

THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS CONVENED AT 7:00 P.M. ON TUESDAY, JANUARY 28, 2009 IN THE CHARLES BENSON MEMORIAL HALL, CITY HALL

Present: Council Members Clark, Edelen, Cecilio, Allion and Mayor Russell

Absent: None

Also present: City Attorney Wellington, Interim City Manager Evans and Deputy City Clerk Carvalho

Meeting came to order at 7:00 p.m. and roll call was taken.

Mayor Russell requested a moment of silence for Clayton Neill our City Engineer who passed away unexpectedly on Friday, January 23rd, and he dedicated the meeting in his memory.

PUBLIC COMMENT:

Bob Oliver: Was pulled over for speeding and didn't feel it was justified. He went into great length on the subject and talk.

Pat Gagliotti: Owns home on Portola Drive and talked about the golf balls that have been hitting her home and breaking windows in her home. She spoke with Jan Braga of the Del Rey Oaks Golf Driving Range who took no responsibility for the damages. She asked the Council to put a stop to the problem for the sake of public safety.

Dewey Evans: Has had several conversations with the property owner and the plan at this point is for C.O.P. Ron Langford to do an investigative report in the neighborhood and return a report to the City Manager.

Leslie, tenant of Pat Gagliotti: The fear for her son in her own home is great. She talked about the balls denting her car, broken windows, bounced around the inside of her dining room and is very concerned for everyone's safety.

Tom Gagliotti: The Golf driving range is a very narrow corridor and can not contain the balls on the left and right side of the range. He feels the property does not fit the golf driving range, it's too small.

CONSENT AGENDA:

Councilmember Allion: Pulled Item B.2. Financials. Has had the opportunity to discuss the format of the budget report with Dewey Evans. The budget is still in

good standing but wants to caution against spending. He said there are a few items of concern. Thanked Dewey Evans and Laura Dadiw for their continued hard work.

A. MINUTES:

1. December 18, 2008, Joint Redevelopment Agency and City Council Meeting
2. January 14, 2009, Regular Planning Commission Meeting

B. MONTHLY REPORT:

1. Claims, December 2008
2. Financial, December 2008
3. Fire Department Response Report, December 2008
4. Police Activity Report, December 2008

C. MISCELLANEOUS

1. 2009 Regional Agencies Boards and Committees Representatives Appointment List

Motion Councilmember Edelen, seconded Councilmember Clark approve consent agenda

There were no public comments received

Motion passed 5-0

OLD BUSINESS: None

NEW BUSINESS:

The Council considered **Item 5.A.** Request from Monterey Peninsula Airport District to Request County Tax Collector to Reverse Erroneously Assessed Special Tax on District Parcel on Del Rey Gardens Drive.

City Attorney Wellington: He received a letter from the airport district attorney relating to a piece of property that was taxed as improved property rather than undeveloped property. They have asked that the tax collector reverse the charges and fines. He stated that the airport district is correct and requests that the council approve a letter as such.

Mayor Russell: Acknowledged the presence of Dick Searle.

Motion by Councilmember Allion for Interim City Manager Dewey Evans to take appropriate action, seconded by Councilmember Cecilio

There were no public comments received

Motion passed 5-0

The Council considered **ITEM 5.A.**, Resolution 09-01, A Resolution of the City of Del Rey Oaks To Tax Defer Member Paid Contributions and **ITEM 5.B.**, Resolution 09-02, A Resolution of the City of Del Rey Oaks for Employer Paid

Member Contributions

Interim City Manager Evans: Stated that 5.B. is dealing with the employee paid contributions to CalPERS and 5.C. is the employer paid contributions to CalPERS. They want to ratify the process that has been going on for a very long time.

City Attorney Wellington: This is simply paperwork to make their files correct.

Mayor Russell: The employee can defer the taxes which is a benefit to the employee.

Councilmember Allion: All has been budgeted and can both be approved at the same time.

Motion by Councilmember Allion to adopt Resolutions 09-01 and 09-02 with no amendments, seconded by Councilmember Clark.

There were no public comments received

Motion passed 5-0

The Council considered **Item 5.D.**, Joint Powers Agreement between Monterey Salinas Transit and the City of Del Rey Oaks

Interim City Manager Evans: Stated there is no fiscal impact to the City at all by approving the JPA with MST, stating this only effects how the funds are received from the jurisdictions and allocated to MST by the County because of a change in the MST boundaries in the County.

Councilmember Clark: MST didn't know that the boundary had changed and she was on the committee who negotiated this agreement.

Motion by Councilmember Clark to approve, seconded by Councilmember Edelen

There were no public comments received

Motion passed 5-0

STAFF REPORTS:

Interim City Manager Evans: He reported that in the Herald there was a good article about the police departments working in all jurisdictions to control traffic; C.O.P. Ron Langford is getting a 15 year pin from the Chiefs Association; and he announced the Planning Commission meeting will be February 11th and the City Council meeting will be February 27th and would like to have a midyear budget review at that meeting.

MAYOR/COUNCIL REPORTS:

Councilmember Clark: Reported on MST

Councilmember Edelen: Reported on TAMC

Councilmember Cecilio: Reported on Mosquito Abatement conference.

Councilmember Allion: Reported on AMBAG

Mayor Russell: Reported on MRWPCA, the Mayors Meeting, Seaside Sanitation District, FORA, the landfill, North Monterey Peninsula Cities and the Water Master for Seaside Basin.

7:48 p.m. - Council meeting adjourned to closed session

7:58 p.m. - Closed session came to order

The council went into closed session with regard to the two matters listed on the agenda. In connection with the real property negotiations matter, information was received by the council and it gave directions to the city's real property negotiators. In connection with the matter of possible litigation, information was received by the council and it gave directions to the city attorney. No other action was taken.

8:46 p.m. – Council meeting adjourned to the next regular meeting of Tuesday, February 24, 2009 at 7:00 p.m.

Approved:
