



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

SEPTEMBER 13, 2011

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order at 7:04 p.m. in the Dixon City Council Chambers 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, Rick Fuller,
Vice Mayor Michael Ceremello, Mayor Jack Batchelor, Jr.

Absent: Councilmember Dane Besneatte

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Proclamation declaring the week of September 17, 2011 through September 23, 2011 as Constitution Week.**

Mayor Batchelor presented the proclamation to Pat McKnight.

Vice Mayor Ceremello noted copies of the Declaration of Independence, Constitution, and Bill of Rights should be displayed on the walls of the Council Chambers and referred staff to the USHistory.org website where document copies can be purchased at a discounted price and asked that it be done as soon as possible.

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

5.1 Patty Quintero and Jesse Mejillo, representing the Dixon Teen Center, thanked the Council for support of the teen center, reported on the success and benefits to

local teens, attendance of 80 to 120 teens on Friday and Saturday nights, and invited the community to participate in upcoming events that include Dixon's Got Talent on Saturday, September 17th, and a Haunted House planned for three days in October.

Vice Mayor Ceremello asked about the needs and financial status of the Teen Center.

Jon Cox, Acting City Manager, noted the future for the Teen Center is very bright however donations and volunteers are needed, and the hope is to expand hours to include weekdays.

- 5.2 Mike Hamilton, Director, reported attendance of 17,000 at the recent Grillin' and Chillin' event, the event made a profit, a \$1,200 donation was made in the name of Grillin' and Chillin' to CC Yin in Vacaville for Veterans, and a donation is planned for the Dixon Teen Center. He distributed t-shirts to the City Council.
- 5.3 Dave Scholl reported the upcoming Lamb Festival on October 1st will have 120 vendors, a Teen Talent Showdown, a cook-off, and invited knitters to participate in an event to set a world record for the most people knitting at one time. He asked for volunteers, sponsors and patrons from the community to participate.
- 5.4 Phil Venable noted the Scottish Cultural Association will be holding traditional Scottish games at the Dixon fairgrounds on September 24th and provided details.

6.0 ITEMS FROM THE CITY COUNCIL

- 6.1 Vice Mayor Ceremello asked the City Attorney for clarification on reconsideration of the legal notices contract, the decision to split the contract, and whether a two/two vote would kill it for future reconsideration.

Stephen Muzio, Associate City Attorney, responded that action cannot be taken on something not on the agenda.

- 6.2 Councilmember Bogue recommended that the City Hall roof be inspected prior to installation of solar panels and noted it is inadvisable to install 25-year solar panels on a roof that does not have the same life expectancy.
- 6.3 Mayor Batchelor reported on attending the 9/11 Ceremony at the Fire Station and commended the firefighters and Fire Chief on their recognition of the event and installation of the commemorative monument.

7. ITEMS FROM THE CITY TREASURER

- 7.1 James Slaughter, City Treasurer, reported that eleven responses were received on the Financial Advisor RFP and interviews are being scheduled.

An Investment Committee meeting is scheduled for September 19, 2011 with PFM Asset Management.

The Solano County Grand Jury is meeting with Solano County City Treasurers for input on their positions and he has an appointment scheduled to meet with them.

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, Batchelor
NOES: None
ABSTAIN: None
ABSENT: Besneatte

9. **CONSENT CALENDAR**

Vice Mayor Ceremello requested that Items 9.3, 9.4 and 9.6 be heard separately, and had a comment regarding Item 9.7. Councilmember Bogue requested that Item 9.2 be heard separately.

Suellen Johnston, Acting Deputy City Clerk, noted a correction had been made to Item 5.3 of the August 23, 2011 Minutes at the request of Ginger Emerson. The third line reading "stating her assertion that Richland Communitis retained no vested right" was changed to read "stating the petitioners' assertion that Richland Communities retained no vested right".

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the Consent Calendar, as amended, except for Items 9.2, 9.3, 9.4, 9.6 and 9.7.

