

**CITY OF DEL REY OAKS CITY COUNCIL  
TUESDAY, NOVEMBER 17, 2009 at 6:00 P.M.  
CHARLIE BENSON MEMORIAL HALL, CITY HALL**

**AGENDA  
REGULAR MEETING**

1. **6:00 P.M. - ROLL CALL** – *City Council*
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS:**  
Anyone wishing to address the City Council or Agency on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. *There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.*
4. **CONSENT AGENDA:** *Action Items*
  - A. **MINUTES:**
    1. October 27, 2009, Regular City Council Meeting
    2. October 14, 2009 Regular Planning Commission Meeting
  - B. **MONTHLY REPORTS:**
    1. Claims, October 2009
    2. Financials, October 2009
    3. Fire Department Response Report, October 2009
    4. Police Activity Report, October 2009
5. **OLD BUSINESS:** None *Action Items*
6. **NEW BUSINESS:** *Action Items*
  - A. Ordinance No. 269, An Ordinance Adding Chapter 8.30 Relating to Polystyrene Food Packaging to the Municipal Code (*first reading*)
  - B. Resolution No. 2009-16, A Resolution Authorizing the Submittal of the Application to the California Energy Commission's EECBG Program for Funds to Execute the Proposed Project; Energy Efficiency Upgrade to Public Facilities as Described in Exhibit A

- C. Resolution No. 2009-17, A Resolution Pledging to Support Protecting Local Government and Transportation Funding from the Grips of the State to Protect our Communities Once and For All
  - D. Resolution 2009-18, A Resolution Opposing the Forced Transfer of Del Rey Oaks Students to Del Rey Woods School
  - E. Appoint Council Member Zuccaro to the AMBAG Board
7. **STAFF REPORTS:**  
A. City Manager Report
8. **MAYOR AND COUNCIL REPORTS**
9. **CORRESPONDENCE:**  
A. Monterey Regional Waste Management District  
B. Letter of Compliment from a Resident of Del Rey Oaks
10. **CLOSED SESSION:** As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations  
  
A. Conference with Real Property Negotiator  
1) Property: 360 Acres of Former Fort Ord  
Negotiating Party: Federal Development Partners  
Under Negotiation: Price and Terms of Payment
11. **SET NEXT MEETING DATE:** Establish **Tuesday, December 15, 2009, at 6:00 P.M.** as the date and time of the Council's next regular meeting (*Note: The meeting is on the third Thursday due to the holiday*).
12. **ADJOURNMENT**

Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
DEL REY OAKS CONVENED AT 7:00 P.M. ON TUESDAY,  
OCTOBER 27, 2009 IN THE CHARLES BENSON MEMORIAL  
HALL, CITY HALL**

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**Present:** Council Members Zuccaro, Clark, Cecilio, Allion and Mayor Edelen

**Absent:** None

**Also present:** City Attorney Wellington, City Manager Dawson and Deputy City Clerk Minami

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

*Council Member Zuccaro lead the Pledge of Allegiance.*

**PUBLIC COMMENT:**

**Kathi Smith:** Is very happy to see the surplus vehicles, including the Hummer, will be sold. Asks how it will be done and if the City will take into account the thousands of dollars of equipment that was put on the Hummer.

**Dan Dawson:** Will explain when the item is heard.

**Jonathon Reedy, 210 Quail Run Court:** Is a cyclist and would like to see some "no passing on the right" signs installed along Hwy 218. The road is extremely dangerous. Provides alternative barrier information to the City Council, gave to City Clerk.

**CONSENT AGENDA:**

**A. MINUTES:**

1. September 03, 2009, Special City Council Meeting
2. September 22, 2009, Regular Joint City Council Meeting
3. September 29, 2009, Adjourned Regular City Council Meeting
4. October 14, 2009, Planning Commission Meeting

**B. MONTHLY REPORT:**

1. Claims, September 2009
2. Financial Statement, September 2009
3. Fire Department Response Report, September 2009
4. Police Activity Report, September 2009

**C. MISCELLANEOUS**

1. Approve Resolution 2009-14, a Resolution Declaring Three (3) Police Vehicles and One (1) Public Works Vehicle Surplus and Authorizing the Disposal Thereof

**City Manager Dawson:** The City will look at the most economical way to auction and sell the vehicles.

*Motion by Council Member Clark to approve consent agenda, seconded by Council Member Cecilio*

*There were no other public comments received.*

*Motion passed 5- 0*

The Council heard **ITEM 5.A.**, Presentation by Jim Arnold regarding the General Jim Moore Boulevard Repaving and Encroachment Permit Request.

