



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

APRIL 24, 2012

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order at 7:00 p.m. 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 Thom Bogue, Micheal Ceremello, Rick Fuller,
Vice Mayor Dane Besneatte, Mayor Jack Batchelor, Jr.
Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Proclamation declaring May 2012 as Older Americans Month in the City of Dixon.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the Proclamation declaring May 2012 as Older Americans Month in the City of Dixon. Roll call was taken as follows:

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

Mayor Batchelor presented the proclamation to Bessie Miller, a representative from the Dixon Senior Center.

Ms. Miller thanked the Mayor and invited everyone to attend the Block Party at the Women's Improvement Park on Saturday, April 28th, where her granddaughter would be singing the National Anthem.

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

- 5.1 Gary Erwin discussed the potential of Lucas Films moving their film operations to the property previously proposed for Dixon Downs, the benefits to the community, and that it would be a perfect fit for Dixon.
- 5.2 Bill Paul invited the public to attend groundbreaking ceremonies for the Heritage Commons apartment complex on May 18, 2012 and thanked Luke Watkins and the City Council for placing trust in their company.
- 5.3 Byron Chapman noted the accessibility area in the back of the Council Chambers should be free of any chairs, except for the installed chairs at the end, until after the meeting begins to allow access for the disabled, noted this is the second time he has mentioned it, and indicated he would not ask a third time.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Bogue congratulated Altec on their new facility expansion, and noted it is an impressive, employee-friendly facility, that will bring one hundred new jobs to the community.

He noted his previous request to have a discussion of the bid qualification guidelines on the agenda and again requested it be agendaized.

Mayor Batchelor reported the discussion is scheduled for the May 8, 2012 agenda.

Councilmember Bogue asked that a letter be prepared to Lucas Films for signature by all of the Council extending a welcome to that business.

- 6.2 Councilmember Ceremello noted the previous day's scheduled meeting of the Dixon Solano Water Authority had been cancelled, was not rescheduled, three years was long enough to wait for requested information, he would like to research the cost for the City to run it's own water system, and although not yet ready to call for dissolution of the Joint Powers Agreement, he is very close to doing so.

He noted a complaint he received about the "knee-high" grass at Northwest Park and asked the City Manager to look into the situation.

- 6.3 Vice Mayor Besneatte noted the new Altec facility will provide one hundred jobs for the community and one thousand jobs throughout the United States and being selected for this green technology is a big accomplishment for the City of Dixon.

He noted a campaign sign mounted on a City fence that should be removed.

Vice Mayor Besneatte commented about a problematic ticketing situation with a police officer for a bicycle, complaints about his attitude, and another parking citation issued near his home for someone who was parked 14 feet 8 inches from the fire hydrant. He recommended curbs be painted red exactly 15 feet from fire hydrants.

6.4 Mayor Batchelor reported on attending the Altec Grand Opening and the groundbreaking ceremony for the new truck scale station in Cordelia.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter, City Treasurer, relayed an unusual situation at his office where his co-workers confused a \$30 million embezzlement case in Dixon, Illinois, with Dixon, California.

Mayor Batchelor noted he had also received a few calls from people confusing the two cities.

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
ABSENT: None
ABSTAIN: None

9. **CONSENT CALENDAR**

Councilmember Ceremello asked that Item 9.3 be heard separately.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to approve the Consent Calendar, except Item 9.2. Roll call was taken as follows:

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

9.1 Approved the Minutes of the March 27, 2012 Regular City Council Meeting.

9.2 Adopted Resolution No. 12-048 approving the Enumeration of Claims.

- 9.3 **Resolution authorizing the City Manager or designee to execute a Professional Services Contract with DH Consulting of West Sacramento as the City's Community Development Block Grant (CDBG) Business Incubator Feasibility Study Consultant for project feasibility analysis, Over-the-Counter Economic Development Grant Preparation support, and related Housing and Community Development (HCD) reporting.**

See Minutes on Page 4.

