



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

**MARCH 27, 2012**

0. **Special Closed Session Meeting 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, Michael Ceremello, Rick Fuller,  
Mayor Jack Batchelor, Jr.

Absent: 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.

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

The Council recessed from Closed Session at 6:13 p.m.

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened in the City Council Chambers at 7:01 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**

None.

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

None.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Mayor Jack Batchelor reported attending the Volunteer Firefighters Awards Dinner and the Evening of Honor for Solano Firefighters and congratulated Matt Fields, Dixon's Firefighter of the year.

He reported that he attended an Eagle Scout ceremony where Chris Evans, Austin Lane, Terrin Lane, and Jordan Sanders were awarded their Eagle Scout status, participated in the Annual Meals on Wheels for seniors, attended "Telling Amy's Story" in Vacaville that dealt with victims of spousal abuse, and thanked Vice Mayor Besneatte for attending the funeral for the wife of Vacaville Mayor Steve Hardy.

He reported attending the Executive Board Meeting of the Association of Bay Area Governments (ABAG) in Oakland where he testified regarding Dixon's application for PDA designation that resulted in Dixon's application being moved from the deferred list to the recommended list and announced that Dixon has been awarded the PDA designation.

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, Ceremello, Fuller, 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 Ceremello, to approve the Consent Calendar. Roll call was taken as follows:

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

- 9.1 **Approved the Minutes of the February 28, 2012 Regular City Council Meeting.**
- 9.2 **Adopted Resolution No. 12-032 approving the Enumeration of Claims.**
- 9.3 **Adopted Resolution No. 12-033 accepting the 7th Street Sidewalk Project, Project #2011-02, as complete and authorizing the City Clerk to file a Notice of Completion.**
- 9.4 **Adopted Resolution No. 12-034 authorizing the City Manager to execute an agreement with the Dixon May Fair for use of designated areas within Hall Park for parking during the annual May Fair (AG 12-005).**
- 9.5 **Adopted Resolution No. 12-035 authorizing the Fire Chief to sign a Letter of Agreement (LOA) between the Solano County Sheriff's Office and the City of Dixon Fire Department to accept communications equipment, thermal imaging equipment, and other first responder assets purchased by the Sheriff through grant funding from the Department of Homeland Security (DHS) (AG 12-006).**

10. **PUBLIC HEARINGS**

- 10.1 **Conduct a Community Development Block Grant (CDBG) Application Public Hearing and consider Resolutions of Activity Approval in conformance with the 2012-13 HCD Super Notice of Funding Availability (Super NOFA).**

Mark Heckey, Economic Development Director, noted at the program design hearing on March 13, 2012, public input was obtained and staff was directed by Council to do additional research to determine if the S. Almond Street Drainage and Core Area Drainage projects would qualify. He reported results show that either the core area drainage or infrastructure in support of the Valley Glen Project could be included, but not combined, and two resolution options have

been provided to reflect Council's decision. It was found there is not a high enough income concentration to qualify S. Almond Street Drainage for the program. The deadline to apply is April 6, 2012 but the business incubator application does not need to be submitted for an additional couple of months and can be addressed as a separate item, therefore only three items will be discussed for this approval.

Mr. Heckey displayed PowerPoint slides showing the targeted income area and percentages and noted the most competitive projects in order are the Mayes Street Area, the sidewalk by the high school and the Core Area Drainage, the Core Area Drainage has the highest readiness followed very closely by the Valley Glen Apartments infrastructure, and noted staff recommends the Valley Glen project as being the most competitive due to the highest concentration of neighborhood need. Mr. Heckey responded to questions from Council.

Councilmember Bogue was concerned that a higher priority is given to infrastructure for new development rather than repair of existing areas in desperate need of repair.

Mr. Heckey noted they must also look at which projects will obtain the highest scoring for the grant, it is based on how compelling the need is in the area, and repairs for the Mayes area were previously submitted and fell short on points for readiness.

Vice Mayor Besneatte obtained confirmation from Morrie Barr, Interim City Engineer and Public Works Director, that \$1.5 million would be adequate for the entire Core Area Drainage Area.

Mayor Batchelor opened the public hearing and noted that speakers are required to sign-in for CDBG hearings.

Bill Spahn, representing the Valley Glen Project, noted his company was happy to continue working with the City and financially contribute along with the grant, but was waiting for the amendment to the traffic report and it is too early to make a firm offer. He noted their company is locked into specific profit margins for the project, any additional funds would need to be paid back, and noted "if the City helps us, we will help you".

Dan Figueroa noted the Core Area Drainage is beyond ready, it is impossible to develop their property in the Core Area without improvements, and offered to provide documentation of flooding if it would help scoring.