**Jim Arnold, F.O.R.A.:** The need for the encroachment permit is so that F.O.R.A. will be able to continue on the work on the former Fort Ord. They will be laying fiber optic and then paving the portion of General Jim Moore that belongs to Del Rey Oaks. They have a time line, Dec 17<sup>th</sup> job bid date or they will lose it, in order to maintain the grant that has been established for this work. Forward progress and final completion is worth approximately one million dollars for the Cities land.

**Council Member Cecilio:** Will General Jim Moore have a traffic light?

**Jim Arnold:** If it warrants traffic lights, they will be installed. There are certain warrants to quantify installation of traffic lights, and they follow those guide lines. There are many funding offers in the state for traffic lights and the City could make a traffic light a condition of the permit.

**Council Member Zuccaro:** After this will the road be complete?

**Jim Arnold:** The California Native Plant Society has an overlay and the intersection has to be moved.

**City Manager Dawson:** Will there be bike lanes?

**Jim Arnold:** Yes, bike and pedestrian lanes in some areas and just bike lanes in others.

**Council Member Allion:** Not directly relative to the subject, would like to take a look at making General Jim Moore 4 lanes all the way into Del Rey Oaks, ending up in 2 lanes at Hwy 218 is very dangerous.

**Public Comment:**

**Scott Larson:** Agrees that the flow to Hwy 218 will be too much for Del Rey Oaks and suggests taking a really good look at the situation.

**Jim Arnold:** Visually, it will be within what they call the "comfort zone" for a two lane road.

**Kim Richardson:** Notices a lot of "in and out" traffic for events at Laguna Seca at South Boundary Road, will that change?

**Jim Arnold:** No, that will always be an entrance for Laguna Seca, to ease the congestion at Hwy 68.

**Kathi Smith:** There are so many details to work out, and is worried about how emergency vehicles will get through.

**Jim Arnold:** The biggest issue regarding the widening of Hwy 218 is land acquisition, and it needs to be in a long term plan.

**Kathi Smith:** Thought that General Jim Moore would connect with only Hilby and San Pablo.

**Jim Arnold:** List was re-worked by Seaside decided that it would be Broadway, Hilby, and San Pablo that will be connected with General Jim Moore.

**Kathi Smith:** Is South Boundary on the capital improvement list?

**Jim Arnold:** Yes.

**George Jaksha:** Will Broadway connect to Salinas, some day.

**Jim Arnold:** It is a corridor that would connect to Hwy 68 at San Benancio Road. They have not relinquished that idea, it will not be in the future near future, that's for sure.

**City Attorney Wellington:** Explains that is to be an action item, rather than informational item, and should be amended to make the change, in order to grant F.O.R.A. permission.

*Motion by Council Member Cecilio to amend Item 5.A from an Information Item to an Action Item, seconded by Council Member Clark.*

*There were no further public comments received*

*Motion passed 5-0*

*Motion by Council Member Allion to authorize the execution of a construction easement to the Fort Ord Reuse Authority for the realignment and improvement of General Jim Moore Boulevard across the westerly frontage of the Del Rey Oaks land holding on the former Fort Ord, seconded by Council Member Zuccaro.*

*There were no further public comments received*

*Motion passed 5-0*

**OLD BUSINESS:**

*Mayor Edelen explained that the ordinance number was issued in error and has been changed from 264 to 267.*

The Council heard Testimony for **Item 6.A.1.** a public hearing to Consider Adopting Ordinance No. 267, The second reading of an Ordinance of the City Council of the City of Del Rey Oaks Granting to California American Water Company a Franchise to Use Public Streets and Property Within City Boundaries for the Purposes of Providing Water Service Subject to Final Review and Approval by the City Attorney.

**City Attorney Wellington:** By passing this ordinance it will authorize the City Manager to execute the Franchise Agreement between the City and California American Water. The ordinance will take effect and be in force thirty days from the passing of the resolution.

**City Manager Dawson:** Working with Laurie Gerardi from Cal Am. The city has never had a franchise agreement with Cal Am, and once it is in effect, it will generate \$8,500.00 to \$10,000.00 annually to Del Rey Oaks. The city will also receive back fees from Cal Am that add up to approximately \$43,000.00.

**Council Member Clark:** Thanks Dan Dawson for the great job.

**Mayor Edelen:** 12 Mayors from Monterey County fighting for the cease and desist order so the water rates will not go up.