- 9.4 **Adopted Resolution No. 12-050 authorizing the City Manager to execute Amendment No. 6 to the existing Wastewater Treatment Plant Quarterly and Annual Monitoring Reports Consultant Services Agreement with Stantec Consulting Engineers to prepare required on-going reports for submittal to the California Regional Water Quality Control Board for a period of three years with a not-to-exceed budget of \$37,500.**

- 9.5 **Received and filed the Quarterly Treasurer's Report for March 31, 2012.**

- 9.3 **TAKEN OUT OF ORDER**

Resolution authorizing the City Manager or designee to execute a Professional Services Contract with DH Consulting of West Sacramento as the City's Community Development Block Grant (CDBG) Business Incubator Feasibility Study Consultant for project feasibility analysis, Over-the-Counter Economic Development Grant Preparation support, and related Housing and Community Development (HCD) reporting.

Councilmember Ceremello noted the contract request is for a maximum not-to-exceed amount \$12,000, both bids came in higher than that amount, and he asked what part of the scope is going to be eliminated to reach the \$12,000 minimum.

Mark Heckey, Economic Development Director, reported that staff will be exploring possible trade-offs and is asking the Council to allow staff discretion to reach the contract amount.

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 12-049 authorizing the City Manager or designee to execute a Professional Services Contract with DH Consulting of West Sacramento as the City's Community Development Block Grant (CDBG) Business Incubator Feasibility Study Consultant for project feasibility analysis, Over-the-Counter Economic Development Grant Preparation support, and related Housing and Community Development (HCD) reporting. (AG 12-008)

10. **PUBLIC HEARINGS**

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

12.1 Minute Action to approve and direct the City Manager to sign the Letter of Agreement between Davis Senior Housing Communities, Inc. (DSHC) and the City of Dixon regarding extension of deadlines to develop the Senior Living Facilities in the Brookfield project.

Dave Dowswell, Community Development Director, noted that, in light of the economic downturn, construction of the Senior Living Facilities in the Brookfield Development was delayed. The developer has requested an extension of deadlines for completion of Phase I by December 31, 2014, with the intention of breaking ground next month the project should take only 18 months to complete but the deadline allows for delays, and completion of Phase II in 2017. He noted Phase II still requires design review and plan approval.

Councilmember Ceremello asked about reasons for the delay and financing issues, noted financing delays should have been anticipated and incorporated into the original deadlines, and hoped there would be no similar problems with Phase II.

Luke Watkins, Davis Senior Housings Communities, Inc., reported financing for projects such as this requires a three-year process that involves several agencies and the State funding has a once-a-year application cycle. He noted they hope to record the documents tomorrow and then proceed.

Jim Lindley, City Manager, noted this is a technical administrative issue that was overlooked in the beginning.

Councilmember Bogue noted that Brown Construction in West Sacramento is the General Contractor, there were problems with a project in Davis that resulted in a half million dollar settlement for shorting workers in pay, and hoped they would be closely monitored on this project.

Mayor Batchelor asked for public comments.

Ginger Emerson noted her comments have nothing to do with the individual company or this application, but the statement in the staff report regarding Environmental Impact apparently indicates it is the City's position that there are no problems with environmental impacts until the situation is challenged in court. Her second point of concern related to financing for the 59 units that is already in place since it is a different category of financing.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to adopt a Minute Action to approve and direct the City Manager to sign the Letter of Agreement between Davis Senior Housing Communities, Inc. (DSHC) and the City of Dixon regarding extension of deadlines to develop the Senior Living Facilities in the Brookfield project (AG 12-009) Roll call was taken as follows:

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

12.2 Informational presentation on the City of Dixon's Volunteer Program.

Jody Worthy noted she is the unpaid Volunteer Coordinator for the City of Dixon under a work experience program at American River College, April is National Volunteer Month, and an appropriate time to report on the City's Volunteer Program since she assumed the position in August 2011.

She reported recruiting six volunteers, including herself, since August 2011 who assist with clerical, maintenance and repair, and project management in the Human Resources, Economic Development and Public Works Departments of the City and estimated cost savings of approximately \$10,000,

Ms. Worthy has promoted the program through the City's website, Dixon Patch, the Volunteer Solano.org website, newspaper articles, community presentations and recently won a free spot on the KUIC radio station. Promotional marketing was done at no cost to the City. She noted the City hopes to double the number of volunteers over the next year, as well as help with community organizations such as heading-up the Coastal Clean-up Day in the Valley Glen drainage area on September 15 from 9:00-12:00. The City will be hosting a small thank-you lunch for volunteers in the coming week and hopes to continue that volunteer recognition on a bi-annual basis.

Ms. Worthy invited people interested in volunteering to download an application on the website or stop by and see her at City Hall on Tuesday and Thursdays.