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

9.1 Matters relating to City Council Minutes:

- 1. Approved the City Council Minutes for the August 10, 2011 Special Meeting.**
- 2. Approved the City Council Minutes for the August 23, 2011 Regular Meeting, as amended.**

9.2 Resolution approving the Enumeration of Claims.

See Mintes on Page 4.

- 9.3 Resolution authorizing suspension of the competitive bidding process and authorizing a purchase agreement with Fisher Scientific Company, L.L.C. for firefighter self-contained breathing apparatus (SCBA) and frames, spare air bottles, rapid intervention team (RIT) packs, Pak-Tracker Locator Systems, Posichek for testing and Porta Count Fit Test Machine at a cost of \$155,921.77.

See Minutes on Page 6.

- 9.4 Resolution: 1) amending fund 100.153.560400.0000 by \$65,677 for the purchase of rubberized bark mulch and amending the general fund revenue by the same amount to reflect grant funds awarded from the Department of Resource Recycling and Recovery (CalRecycle), Tire-Derived Products Grant; and 2) authorized the “Piggy Back” purchase of rubberized bark mulch from West Coast Rubber Recycling, Inc. in an amount not to exceed \$65,677.00 based on the competitive bid process conducted by the County of Santa Clara.

See Minutes on Page 6.

- 9.5 Adopted Resolution No. 11 0131 ratifying the Acting City Manager’s appointment of Dave Dowswell as the City of Dixon’s Interim Community Development Director effective October 10, 2011 under the terms of Government Code 21221(h).

- 9.6 Resolution authorizing suspension of the competitive bidding process, approval of an additional allocation of \$7,502.45 from the California State Supplemental Law Enforcement grant fund (SLEF) to the Capital Outlay account in the City of Dixon Police Department FY 2012 budget, and purchase of communication equipment from Delta Wireless & Network Solutions at a cost of \$31,502.45.

See Minutes on Page 7.

- 9.7 Resolution authorizing the City Manager to execute a consultant services agreement amendment with Central Valley Environmental, Inc. (CVEI) to perform groundwater monitoring at the Municipal Service Center for a cost not to exceed \$10,000.

See Minutes on Page 5.

- 9.2 **TAKEN OUT OF ORDER**

Resolution approving the Enumeration of Claims.

Councilmember Bogue requested clarification for payments related to HVAC, Logmein, Inc., and backflow testing.

Vice Mayor Ceremello asked for details of the \$3,800 payment made to Willdan Financial Services, since he was unaware of current work being done. Martha Jensen Felsch, Management Analyst, reported it was final payment for work completed on the Lighting and Landscaping District.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-128 approving the Enumeration of Claims. Roll call was taken as follows:

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

9.7 TAKEN OUT OF ORDER

Resolution authorizing the City Manager to execute a consultant services agreement amendment with Central Valley Environmental, Inc. (CVEI) to perform groundwater monitoring at the Municipal Service Center for a cost not to exceed \$10,000.

Vice Mayor Ceremello asked where the \$10,000 will be paid from and the status of remediation.

Janet Koster, Senior Management Analyst, noted the \$10,000 will be paid by the Underground Storage Tank Clean-up Fund and planned remediation has been delayed due to a mistake by the State in not including the additional \$50,000 funds in their current budget.. The State has agreed to look for more money but the City may lose a year of additional injections for lack of budgeting. She confirmed the problem still exists, but a hiatus of injections should not impact the localized problem, and not pose problems with drinking water.

Vice Mayor Ceremello noted delay creates a liability for the City, consideration should be given to taking funds from reserves to continue remediation injections and the topic should be agendized for future action on the \$50,000 needed for remediation of the site.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 11-133 authorizing the City Manager to execute a consultant services agreement amendment with Central Valley Environmental, Inc. (CVEI) to perform groundwater monitoring at the Municipal Service Center for a cost not to exceed \$10,000. Roll call was taken as follows:

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

9.3 TAKEN OUT OF ORDER

Resolution authorizing suspension of the competitive bidding process and authorizing a purchase agreement with Fisher Scientific Company, L.L.C. for firefighter self-contained breathing apparatus (SCBA) and frames, spare air bottles, rapid intervention team (RIT) packs, Pak-Tracker Locater Systems, Posichek for testing and Porta Count Fit Test Machine at a cost of \$155,921.77.