**Kathi Smith:** Will it ever go lower than 2%?

**Laurie Gerardi:** No.

**Kathi Smith:** What about the pipeline that is going in on Carlton?

**Laurie Gerardi:** Different project, for water direction.

*Mayor called for a roll call vote:*

*Council Member Zuccaro: Aye*

*Council Member Clark: Aye*

*Council Member Cecilio: Aye*

*Council Member Allion: Aye*

*Mayor Edelen: Aye*

*There were no further public comments received*

*Motion passed 5-0*

The Council considered **ITEM 5.B.**, the second reading to Consider Adopting Ordinance No. 268, An Ordinance Amending Section 2.04.010A of the Municipal Code Relating to the Time of Regular City Council Meetings.

**Council Member Clark:** Great idea.

**City Manager Dawson:** The Planning Commission passed the resolution to meetings begin at 6:00, would be good for consistency.

**Public Comment:**

**Kathi Smith:** Wants it very noticeable on the website and in kiosks that the time has changed, wants everyone to know. It will be hard for some public to make it at 6:00.

**Kim Richardson:** Likes the meetings at 7:00.

**Mayor Edelen:** The time can always be changed if the public isn't able to be at the meetings because of the earlier time. More and more cities are conducting the meetings earlier, they do not conclude very late in the night. Hoping that

residents will come straight to the meetings, rather than go home and have to come back, and then lose the momentum to attend the meetings.

**Kathi Smith:** Glad there will be flexibility on the set time.

*Motion by Council Member Zuccaro to approve ITEM 5.B., seconded by Council Member Cecilio.*

*Mayor called for a roll call vote:*

*Council Member Zuccaro: Aye*

*Council Member Clark: Aye*

*Council Member Cecilio: Aye*

*Council Member Allion: Aye*

*Mayor Edelen: Aye*

*There were no further public comments received*

*Motion passed 5-0*

#### **NEW BUSINESS:**

The Council considered **ITEM 7.A.**, Consider Establishing a Subcommittee to Discuss Improvements to Del Rey Oaks Park.

**City Manager Dawson:** The Committee was created to wisely spend grant money. Good time to get people together.

**Council Member Cecilio:** The Committee consists of himself, Council Member Clark, Planning Commissioner Lucido, and Ron Langford. Haven't met in a long time, needs to continue.

**Council Member Clark:** Wants to have next meeting at 5:00 at the park or old town hall, as they will be able to get public input.

**Public Comment:**

**Kathi Smith:** Would like to see citizen ad hoc committees.

**Mayor Edelen:** Wants to add Kathi Smith as a resident representative to the Park Committee.

**Kathi Smith:** Thanks Mayor Edelen.

*Motion by Council Member Cecilio to add resident Kathi Smith to the Park Committee, seconded by Council Member Clark.*

*There was no further public comment received.*

*Motion passed 5-0*

The Council considered **ITEM 7.B.** Consider Establishing a Subcommittee to Discuss the City's Affiliation with Monterey Peninsula Airport District.

**Mayor Edelen:** Introduces Bill Sabo from the Airport District.

**Bill Sabo:** Wants to foster a good neighbor relationship with the City. The airport is striving for open communication.

**Council Member Allion:** Would like to see a representative from The Oaks.

**Mayor Edelen:** Council Member Clark is the liaison, and asks for another volunteer.

**Council Member Allion:** Volunteers as a liaison.

*Motion by Council Member Cecilio to approve the nomination of Council Member Allion as an airport liaison, seconded by Council Member Zuccaro*

*There was no public comment received*

*Motion passed 5-0*

The Council considered **ITEM 7.C.** Consider Establishing a Subcommittee to Examine Methods to Increase Revenue to the City.

*Motion by Council Member Clark to nominate Scott Larson, as a resident representative on the Revenue Enhancement Committee, seconded by Council Member Cecilio.*

*There was no public comment received*

*Motion passed 5-0*

The Council considered **ITEM 7.D.** Consider Resolution No. 2009-15, A Resolution Approving Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions In Connection Therewith

**City Manager Dawson:** Explains that the League of California Cities has implemented a way to make sure the Cities get to keep the money that is owed. The suspension of Proposition 1A was passed by the State Legislature and signed by the Governor on July 28, 2009. Under this provision, the State will borrow 8% of the amount of property tax revenue apportioned to cities.

With the Proposition 1A Securitization Program, The California Statewide Communities Development Authority will simultaneously purchase the Prop 1A Receivables, issue bonds and provide each local agency with the cash proceeds in two equal installments, on January 15, and May 3, 2010, to coincide with the dates that the State will be shifting property tax from local agencies.

There really is no "down side" to this.

*Motion by Council Member Clark to approve Resolution No. 2009-15 seconded by Council Member Allion.*

*There was no public comment received*

*Motion passed 5-0*

The Council considered **ITEM 7.E.** Consider Sending out Request for Proposals for Legal Services.