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

Councilmember Fuller asked about the total number of hours attributed to the volunteers. Ms. Worthy discussed the approximate number of hours worked by each volunteer.

Mayor Batchelor noted his appreciation for Ms. Worthy's efforts and the efforts of all the volunteers.

This report was filed.

12.3 Waived first reading, read by title only and introduced an Ordinance amending Section 2.09.040(C) of Chapter 2.09 of Title 2 of the Dixon Municipal Code relating to the position of City Manager.

Steve Johnson, Human Resources Director, reported this proposed ordinance would amend a fifty-one year old ordinance written at a time when the community was much smaller with a part-time City Manager and would give the present professional City Manager the same authority over Department Heads as those Department Heads have over their own staff in the running of the City and would enable the City Manager to be fully in charge and responsible for all facets of City operations. ‘

Mr. Johnson noted that hiring individuals for senior management positions is an operational process, candidates have gone through a significant vetting process, it is difficult to assess candidates without being involved in the process, and noted the Council is making hiring decisions for which most cities rely on the City Manager.

Jim Lindley, City Manager, noted that his recruitment was a very public process that is appropriate at that level, but most professionals do not want to answer to six bosses or be that public in the hiring process. He noted he is trying to build the organization and took the first step in hiring the Finance Director, hopes to do more in the near future, and asked that the Council give him the same authority as is given to Senior Staff to build an enduring organization. He noted the policy can always be changed if it doesn't work out, hiring the right person is a skill, and Council has the option of terminating him if dissatisfied.

Councilmember Bogue noted he appreciates the wisdom of fifty-one years that put checks and balances in place, all authority shouldn't be given to one person, he is more concerned about the ability to terminate an employee rather than hiring, and does not want to allow the opportunity for City Hall to be "stacked" the way a City Manager would prefer.

Vice Mayor Besneatte was concerned with options for department heads to voice grievances if they were terminated unfairly and noted Council would not have authority to stop the action. He noted his concern in making the change was not necessarily with the current City Manager, but it could change with someone else in charge and was ambivalent that that change may not be in the best interest under other circumstances.

Councilmember Fuller felt the fear is unfounded, the City Manager is asking for the authority to hire more than fire staff, the tools to hold managers accountable, and will notify the Council of what is occurring.

Councilmember Ceremello asked that the resolution be corrected to read "two newspapers of general circulation" and add the word "his/her control" when

referring to the manager. He was not concerned about Mr. Lindley's judgement but felt it does not show progress to eliminate the checks and balances that are in place to limit the power of one individual, and noted the policy has worked for fifty-one years, there is no benefit to the change, and it is very difficult to change legislation that is already in place. He also noted some cities who do things differently are approaching bankruptcy.

Mayor Batchelor felt bankruptcy has nothing to do with who is hired but is based on City Council decisions, was not aware of anything in operating procedures that allows the Mayor to dictate who is hired, and would doubt the ability of the City Manager if that were to occur. He noted the Council wants the City Manager to run the City, it was a disaster when the Police Chief reported to Council, the hiring process is a very in-depth process with many people involved and maybe the Council should look closer at the process for terminations but give the authority to hire senior managers without affirmation.

Mayor Batchelor asked for public comments.

Larry Simmons was more than mildly concerned about this proposal, was shocked at the timing, felt it was presented too early in the new City Manager's tenure, and there would be no good checks and balances for employees.

Byron Chapman expressed his concern and felt the City should change as little as possible in the first six months with a new City Manager until he learns how the organization functions, there is a need to be cautious, and although the Council needs someone at the helm to make decisions easier and quicker, it is a little too early to make the change.

Shirley Humphrey saw the change as a fabulous opportunity, was surprised the City Manager did not already have the authority, and she preferred the Council spend more time on setting goals, out in the community, and less time on operations.

An unidentified speaker noted the residents count on the City Council but someone needs to manage so the Council can work on setting goals. The Council is taking care of too many things.

Mr. Lindley noted the timing is good because the City Manager position was vacant for a long time, strategic management positions are held by interim managers which need to be filled to get the organization functioning properly, and good candidates could be lost to a lengthy process or hesitancy to come before Council. He noted he was not opposed to bringing termination decisions before Council since he would probably do that anyway, but did not want to belabor the decision and noted we will do what we need to do to move forward regardless.

