



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

FEBRUARY 28, 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 LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

City Negotiators: Jon Cox, Steve Johnson, Joan Michaels Aguilar,
Stephen Muzio

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

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

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

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

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

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

** Vice Mayor Dane Besneatte arrived at 6:12 p.m.

The Council recessed from Closed Session at 7:00 p.m.

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened in the City Council Chambers at 7:05 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 Proclamation honoring Jon Cox as Acting City Manager.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the proclamation honoring Jon Cox as Acting City Manager. All Ayes.

Mayor Batchelor expressed his gratitude for all Jon Cox had done while he served dual roles as Acting City Manager, noted Chief Cox addressed many issues, handled difficult situations head-on, and did an overall outstanding job. He presented him with the honorary proclamation and an engraved plaque of appreciation holding the first color Key to the City.

Mayor Batchelor also recognized all City staff for extra efforts and responsibilities expended during the transitional period and difficult economy. He announced that an employee appreciation event for all staff is planned for the near future.

Chief Cox thanked the Mayor, recognized the two Police Captains who kept Police operations running smoothly while he was away from the office, emphasized that all staff works hard and has had to make difficult adjustments for a workforce that has been reduced from 130 employees to less than 100.

Chief Cox thanked his wife and family for their support and understanding while he handled both jobs and presented his wife with flowers.

4.2 Presentation by the Solano County Grand Jury.

Don Richey and Frank Cauldron, members of the Solano County Civil Grand Jury, discussed the duties of the Grand Jury, various past projects reviewed, requirements and confidentiality required of the jurors, noted jurors serve for a period of two years and receive compensation of \$15.00 per meeting plus mileage, encouraged citizens to apply by May 1, 2012, and provided applications for those interested.

4.3 Proclamation declaring March 7 through March 14, 2012 as California Arbor Week.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Fuller, to approve the proclamation declaring March 7 through March 14, 2012 as California Arbor Week. All Ayes.

Mayor Batchelor presented the proclamation to Mary Rivera, founder of Trees for Dixon, who announced that the organization's very first tree-planting event will be held on Saturday, March 10, 2012, at 9:00 a.m. in Veterans Park and noted tree-planting guides will be given away at the event, four fifteen gallon trees will be planted, and 100 seedlings will be on-site.

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

Carmen Reyes, representing the non-profit LIFT3 Support Group, announced that a video entitled "Telling Amy's Story", depicting a story of spousal abuse to promote community awareness, will be presented in Vallejo on March 13th at the Twin Chapels Mortuary, Vacaville on March 21st at the Opera House, and in Fairfield on March 29th at Bryan-Braker Mortuary.

6. ITEMS FROM THE CITY COUNCIL

6.1 Councilmember Fuller thanked Jon Cox and noted serving both roles at the same time is very difficult and he performed well.

6.2 Councilmember Bogue expressed his appreciation to Jon Cox and his family.

6.3 Councilmember Ceremello thanked Jon Cox, appreciated that there was no slacking-off in consistency, and his management of the position was even an improvement.

Councilmember Ceremello reported attending a recent Solano Irrigation District Board Meeting where there was discussion of a lack of money similar to discussions during the Dixon Solano Water Authority Meeting. There was a great deal of concern expressed about lack of money for rehab projects, layoffs, a \$1.2 million dollar deficit, and employees present who expressed their dissatisfaction.

He also reported attending a Wastewater Committee Meeting where Stantec reported the water at the Wastewater Treatment Plant is much saltier than originally anticipated and they will be going to the State Water Resources Board to ask for an increase in the background limits that have been imposed by the Cease and Desist Order. He noted Dixon is starting to see some benefits from the actions of the Dixon Chapter of the Solano County Taxpayers Association who fought the flawed plan from the beginning.

6.4 Vice Mayor Besneatte thanked Jon Cox for all of his efforts and commitment.

He noted there is music played at the Veterans Hall every Friday night at a very reasonable price that is entertaining, and reported that the Rotary Crab Feed was a fun event that enabled contributions to the City.