Vice Mayor Ceremello expressed concern about suspension of the bidding process for Items 9.3, 9.4 and 9.6 and felt suspension may preclude optimal pricing.

Aaron McAlister, Fire Chief, reported there are multiple manufacturers of equipment but Scott is the manufacturer of the City's equipment, and Fisher Scientific Company was awarded the GSA contract after a competitive bidding process even though the process was not conducted specifically by Dixon.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-129 authorizing suspension of the competitive bidding process and authorizing a purchase agreement with Fisher Scientific Company, L.L.C. in the amount of \$155,921.77 (AG 11-042). Roll call was taken as follows:

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

9.4 TAKEN OUT OF ORDER

Resolution: 1) amending fund 100.153.560400.0000 by \$65,677 for the purchase of rubberized bark mulch and amending the general fund revenue by the same amount to reflect grant funds awarded from the Department of Resource Recycling and Recovery (CalRecycle), Tire-Derived Products Grant; and 2) authorized the "Piggy Back" purchase of rubberized bark mulch from West Coast Rubber Recycling, Inc. in an amount not to exceed \$65,677.00 based on the competitive bid process conducted by the County of Santa Clara.

Vice Mayor Ceremello noted every dime of the grant is being spent for the tire derived products and some of the grant money could be saved if competitive bids were solicited by the City instead of "piggy-backing" onto Santa Clara County.

Martha Jensen Felsch, Management Analyst, noted the final invoice will actually be \$65,640.36 and the grant was tightly estimated.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-130 authorizing amending Fund 100.153.560400.0000 by \$65,677 and authorizing the “Piggy Back” purchase of rubberized bark mulch from West Coast Rubber Recycling, Inc. (AG 11-043). Roll call was taken as follows:

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

9.6 **TAKEN OUT OF ORDER**

Resolution authorizing suspension of the competitive bidding process, approval of an additional allocation of \$7,502.45 from the California State Supplemental Law Enforcement grant fund (SLEF) to the Capital Outlay account in the City of Dixon Police Department FY 2012 budget, and purchase of communication equipment from Delta Wireless & Network Solutions at a cost of \$31,502.45.

Vice Mayor Ceremello commented that the City should be doing the research and obtaining competitive bids to get the best “bang for the buck”.

Councilmember Fuller noted that cities and counties have cooperated for years to get beneficial pricing that may not be available individually, it is inflammatory and unfair to say their research is insufficient, and they obtain many good bids.

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. 11-132 authorizing suspension of the competitive bidding process, approval of an additional allocation of \$7,502.45 from the California State Supplemental Law Enforcement grant fund (SLEF) to the Capital Outlay account in the City of Dixon Police Department FY 2012 budget, and purchase of communication equipment from Delta Wireless & Network Solutions at a cost of \$31,502.45. (AG 11-044). Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Continue the Public Hearing regarding the proposed Negative Declaration of environmental impacts associated with the proposed wind turbine at the City**

of Dixon's Wastewater Treatment Plant at 6915 Pedrick Road to the October 25, 2011, City Council meeting. (Continued from August 23, 2011)

Mayor Batchelor noted the public hearing would be continued to October 25, 2011, and opened the public hearing to receive comments.

There were no public comments.

Vice Mayor Ceremello noted the item is being delayed to secure financing but the public hearing should be held prior to October 25th to enable Council discussion with the contractor before the deadlines get too tight and financial commitments are made.

Councilmember Bogue noted he would like to hear further details on the 2% savings previously discussed by the contractor.

Mayor Batchelor confirmed that staff would bring this item back to Council prior to October 25, 2011.

This public hearing was continued.

