca enthusiastically stepped in to assist with completion of major projects such as the website redesign and launch and implementation of the I-pad technology for Council packets.

Rebecca Hendrix noted it is an honor to receive recognition for the things she does for the City, she enjoys learning all of the different aspects of each department, and appreciates the opportunity to learn new technology and share what she has learned with others.

Mayor Batchelor thanked Rebecca for her service and discussed her additional accomplishments as a Major and pilot in the United States Air Force.

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

None.

6. **ITEMS FROM THE CITY COUNCIL**

1. ** Councilmember Ceremello discussed a letter addressed to the Mayor from Ginger Emerson and Old Town Neighbors requesting an item be agendized for discussion of a traffic signal on Highway 113, traffic on Parkway Boulevard, and further discussion to address residents' concerns about traffic impacts related to the 59-unit housing complex known as the Valley Glen Apartments and noted there should be greater transparency in regard to the City's plans to address those issues.

Councilmember Ceremello noted discussions with Councilmember Bogue and Community Development Director, Dave Dowswell, who reported staff was looking into applying for a CDBG grant to be used for sewer lines and a stop light and Councilmember Ceremello encouraged further discussion of such options.

Councilmember Ceremello requested an item for discussion be placed on the next agenda to honor the request of Ms. Emerson and the associated neighbors.

Councilmember Ceremello reported a preliminary meeting with Ted Hickman and Bill Allard who is the liaison for the Solano Board of Realtors and is starting a Governmental Affairs Committee to improve business opportunities within the community.

Mayor Batchelor asked the City Attorney to respond to Councilmember Ceremello's request for an agenda item to discuss traffic mitigation on Highway 113.

Mike Dean, City Attorney, noted the request for amendment rather than a reconsideration is based on the Council Rules of Procedure, such a motion can only be made at the same meeting by a member on the side that prevailed, and amendment versus reconsideration is a matter of semantics without much substance. He also noted the motion included a CEQA action that would require changing the mitigation measures established in the 2002 Environmental Report.

Councilmember Ceremello confirmed he was only requesting an item for discussion of traffic mitigation rather than an action item.

Councilmember Bogue supported such a discussion.

A motion was made by Councilmember Bogue, seconded by Councilmember Ceremello, to agendize a discussion of traffic mitigation measures. Roll call was taken as follows:

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

2. Mayor Batchelor reported attending the Valentines for Vets Luncheon that will benefit the Veterans Transitional Housing Program in Dixon, was put on by the Fairfield Community Action Council, and tables sponsored by the American Legion Post 208, Roxy Sanders and Dixon Chamber of Commerce, Dixon Downtown Business Association, Kiwanis, Councilmember Fuller and himself.

He also reported attending the one year anniversary of the Dixon Teen Center and commended the Board of Directors, volunteers, and Recology Dixon for progress made this year in providing a safe and fun place for teens.

Mayor Batchelor congratulated Tom Cordova and Brad Harms who were recently sworn-in as Dixon Police sergeants.

Mayor Batchelor reported the Dixon Fire Department is being featured in the January/February issue of California Fire Service Magazine.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter, City Treasurer, reported an Investment Committee meeting was held this week and another follow-up meeting will be scheduled within the next two weeks.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9.1 Matters relating to City Council Minutes:

- 1. Approved the Minutes of the January 6, 2012 Special Meeting of the City Manager Citizens' Selection Committee.**
- 2. Approved the Minutes of the January 10, 2012 Regular City Council Meeting.**
- 3. Approved the Minutes of the January 18, 2012 Special City Council Sunshine Ordinance Workshop.**

- 9.2 **Adopted Resolution No. 12-019 approving the Enumeration of Claims.**
- 9.3 **Adopted Resolution No. 12-020 to approve the Revised 2012 HOME First Time Homebuyer Program Guidelines and application forms.**
- 9.4 **Adopted Resolution No. 12-021 authorizing the submittal of an Energy Efficiency and Conservation Block Grant Application for converting existing street lights to L.E.D. lights.**
- 9.5 **Received and filed the Quarterly Treasurer's Report for December 31, 2011.**
- 9.6 **Adopted Resolution No. 12-022 authorizing extension of the Solano Abandoned Vehicle Service Authority vehicle registration fee until April 2022.**

10. **PUBLIC HEARINGS**

11. **UNFINISHED BUSINESS**

11.1 **Resolution approving an employment agreement between the City of Dixon and Jim Lindley as the City of Dixon's City Manager.**

Mike Dean, City Attorney, reported that the employment agreement with Jim Lindley generally follows Council direction with one exception regarding the Administration Leave bank for the remaining portion of the year and noted Mr. Lindley has already signed the agreement.

Councilmember Ceremello referred to an e-mail received from Mr. Dean relating to Administrative Leave, Mr. Lindley's intention to take little leave prior to the end of the fiscal year, and questioned the cash-out potential at the end of the year.

Mr. Dean clarified accumulation of vacation and administrative leave, that vacation leave can only be cashed out at termination, and total vacation will be two weeks for the year.

Councilmember Ceremello commented about cell phone and computer costs, air card costs, automobile allowance that includes wear and tear on the vehicle, compensation, and government codes related to severance pay.

Vice Mayor Besneatte noted the agreement is exactly what was requested by Council, he is happy Mr. Lindley has accepted the position, noted a unanimous agreement by Council is unusual, welcomed him and hoped the position is what he wants. He also thanked Paul Kimura for his work.

Mayor Batchelor asked for public comments.