6.5 Mayor Batchelor, as Chair of the Solano Transportation Authority, reported work is beginning on widening Jamison Canyon Road to improve safety between I-80 and Napa, the truck scales on eastbound Interstate 80 will be moving 1.5 miles to the East and will be a state-of-the art facility, and he noted that while the City Council has named itself successor agency to the Redevelopment Agency under the terms of AB 126, the Mayor holds authority for appointment to the Oversight Committee and he has appointed himself and Mark Heckey to serve on that committee.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter, City Treasurer, announced that Union Bank will be raising the City's administration fees by \$4,000 per year, he and staff are researching other candidates, and recommendations should be provided at the next meeting.

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**

Mayor Batchelor read a comment card submitted by Ginger Emerson requesting a correction to the minutes of January 24, 2012 that noted the minutes do not reflect that the public hearing was closed when the Council took comments from both Mr. Spann of

Pacific West and Mr. Taylor of Richland Communities and members of the public had no opportunity to address those comments.

Councilmember Ceremello noted at the meeting of January 24, 2012, Mr. Heckey made no reference in Item 12.1 to the Northeast Quadrant EDA requiring major amendment if the JPA were dissolved and asked for a correction to that comment. He also noted the word “every” on Page 17 should be changed to “ever”.

Councilmember Ceremello asked who serves as the City’s CalTIP representative. Steve Johnson, Human Resources Director, reported the representative is Cindy Muckensturm.

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

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

- 9.1 **Approved Minutes of the January 24, 2012 Regular City Council Meeting, as amended.**
- 9.2 **Adopted Resolution No. 12-024 approving the Enumeration of Claims.**
- 9.3 **Approved Minute Action, authorizing issuance of a Request for Proposals (RFP) for a contract to purchase unleaded gasoline and fuel for City vehicles.**
- 9.4 **Adopted Resolution No. 12-025 approving an amended Joint Powers Agreement forming the California Transit Systems Joint Powers Authority and authorizing the City Manager to sign the amended Agreement.**

10. **PUBLIC HEARINGS**

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

- 12.1 **Receive direction from the City Council on whether to place an Initiative entitled the “Dixon Open Governance Act” on the ballot for consideration by the Dixon voters pursuant to Section 9222 of the California Elections Code.**

Steve Johnson, Acting City Clerk and Human Resources Director, reported this discussion was placed on the agenda at the request of Councilmember Ceremello in response to the initiative filed by Ourania Riddle and Dave Scholl to place the “Dixon Open Governance Act” on the ballot and for Council to consider placing it on the ballot without the petition and signature gathering process.

Mr. Johnson provided timelines and important dates for the initiative process, election deadlines, costs associated with a special election versus including the initiative in the General Election in November, noted the legal opinion that a CEQA review would be required and that timeline and cost is still unclear. He offered options for Council consideration that included placing the initiative on the November 2012 ballot and consolidate with the General Election, call for a special election with a date to be chosen by the City Council, take no action and require the proponents to proceed with obtaining signatures, or for the Council to pass its own version of the Dixon Open Governance Act at any time which would be superseded if the initiative were passed by the voters. He responded to questions from Council.

Councilmember Ceremello noted the legal opinion is tantamount to a stalling process, obviously there will be no impact to the environment, it is likely adequate signatures would be obtained, and the City needs to move forward and avoid the extra cost of a special election by placing the initiative directly on the ballot.

Stephen Muzio, Associate City Attorney, reported time exists to accomplish the CEQA process and it would be prudent for the City Attorney to analyze the text of the initiative since it could contain illegal or preemptive items and estimated such an analysis would require 20 to 25 hours to perform.

Jon Cox, Acting City Manager, reported the CEQA process is a 20-day process according to the Community Development Director.

Councilmember Ceremello felt the City Attorney's firm would be biased and a legal opinion should be obtained from a neutral party and include fees to the winning party if a faulty opinion is provided. He noted he was hoping for some sort of resolution at this meeting on how to proceed.