11. **UNFINISHED BUSINESS**

11.1 Waive reading, read by title only, and introduce an ordinance adding Title 3 (Personnel) to the Dixon Municipal Code; introduce an ordinance adding Chapter 2.10 (Civil Emergencies) to the Dixon Municipal Code; introduce an ordinance adding Chapter 12.11 (Bicycles) to the Dixon Municipal Code; and introduce three ordinances repealing Chapters 3, 6 and 7 of Article I of the Dixon City Code.

Stephen Muzio, Associate City Attorney, reported these sections of the City Code were presented with revision for approval and transfer to the Municipal Code several meetings ago, revisions were requested by Council at that time that have been incorporated and are being resubmitted for approval.

Councilmember Bogue noted the review was at his request, a number of his questions regarding bicycle regulations still remain, particularly related to public property and overriding the Vehicle Code, and noted more people are turning to bicycles and the codes should be more friendly to encourage useage. He felt electric scooters should be removed from the category of bicycles and scooters to enable driving on the street before he could support approval. He also questioned limitations imposed on bike riding in City parks.

Mayor Batchelor noted that the revisions coincide with current vehicle codes and safety of people in the park should be considered as well as bicycle riders convenience.

Councilmember Fuller noted all parks have access paths and damage can be done to landscaping if paths are not utilized.

Vice Mayor Ceremello noted a lot of the code is unnecessary.

Mayor Batchelor asked for public comments.

Larry Simmons noted the danger of bicycles approaching pedestrians from behind without warning.

Ginger Emerson reminded the Council of her previous requests for consideration of pedestrians and to help eliminate falls by the elderly that resulted in ordinance revisions prior to Councilmember Bogue's term.

Byron Chapman noted some corner angles are difficult for wheelchairs to navigate and signs in the Downtown and Safeway area prohibiting bikes and skateboards are not clear about riding on sidewalks.

Councilmember Bogue noted bicycles are allowed in residential areas, but the signs are for prohibition in commercial areas.

Herb Cross felt maintenance of the parks should be considered and bike paths will be worn in the grass if not controlled.

A motion was made by Councilmember Bogue to approve the ordinance as written, but striking "electric scooters" from H in the bicycle ordinance. The motion died for lack of a second.

A motion was made by Councilmember Fuller, seconded by Mayor Batchelor, to adopt the proposed ordinances adding Title 3 (Personnel) to the Dixon Municipal Code; introduce an ordinance adding Chapter 2.10 (Civil Emergencies) to the Dixon Municipal Code; introduce an ordinance adding Chapter 12.11 (Bicycles) to the Dixon Municipal Code; and introduce three ordinances repealing Chapters 3, 6 and 7 of Article I of the Dixon City Code. Roll call was taken as follows:

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

The motion failed and the ordinance will be brought back at a later time.

11.2 Resolution approving a budget amendment for design of solar arrays to serve the Police Station and authorizing the City Manager to execute a consultant services agreement amendment with Monarch Engineering for an amount not to exceed \$17,890.

Janet Koster, Senior Management Analyst, noted that in order to proceed with design of the municipal parking lot, an amendment to the agreement for design work is necessary in an amount not to exceed \$17,890. In response to a previous

question by Councilmember Bogue, she confirmed that an evaluation of the City Hall roof will be completed and noted one portion on the south side was replaced eight to ten years ago and is the newest portion.

Mayor Batchelor asked for public comments.

Byron Chapman agreed that the City Hall roof should be evaluated to ensure it will match the life of the solar panels.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to adopt Resolution No. 11-134 approving a budget amendment for design of solar arrays to serve the Police Station and authorizing the City Manager to execute a consultant services agreement amendment with Monarch Engineering for an amount not to exceed \$17,890.. Roll call was taken as follows:

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

11.3 Matters regarding Dixon Read-Ride Service and associated Transportation Development Act (TDA) Funding:

- 1. Resolution authorizing the filing of a claim with the Metropolitan Transportation Commission for allocation of TDA Funds for Fiscal Year 2011-12 and finding said claim to be exempt from the California Environmental Quality Act (CEQA).**
- 2. Resolution approving a budget amendment to Fund 350 (Transit Operations).**

Janet Koster, Senior Management Analyst, discussed the purpose of the grants and items for which they will be utilized that include bike racks for busses, a radio system, staff training, and carpet replacement at the Transit building. She responded to questions from Council.