Vice Mayor Besneatte noted it was obvious he would be the deciding vote, he was not prepared to make a decision so soon in putting the Council in the position of

bystander, it would be too difficult to change back, and although he has faith in Mr. Lindley, it is a difficult decision for him. He requested the item be continued to May 8, 2012, at which time he would be better prepared for a vote on the ordinance change.

By consensus, this item was continued to May 8, 2012.

12.4 Presentation and possible discussion of the 2011 Dixon Fire Department Annual Report.

Aaron McAlister, Dixon Fire Chief, reported on the 2011 Accomplishments of the Fire Department that included completion of an SCBA grant, FCC narrow banding upgrades, the engineers testing process that resulted in two promotions, installation of a PPE extractor, integration of social media on the website and automatic aid training. He also discussed challenges that included the loss of one office position and four vacant positions due to injury and military service.

Chief McAlister discussed the 1748 calls for service received during the year, the history of previous years and attributed the drop in calls to the statewide mild fire season. He provided a breakdown of services provided for those calls, the status and age of the fleet of vehicles, and goals for the coming year that included recruitment, apparatus replacement, fire prevention changes, aggressive grant applications, and update of the Emergency Operations Plan. He responded to questions from Council regarding fleet replacement costs and the use of smaller vehicles for emergency medical response.

Mayor Batchelor complimented Fire Department staff for an admirable job in providing for public safety and asked for public comments.

An unidentified resident asked about future response times.

Chief McAlister responded that the average in Area 40 is four minutes and twenty-six seconds, and the average in Area 41, which is farther out, is five minutes and seventeen seconds.

This report was filed.

12.5 Resolution amending the Fiscal Year (FY) 2011-12 General Fund Budget for donations of \$3,000 received from local businesses and a \$15,000 tribal foundation donation, and authorizing staff to utilize the funds for Technical Rescue and Trailer Equipment to achieve a Medium Rescue Type status as defined by State of California typing standards.

Ron Karlen, Fire Division Chief, reported donations such as this help fulfill the Fire Department's mission of having a USAR team in Dixon and requested approval to accept the donation and utilize the funds for the requested equipment.

Mayor Batchelor noted that the new agreement with the City of Winters to provide fire coverage was a factor in obtaining the donation from the Yocha De He tribe.

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. 12-051 amending the Fiscal Year (FY) 2011-12 General Fund Budget for donations of \$3,000 received from local businesses and a \$15,000 tribal foundation donation, and authorizing staff to utilize the funds for Technical Rescue and Trailer Equipment to achieve a Medium Rescue Type status as defined by State of California typing standards (AG 12-010). Roll call was taken as follows:

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

12.6 Resolution accepting the Assistance to Firefighters Grant (AFG) Agreement EMW-2011-FO-08736, authorizing a budget amendment to account for said grant and expenditures, and authorizing suspension of the competitive bidding process to purchase four LIFEPAK 15 defibrillators at a cost of \$177,858.22.

Ron Karlen, Fire Division Chief, reported that acceptance of the grant funds to purchase the four LIFEPAK defibrillators is recommended by staff because they have been needed for ten years and will allow transmittal of data to hospitals that has not been possible in the past and can be used on infants, which also was not previously possible.

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. 12-052 accepting the Assistance to Firefighters Grant (AFG) Agreement EMW-2011-FO-08736, authorizing a budget amendment to account for said grant and expenditures, and authorizing suspension of the competitive bidding process to purchase four LIFEPAK 15 defibrillators at a cost of \$177,858.22 (AG 12-011). Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**
14. **ITEMS FROM THE CITY ATTORNEY**
15. **ITEMS FROM THE CITY MANAGER**
16. **CLOSED SESSION**

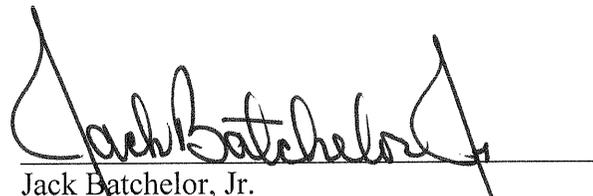
RECONVENE TO OPEN SESSION
17. **ADJOURNMENT**

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adjourn the meeting.

The Regular Meeting of the Dixon City Council was adjourned at 9:33.p.m.



Suellen Johnston
Deputy City Clerk



Jack Batchelor, Jr.
Mayor