Mayor Batchelor asked for public comments.

Dave Scholl, initiative proponent, noted the desire to have it on the ballot for a vote of the people so that a future council cannot reverse the ordinance without another vote of the people, they want to avoid a special election to incur the least expense for the City, are confident in their ability to obtain the required signatures, and timeframes will force a rush action instead of making it a Council decision. He noted Ourania Riddle has taken Council comments into consideration and modified the ordinance, discussion is taking too long, it is a good initiative, and it should not be delayed further.

Mary Savage noted she has lived in Dixon for six years, the City needs open government, and City funds should not be unnecessarily spent or wasted.

There were no further public comments.

Vice Mayor Besneatte disagreed with Councilmember Ceremello's comment that the City Attorney would be unable to provide a fair analysis, noted the ordinance is not high on his list of priorities, the ordinance will cost the City a lot of money to enforce and is excessive, broad and self-serving, the complaining citizens are the same ones that cost the City a lot of money in attorney fees for other things, and proponents should go through the entire process in lieu of the Council placing it on the ballot.

Councilmember Bogue felt it was the Council's duty and obligation to place the initiative on the ballot and suggested an alternative 10% signature requirement to qualify.

Councilmember Fuller disagreed that discussion has taken too long, noted it was difficult to include on the agenda earlier because they were dealing with bigger issues, in his opinion it is not a necessary ordinance, he does not hear a lot of public outcry to support, the council has made every effort to be transparent and comply with the Brown Act, and he does not support some of the costs associated with the ordinance. He noted people are more interested in jobs and economic growth, Council time should be devoted toward those goals, and if enough signatures are gathered the initiative process will proceed.

Mayor Batchelor expressed his disappointment that after the last meeting reviewing the ordinance the City was hit with an initiative, many Councils prefer to take time to discuss this type of issue, such as was done with the Social Host Ordinance, rather than be hammered with threats of action if they do not do what the ordinance says, felt the "troika" of a Sunshine Commission was inappropriate, charging misdemeanors was not governance, the Council would be in bad shape if they didn't trust their City Attorney, and expressed his preference for working on the ordinance together toward mutual compromise. He hoped that if enough signatures are obtained, the proponents will allow it to go on the General Election since there is no urgency for the expense of a special election.

Councilmember Ceremello preferred to trust the citizens to make the decision, disagreed that it would cost more as stated by Vice Mayor Besneatte, and it was fruitless to review the ordinance in the manner it was being done.

Vice Mayor Besneatte noted if there is overwhelming support the ordinance will be placed on the ballot, citizens will see dysfunction in government if they pass the ordinance and will get tired of City government not functioning properly, non-electeds should not be able to take action to sue the City, and reasserted that it will cost more to enforce.

Councilmember Bogue noted the cost only comes into play if there is something wrong, he has experienced slow response times with requests, and closed sessions should have reportable actions to the public.

Mayor Batchelor confirmed that Council would take no action, proponents should proceed with the petition process, and the March 5, 2012 Sunshine Ordinance Workshop should be cancelled.

The City Council recessed for break at 8:35 p.m.

The City Council reconvened at 8:47 p.m.

12.2 Receive informational report on Mid-year Budget status and adopt a Resolution of the City of Dixon approving budget amendments for mid-year Budget requests.

Joan Michaels Aguilar, Interim Finance and Technology Director, presented a PowerPoint that depicted components of the mid-year Budget review which indicated sales tax revenue is showing improvement, property taxes have stabilized although in-lieu revenue is lower than budgeted, building permits are on the upswing, benefit concessions were negotiated with Police and Fire unions and negotiations will begin with Local One and the Senior Managers Association, the loss of Redevelopment will have large impacts, and staff will continue to monitor the General Fund and begin work on the five-year forecast.

Ms. Michaels Aguilar responded to questions from Council regarding the status of the Core Area Drainage Project, the inability to recover storm drain funds, and discussed the budget amendments that included the purchase of conduit prompted by the solar project, pool covers, and a defibrillator.