Byron Chapman felt costs of cell phone and computers in the contract are high, mileage is also an issue and the City should know the actual costs rather than an allowance, vacation time should be earned, and he hoped that Mr. Lindley has a good understanding of ADA law and issues. He noted Jon Cox has done a wonderful job as Acting City Manager, dedicated a lot of time to learn about ADA, and worked to gain knowledge more than other City Managers have done.

Mayor Batchelor commended Paul Kimura on providing an excellent pool of candidates with a good combination of public and private experience and the cream rose to the top with Mr. Lindley's acceptance of the position.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 12-023 approving an employment agreement between the City of Dixon and Jim Lindley as the City of Dixon's City Manager. Roll call was taken as follows:

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

Jim Lindley thanked the City Council and the citizens for doing such a thorough job, taking the recruitment seriously, and approving his contract. He thanked Jon Cox for providing insight into the community and the issues it faces, and noted he takes the job freely and without mental reservation.

Mayor Batchelor reported that a welcoming reception is being planned that will enable Mr. Lindley to meet members of the community.

Mayor Batchelor noted Jon Cox has done an outstanding job during a difficult time for the City, commended him very highly for all of his efforts, and thanked his family for sacrifices made while Jon addressed his additional duties.

12. NEW BUSINESS

12.1 Prop 218 Voting and Protest Guidelines.

Joan Michaels Aguilar, Interim Finance and Technology Director, presented the protest guidelines that were established to address the requirements of Prop 218 that governs public notification prior to increasing rates for sewer services, noted the guidelines were established with the approval of the City Attorney and Acting City Clerk, provided the requirements of the City and City Clerk's office and requested comments, feedback, and approval of the Resolution.

Councilmember Ceremello questioned whether this procedure relates to the water rate study and the 45-day period for the rate increase.

Ms. Michael Aguilar confirmed that the DSWA Board would need to take action for the water rate study and this action is for the City's sewer rates.

Mayor Batchelor noted information at the last DSWA meeting contained the timeline for the water rate increase and the 45-day period that will begin after the JPA public hearing in March.

Vice Mayor Besneatte confirmed this is the same process as previously used.

Councilmember Ceremello noted comparison of assessment ballots to fee protest ballots are stated as being essentially the same, he disagreed and felt they were different, and asked for the legal authority.

Mike Dean, City Attorney, confirmed they are different, but the procedure being adopted would treat them similarly and discussed the acceptable methods for submitting the ballots.

Councilmember Ceremello noted the clerk's opinion is final in the guidelines, felt some manner of judicial review should be possible, and the section that reads "City Clerk's opinion is not subject to appeal" should be modified. He felt there have been no problems with the way the City has been handling and this adds nothing not already provided by the State.

Mr. Dean confirmed that the Clerk's opinion is a final action of the City, but a writ of mandate could still be filed.

Councilmember Besneatte felt there should be an opportunity to oppose the Clerk's action and address issues without going to court, such as a presentation to City Council.

Mayor Batchelor suggested using the generic appeal process for citizens that is currently in place.

Mr. Dean recommended not relying completely on the generic process which includes several steps of authority and limit the appeals to only those that would numerically matter in the outcome. Those appeals need to be heard during the public hearing process. He noted the protest must be 50% plus one to be a valid protest number.

Mayor Batchelor asked for public comments.

Larry Simmons noted there should at least be the ability to appeal to the City Manager and not put so much responsibility on one employee such as the City Clerk.

Ourania Riddle noted her involvement in several protests, she has been fairly satisfied with the City's responses, but noted a flaw with requiring the appeals

prior to the close of the public hearing because the validity and number of protests is not always known at the time of the hearing. She agreed it is important that a third party be allowed to bring protests and a person has the right to keep their protests secret.

Mr. Dean agreed that amending the time for appeal to extend past the close of the public hearing is a reasonable point, as suggested by Ms. Riddle, and allows the Clerk time for determination, but the public hearing should not remain open.

This item was continued with direction to return with changes to the resolution, as discussed.

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

Mike Dean, City Attorney, reminded Council that the Redevelopment Agency no longer exists, they should file leaving office Form 700 statements within 30 days, and recommended they file a separate statement from their annual statement.

Mr. Dean reported he would be out of the country for the next City Council meeting and would be returning March 10th.

Councilmember Ceremello asked about disposition of properties owned by the Redevelopment Agency, such as the train station.

Mr. Dean responded that properties owned by the Redevelopment Agency are transferred to the City as the successor agency, the City's obligation is to sell them, that will be occurring in the Spring, and the money does not go to the City.

Councilmember Bogue noted he would like to see a future agenda item to discuss the City purchasing Redevelopment property.

Mr. Dean noted there will be an oversight board to regulate self-dealing and will be looking for transactions of fair market value.

15. **ITEMS FROM THE CITY MANAGER**

Jon Cox, Acting City Manager, announced that "Acting" has been removed Suellen Johnston's title and she is now the Deputy City Clerk.

16. **CLOSED SESSION**

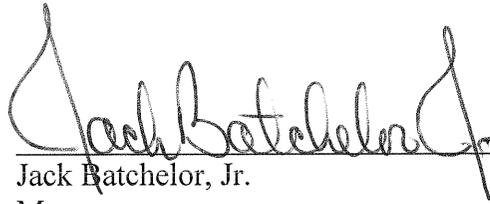
RECONVENE TO OPEN SESSION

17. ADJOURNMENT

The Regular Meeting of the Dixon City Council was adjourned at 8:17 p.m.



Suellen Johnston
Deputy City Clerk



Jack Batchelor, Jr.
Mayor