Larry Simmons requested clarification on whether scoring for housing related projects is lower than for drainage projects and noted development is being delayed due to the work needed in the Core Area Drainage.

Mr. Spahn introduced Jane Robb who is well-versed in the CDBG process. He stressed the importance of being competitive and maximizing the percentage of success.

Ms. Robb noted she performed a basic analysis of the scoring and reminded the Council that health and safety violations are going to be the most highly-scored.

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

Vice Mayor Besneatte noted his highest priorities would be the Core Area Drainage and then the Valley Glen infrastructure.

Councilmember Bogue noted the Core Area Drainage should be the highest priority since there is a potential for bigger calamities if not fixed and he is more concerned about current infrastructure, the Mayes Area is of next importance, and then the streets west of the high school.

Councilmember Fuller listed his priorities as the Core Area Drainage, Valley Glen infrastructure and sidewalks.

Councilmember Ceremello noted he is generally opposed to government funding in housing, but noted his priorities would be the Core Area Drainage, sidewalks in the Mayes Street area, and neighborhood rehabilitation. He noted the funding sources for the Valley Glen project are already in place by Mr. Spahn's company.

Mayor Batchelor listed his priorities as the Core Area Drainage, the Housing Rehabilitation Program and sidewalk improvement.

Mr. Heckey confirmed that, based on Council priorities, Resolution Option B would be the resolution to approve.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to adopt Resolution No. 12-036, Option B, in conformance with the 2012-13 HCD Super Notice of Funding Availability (Super NOFA). Roll call was taken as follows:

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

## 11. UNFINISHED BUSINESS

### 11.1 Discussion relating to 59 Measure B Residential Allotments for Richland Communities and Old Town Traffic Analysis, and that:

- 1. The Council take no further action regarding the allocation of 59 Measure B residential allotments from the "Allotment Pool" to Richland Communities for the Valley Glen Apartments project;**
- 2. The Council give staff direction regarding the scope of the traffic analysis for the Old Town Neighborhood.**

Dave Dowswell, Community Development Director, provided a history of the approvals related to the Valley Glen apartments and the allocation of 59 Measure B residential development allotments to Richland Communities, recommended that no further action be taken on the Valley Glen Apartments, requested direction on the scope of traffic analysis the Council would like to see completed, and discussed traffic calming measures such as speed bumps, stop signs, restricted turns, the costs for installation of a stop light, and noted the ultimate solution lies in a combination of a new stop light and construction of the Parkway Boulevard Overcrossing. He responded to questions from Council.

Mayor Batchelor requested that CalTrans be contacted about the possibility of adjusting the stoplight at A Street and Highway 113.

Mayor Batchelor asked for public comments.

Larry Simmons noted the four-way traffic signal creates the biggest traffic jam and the intersection worked much better with four-way stop signs.

Ginger Emerson disputed staff's interpretation of the discussion that occurred at the February 14, 2012 meeting and read a letter into the record stating her position.

Councilmember Ceremello was disturbed by the comments in Ginger Emerson's letter, noted he did not recall putting that many criteria in place, the City can reduce stagnant traffic through mitigation measures, and recommended proceeding with the traffic analysis to obtain some solutions.

Councilmember Fuller agreed with Councilmember Ceremello and felt the Council owed it to the community to perform the analysis.

Councilmember Bogue supported proceeding with the traffic study and recommended left-hand turns be prohibited on Southbound Highway 113 during school hours in the Mayes Street area.

Vice Mayor Besneatte noted the traffic study should be completed but did not agree with prohibition of left turns because it will cause traffic jams in other areas.

Mayor Batchelor confirmed Council direction to proceed with the traffic study and explore all options on Highway 113 as well as on the side streets.

The Council recessed for break at 8:40 p.m.

The Council reconvened at 8:50 p.m.

**11.2 Update on Information Technology Services:**

- 1. Resolution accepting an equipment donation from the City of Fairfield;**
- 2. Resolution to purchase Information Technology resources and approve a budget amendment for \$69,400;**
- 3. By Minute Action, approval of concepts presented for a Three-year Information Technologies Strategic Plan with future efforts dependent on budgetary resources available.**

Joan Michaels Aguilar, Interim Finance and Technology Director, reported the recommendations in the report were compiled at Council direction following the January 10, 2012 Council meeting where a report was provided on the City's aging technology infrastructure. The recommended strategy covers a three-year period with budgeted amounts of \$44,400 in FY2012, \$182,395 in FY2013 and \$158,100 in FY2014. She introduced Alex Martinez, Interim Information Technology Manager, who discussed specifics of the recommendations.

Alex Martinez distributed an update to figures in the table on Page 2 of the staff report, noting the original report displayed figures divided over a ten-year period that should have been divided by eleven years. He displayed a PowerPoint presentation and discussed the current technology situation, past expenditures, goals and objectives, the top three strategies recommended, productivity tools for staff, replacement computers, long-term recommendations, and available options. He responded to questions from Council

Councilmember Bogue noted the substantial investment over three years that would result in savings in the long run, but wondered how long that investment would meet the City's needs.

Mr. Martinez responded that technology lifecycles are typically three to five years.

Councilmember Fuller noted the report is the best information they have been provided in years and appreciated the details provided by staff.

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

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

1. Adopt Resolution No. 12-037 accepting an equipment donation from the City of Fairfield;
2. Adopt Resolution No. 12-038 to purchase Information Technology resources and approve a budget amendment for \$69,400;
3. By Minute Action, to approve concepts presented for a Three-year

Information Technologies Strategic Plan with future efforts dependent on budgetary resources available.

Roll call was taken as follows:

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

**11.3 Resolution approving the reduction of project funds from Monarch Engineering Consultant Services, increase of the contingency, and approving the revised project budget for the photovoltaic (solar) Project #2011-06.**

Morrie Barr, Interim City Engineer and Public Works Director, requested approval of a \$65,115 increase to the budget for the Photovoltaic (solar) Project for a total of \$2,331,240 and displayed a PowerPoint outlining the distribution to reflect the needed increase in contingency funds, and noted staff does not anticipate spending the full \$100,000 contingency since they always try to avoid change orders. He responded to questions from Council.

Christina Castro, Junior Engineer, reported it is not really an increase in project costs because the more expensive panels supplied actually reduced the cost of the structure needed.

Councilmember Ceremello was concerned that the project cost may rise to meet what is budgeted if the increase is granted.

Jim Lindley, City Manager, noted that if the project is finished early, \$40,300 will come back to the City, in addition to the contingency, if not used.

Mayor Batchelor asked for public comments.

Larry Simmons noted he was confused as to why the contingency rose.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 12-039 approving the reduction of project funds from Monarch Engineering Consultant Services, increase of the contingency, and approving the revised project budget for the photovoltaic (solar) Project #2011-06. Roll call was taken as follows:\

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

**11.4 Resolution approving Guidelines for the submission, tabulation and appeal of protests pursuant to Article XIII D of the California Constitution.**

Steve Johnston, Human Resources Director and Acting City Clerk, noted that when the guidelines were originally presented to the Council in February, Council requested changes to the traditional appeal process to allow the Council the opportunity for final appeal and to adjust the time allowed for tabulation of votes. He responded to questions from Council.

Councilmember Ceremello confirmed whether a third party, such as the Solano County Taxpayers Association, would be allowed to deliver protests.

Michael Dean, City Attorney, recommended that in the section regarding delivery, after the word “delivery” adding the words “either in person or by a third person”.

Councilmember Ceremello supported that wording change.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 12-040 approving Guidelines for the submission, tabulation and appeal of protests pursuant to Article XIII D of the California Constitution, as amended. Roll call was taken as follows:

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

**11.5 Matters relating to Dixon Landscaping and Lighting Maintenance District (LLMD):**

- 1. Resolution directing the City Engineer to prepare the annual Engineer’s Report for Fiscal Year (FY) 2012-13;**
- 2. Possible discussion and direction to staff regarding LLMD assessment matters including review of allocation of expenses, citywide district, etc.**

Janet Koster, Senior Management Analyst, reported this discussion is the beginning of the annual process of preparing the annual Engineer’s Report for Fiscal Year (FY) 2012-13, noted last year’s discussion speculated about revisiting the concept of a citywide Lighting and Landscaping Maintenance District, and that unless otherwise directed staff will prepare the Engineer’s Report consistent with the allocation of expenses used in the FY 2011-12 Report and with no increase in assessments other than the 2.9% cost of living adjustment allowed in the Valley Glen area.

Jim Lindley, City Manager, noted the City would not be able to provide the same level of service without the CDF volunteers and thanked staff for garnering that relationship.

Mayor Batchelor asked for public comments.

Ginger Emerson noted her opposition to formation of a citywide district since the Old Town area does not have problems with sound, lighting, etc.

Mayor Batchelor noted the Old Town could benefit from installation of LED lighting.

Councilmember Ceremello noted he still recommends a citywide district since all citizens can utilize any part of the City, but acknowledged it could not yet be implemented due to costs.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 12-041 directing the City Engineer to prepare the annual Engineer's Report for Fiscal Year (FY) 2012-13. Roll call was taken as follows:

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

**11.6 Matters relating to the City of Dixon City Code and Municipal Code:**

- 1. Waive reading, read by title only, and adopt an Ordinance adding Titles, 3, 4, 7, 8, and 13, and Chapters 2.10, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 9.04, 11.01, 11.03, 11.07, 11.08, 11.09, 11.10, 11.11, 12.11 and 14.01 to the City of Dixon Municipal Code; and**
- 2. Waive reading, read by title only, and adopt an Ordinance repealing Chapters 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25 and 28 of Article I of the Dixon City Code and Chapters 1A, 6, 7, 9 and 13 of Article II of the Dixon City Code.**

Michael Dean, City Attorney, reported this is the second reading of ordinances introduced at the March 13, 2012 Council meeting, the first of which moves the City Code sections into the Municipal Code and the other repeals ordinances contained in the old City Code.

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

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

1. Adopt Ordinance No. 12-004 adding Titles, 3, 4, 7, 8, and 13, and Chapters 2.10, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 9.04, 11.01, 11.03,

- 11.07, 11.08, 11.09, 11.10, 11.11, 12.11 and 14.01 to the City of Dixon Municipal Code; and
2. Adopt Ordinance No. 12-005 repealing Chapters 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25 and 28 of Article I of the Dixon City Code and Chapters 1A, 6, 7, 9 and 13 of Article II of the Dixon City Code.

Roll call was taken as follows:

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

**11.7 By Minute Action, approve the City of Dixon response to the 2011-2012 Grand Jury Report entitled “City Treasurer Functional Review.”**

Joan Michaels Aguilar, Interim Finance and Technology Director, reported that corrections requested by the Council at the previous meeting have been incorporated into the letter and requested approval of the revised letter to the Grand Jury.

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

By Minute Action, a motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to approve the City of Dixon response to the 2011-2012 Grand Jury Report entitled “City Treasurer Functional Review.” Roll call was taken as follows:

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

**12. NEW BUSINESS**

**12.1 Resolution amending the salary range for the Finance & Technology Director and ratifying the City Manager’s selection of Joan Michaels Aguilar to fill the position of Finance & Technology Director.**

Steve Johnston, Human Resources Director and Acting City Clerk, reported that during her short tenure with the City as Interim Finance & Technology Director, he has found Ms. Michaels Aguilar to be one of the best Finance Directors he has worked with in the City, she exemplifies the type of team spirit the City is trying to promote and, in conjunction with the City’s labor relations goal has agreed to accept the position with a 10% reduction in salary range as a show of solidarity.

Jim Lindley, City Manager, noted that adjustment of this confidential salary position does not require labor negotiations and he negotiated with Ms. Michaels Aguilar to remain in the position because he believes she perfectly fits the technical requirements of the job and cooperates well with other staff. He noted the position has the same benefits package as the Senior Management Association.

Councilmember Ceremello supported hiring Ms. Michaels Aguilar and also thanked her for addressing water agency concerns that have clarified what the next steps should be.

Mayor Batchelor noted he has been very pleased with Ms. Michaels Aguilar's work and has found she explains things very clearly.

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 12-042 amending the salary range for the Finance & Technology Director and ratifying the City Manager's selection of Joan Michaels Aguilar to fill the position of Finance & Technology Director. Roll call was taken as follows:

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

Mayor Batchelor noted that a future agenda item is planned to modify City policy to allow the appointment of senior managers at the discretion of the City Manager.

Councilmember Bogue asked about the current policy regarding the City Council having a say in final layoffs.

Mayor Batchelor confirmed that the City Manager would come before the Council in closed session, layoffs would need to be negotiated with unions, and the Council would have input.

Mr. Lindley noted the City's policy is to do everything possible to avoid layoffs, and renegotiating debt management has helped cut costs.

Councilmember Besneatte noted he was pleased that Ms. Michaels Aguilar plans to remain with Dixon and that she has served the City well.

Councilmember Ceremello agreed that the appointment of senior managers does need to be discussed but did not agree completely with the proposed direction and felt it could result in an abuse of power.

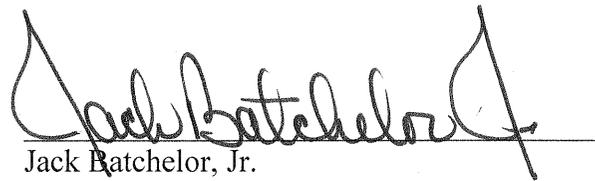
13. OTHER AGENCY BUSINESS
14. ITEMS FROM THE CITY ATTORNEY
15. ITEMS FROM THE CITY MANAGER
16. CLOSED SESSION  
RECONVENE TO OPEN SESSION
17. ADJOURNMENT

The Regular Meeting of the Dixon City Council was adjourned at 10:37 p.m.



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Suellen Johnston  
Deputy City Clerk



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Jack Batchelor, Jr.  
Mayor