Councilmember Ceremello noted the resolution should be changed to state determination is by the City Council rather than the City Manager.

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

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 12-026 approving budget amendments for mid-year Budget requests. Roll call was taken as follows:

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

12.3 Resolution authorizing the Fire Chief to sign a Memorandum of Understanding (MOU) between the City of Vacaville Fire Department and the City of Dixon Fire Department to accept extrication equipment purchased by Vacaville through grant funding from the California Office of Traffic Safety (OTS).

Aaron McAlister, Fire Chief, noted this agreement between Dixon and Vacaville will result in \$70,000 worth of new extrication equipment for the City and requires no matching funds.

Councilmember Ceremello asked for clarification on grant requirement #18 noted in #9 regarding a required safety presentation, #2 regarding equipment delivery, warranty information and requirements, and discrimination terminology that he found excessive.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, adopting Resolution No. 12-027 authorizing the Fire Chief to sign a Memorandum of Understanding (MOU) between the City of Vacaville Fire Department and the City of Dixon Fire Department to accept extrication equipment purchased by Vacaville through grant funding from the California Office of Traffic Safety (OTS). Roll call was taken as follows:

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

12.4 Resolution approving the closing of certain streets for the Third Annual Grill-in and Chill-in Rib and Chili Cook-Off.

Jon Cox, Acting City Manager and Police Chief, reported that the terms of this resolution authorizing closing of certain streets for the Third Annual Grill-in and Chill-in Rib and Chili Cook-Off are the same as for last year's event and approval is being requested this far in advance to allow time to work out details with Caltrans. As Police Chief, he reported the previous two events were well organized, essentially problem-free and he was confident in recommending the same process for this year's event.

Councilmember Ceremello thanked the Chief of Police and his staff for providing assistance that maintained a family-oriented event and noted he and the organizer Mike Hamilton are to be complimented.

Mayor Batchelor asked for public comments.

Mike Hamilton, Executive Director of Grillin' and Chillin', confirmed that the event will serve hard lemonade and maintain the same staffing levels as last year.

Vice Mayor Besneatte noted Dave Scholl, publisher of the Independent Voice, considered last year's contribution by the City as a gift of public funds and asked if it was considered the same this year.

Mr. Hamilton felt the Vice Mayor was mistaken that it was Mr. Scholl who made the statement, the event created benefit for many groups in town, this year the organizers plan to reimburse all of the City funds, and this year's event will be bigger with even more things to do.

Mayor Batchelor noted it is frustrating to be criticized for supporting something that benefits so many groups in the City.

A motion was made by Councilmember Bogue, seconded by Councilmember Ceremello, to adopt Resolution No. 12-028 approving the closing of certain streets for the Third Annual Grill-in and Chill-in Rib and Chili Cook-Off. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

15. **ITEMS FROM THE CITY MANAGER**

Jon Cox noted it was a privilege serving as City Manager, as well as an educational and humbling experience, and he was looking forward to Mr. Lindley's arrival and assisting him in any way possible.

16. **CLOSED SESSION**

RECONVENE TO OPEN SESSION

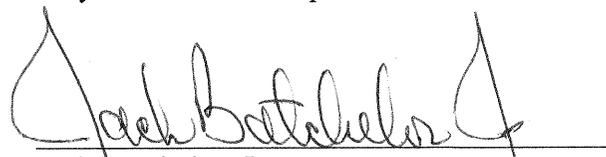
17. **ADJOURNMENT**

Mayor Batchelor reported he would be making a quick trip to Washington D.C. with the Solano Transportation Authority along with four other local mayors to advocate for grant funding for projects such as the Parkway Boulevard grade separation and will provide a report when he returns.

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adjourn the Regular Meeting of the Dixon City Council at 9:35 p.m.



Suellen Johnston
Deputy City Clerk



Jack Batchelor, Jr.
Mayor