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. 11-135 authorizing the filing of a claim with the Metropolitan Transportation Commission for allocation of TDA Funds for Fiscal Year 2011-12 and finding said claim to be exempt from the California Environmental Quality Act (CEQA); and to adopt Resolution No. 11-136 approving a budget amendment to Fund 350 (Transit Operations). Roll call was taken as follows:

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

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

The Council reconvened at 8:44 p.m.

12. **NEW BUSINESS**

12.1 Receive and file the Quarterly Treasurer’s Report for June 20, 2011.

Joan Michaels Aguilar, Interim Finance and Technology Director, discussed the highlights of the Quarterly Treasurer’s report, noted the date of the report was incorrectly stated on the agenda but is correct in the staff report, and displayed a pamphlet that was prepared displaying the data in the report.

Vice Mayor Ceremello noted no corrections necessary to the report, but if there were, corrections would need to be made at the Investment Advisory Committee level.

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

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Bogue, to receive and file the Quarterly Treasurer’s Report for June 20, 2100. Roll call was taken as follows:

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

12.2 Resolution authorizing the City Manager to execute an agreement with Solano Emergency Medical Services Cooperative (SEMSC) to provide first response advanced life support, non-transport services.

Aaron McAlister, Fire Chief, discussed components of the proposed contract, noted a seven minute response time is required, the City is consistently above 90%, and recommended approval. There were no questions from Council

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

A motion was made by Councilmember Bogue, seconded by Councilmember Fuller, to adopt Resolution No. 11-137 authorizing the City Manager to execute an agreement with Solano Emergency Medical Services Cooperative (SEMSC) to provide first response advanced life support, non-transport services (AG 11-045). Roll call was taken as follows:

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

12.3 Receive direction from the City Council on the makeup of the City's future labor negotiations team and a future labor law workshop open to the public.

Councilmember Bogue requested that this item be tabled until full Council can be present.

Steve Johnson, Human Resources Director, recommended a workshop, open to the public, with instruction provided by either the City Attorney or a labor consultant, given the fact that public sector labor negotiations are strictly scrutinized.

Vice Mayor Ceremello appreciated the information provided in the staff report, requested the item be brought back for action rather than just discussion, but felt the workshop was a good idea in conjunction with action.

Discussion of this item was tabled until a full Council can be present.

12.4 Matters relating to Dixon Police Officers Association Retirement Formula:

- 1. Receive report identifying the actuarial impact upon future City annual costs relating to the proposed adoption of a 3% @ 55 retirement formula for sworn DPOA members and direct staff to present the Council with the associated required certifications for adoption on October 11, 2011;**
- 2. Resolution of Intention approving an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City of Dixon relating to a 3% @ 55 retirement formula for sworn DPOA members; and**
- 3. Waive the first reading, read by title only and introduce an ordinance authorizing an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to Police employees benefit formula.**

Steve Johnson, Human Resources Director, discussed the terms of the proposed modifications and ordinance, and noted, if approved, it would be brought back at the October 11, 2011 meeting to adopt the ordinance and would become effective 30 days later. He noted the same language would be proposed to move forward for the Dixon Professional Firefighters Association at a later date.

Vice Mayor Ceremello asked if other options were available or if this is the only one. Mr. Johnson responded that other options were presented, but this one is the industry standard in our county.

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

A motion was made by Councilmember Fuller, seconded by Vice Mayor Ceremello, to adopt Resolution No. 11-138 stating intention to approve an Amendment to the Contract between the Board of Administration, California

Public Employees' Retirement System and the City of Dixon relating to a 3% @ 55 retirement formula for sworn DPOA members and to adopt an ordinance authorizing an Amendment to the Contract between the City of Dixon and the Board of Administration of the California Public Employees' Retirement System relating to Police employees benefit formula. Roll call was taken as follows:

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

12.5 Recology Contract Renewal Discussion (M. Ceremello Request)

Vice Mayor Ceremello noted his request was intended to provide input prior to a contract being finalized for approval so that City staff and Recology staff could consider potential modifications. He requested that consideration be given to providing an option to opt out of recycling, modifying the cost to the citizens based on whether they opt out of recycling, lowering dump fees, reopening the street sweeping contract for a bid process, and considering solicitation of citizen input.

Councilmember Bogue noted consideration should be given to modifying the term of the contract from eight years to twenty-three years, such as in Vacaville, to modify rate structures.

There were no questions or comments from Recology staff.

Mayor Batchelor asked for public comments.

Byron Chapman noted the placement of toters in a sideways orientation should be better enforced either by Recology or the City so that toters do not blow over and block wheelchair accessibility on sidewalks.

Vice Mayor Ceremello noted toters will blow around in a heavy wind no matter how they are oriented, asked if toters are more easily damaged when turned sideways, and citizens need to decide whether they want to pay higher rates to do it the old way, or cut a little slack on this sort of issue.

Scott Pardini, Recology Dixon, reported that toters were not designed to open sideways, are more easily damaged, and many need to be replaced because of damage. Redesign would be costly because a whole new mold would need to be created for Dixon and all other cities use the current design to be able to purchase in bulk for a discount.

Mr. Chapman asked if toters could be redesigned to enable a different configuration when repairs are done.

Vice Mayor Ceremello asked Mr. Pardini to provide costs for redesigning the containers and costs for lid replacement.

Direction was provided.

12.6 Discussion and possible action regarding Vice-Mayor Michael Ceremello's request for waiver of attorney-client and work product privileges relating to preliminary review of the proposed Sunshine Ordinance.

Vice Mayor Ceremello noted comments made by legal staff regarding the proposed sunshine ordinance should be able to be weighed by both sides, he requested a Council waiver of attorney-client privilege to release the comments to the public, and asked who had given direction for review of the ordinance by the City Attorney. He noted he agreed with many of the attorney comments and saw no reason not to release them so concerns can be addressed in a public forum.

Stephen Muzio, Associate City Attorney, stressed that the comments were only an initial review, first impressions, and not thoroughly researched, therefore the conclusions could not be considered firm.

Councilmember Bogue also supported release of the documents.

Mayor Batchelor asked for public comments.

Dave Scholl, Publisher of the Independent Voice, noted a true work product stays in the attorney's office and these comments were distributed to staff. He cited an Attorney General opinion by Stanley Mosk, firmly stressed that privilege does not apply in this instance, and noted his intention to go to court to force release of the documents if not approved for release.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Bogue, to waive attorney-client and work product privileges relating to preliminary document review of the proposed Sunshine Ordinance. Roll call was taken as follows:

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

The motion failed.

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

15. **ITEMS FROM THE CITY MANAGER**

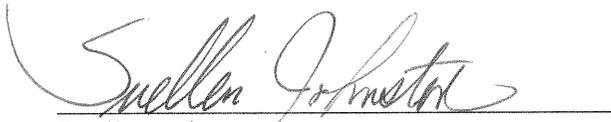
Jon Cox, Acting City Manager, reported he would be out of town for the Council meeting on September 27, 2011, and Dave Dowswell, Community Development Director, would serve as Acting City Manager for that meeting.

16. **CLOSED SESSION**

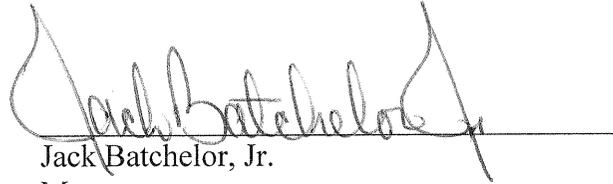
RECONVENE TO OPEN SESSION

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council adjourned at the hour of 9:25 p.m.



Suellen Johnston
Acting Deputy City Clerk



Jack Batchelor, Jr.
Mayor