**Mayor Edelen:** The Legal Services haven't been looked at since 1974, and with the Council wanting total transparency, time is perfect to keep this up to date. Nothing wrong with our current services, they are excellent.

**Council Member Allion:** Never been competed in 35 years.

**City Attorney Wellington:** Retainer hasn't gone up in 20 years. Never raised rates due to the Cities financial problems in the past.

**Public Comment:**

**Kim Richardson:** Wants good service for the dollar, not just the lowest bidder.

*Motion by Council Member Clark to approve ITEM 7.E., and to delete the word consider, in order to give direction to staff to send out Requests for Proposals for Legal Services, seconded by Council Member Cecilio.*

*There was no further public comment received*

*Motion passed 5-0*

**STAFF REPORTS:**

**City Manager Dawson:** Attended a meeting at Liebert Cassidy Whitmore, in Morgan Hill regarding FLSA and that helped with the Police Department and Staff meeting regarding time cards and reporting of overtime. Very informative. Also attended the AB1234 training in Pacific Grove with Council Members Cecilio and Zuccaro, learned a lot.

**COUNCIL REPORTS:**

**Council Member Clark:** Thanked Mayor Edelen for attending MST meeting in her absence while she was on vacation.

**Council Member Cecilio:** Learned a lot at the AB1234 training. Thinks it is a step in the right direction to have residents on committees.

**Council Member Allion:** Attended MRWPCA meeting and a copy of the agenda will be in the lobby if anyone is interested. Monterey County uses 560 thousand are feet in a year and 92% goes to Agriculture. Shows the map for pipeline project.

**Mayor Edelen:** Attended the TAMC meeting and the final vote on the light rail vs. bus line. Attended Mayors meeting on Oct. 2, topic water usage. Attended MST, found it interesting that MST makes \$300,000.00 yearly on the advertising on the buses. He and the City Manager met with Jim Hietzman of Marina Coast Water District, topic was that the city wants to buy water from them and they want to sell it to the city.

8:30 p.m. – Adjourned to closed session

The city council/agency board of directors went in to a closed session at 8:45 p.m. with regard to the listed closed session agenda item regarding real property negotiations. The council/board came out from closed session at 9:22 p.m. and it was announced by the City Attorney that in the closed session information was received by the council/board from its negotiators, and by consensus directions were given to the negotiators regarding the matter: no other action was taken.

9:23 p.m. – Adjourned to the next regular meeting.

Next Regular Meeting Date: Tuesday, November 17, 2009, 6:00 p.m.

Approved:

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**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING  
COMMISSION WEDNESDAY, OCTOBER 14, 2009 AT 7:00 P.M.  
CHARLIE BENSON MEMORIAL HALL**

**Present:** Commissioner Thayer, Clarke, Hayworth, Weir, and Chairman Jaksha  
**Absent:** Commissioner Lucido  
**Also Present:** City Manager Dawson and Deputy City Clerk Minami

**CONSENT AGENDA:**

Council Member Weir noted a correction that needs to be made on minutes from the September 9 meeting. The word accommodation should be commendation for Joe Russell.

*Motion by Commissioner Clarke to approve September 9, 2009 Regular Planning Commission Minutes, seconded by Commissioner Hayworth. Motion passed 5-0. No public comment was received*

**PUBLIC COMMENT:** None

**BUILDING REPORT:** Accepted

**Chairman Jaksha** noted that even though this isn't on the report, asks about section of the road (Angelus Way) that seems to be eroding in creek. City Manager Dawson, will be directing staff to put cages that will stop any further erosion.

**Commissioner Thayer** asked detailed questions regarding road project on Carlton Drive, and City Manager Dawson gave specifics.

**OLD BUSINESS:** None

**NEW BUSINESS:**

The Commission considered **Item 6.A.** Consider adoption Resolution 2009-03; A Resolution of the Planning Commission of the City of Del Rey Oaks Establishing the Time of Regular Meetings.

**Chairman Jaksha:** Since the City Council Meetings will be changing, good to stay consistent.

**Commission Thayer:** What time will study sessions and special meetings happen?

**Deputy City Clerk Minami:** The meetings will most likely be scheduled after the regular time, or on an alternate day.

*Motion by Commissioner Weir to approve Item 6.A., seconded by Commissioner Thayer. No public comment was received.*

*Motion passed 5-0*

**Deputy City Clerk Minami and Chairman Jaksha** sign Resolution 2009-03.

**ITEM 4.A.2.**

The Commission considered **Item 6.B.** Appointment of a nomination committee to appoint a Planning Commission Chair and Vice Chair.

**Commissioner Thayer:** What is the term?

**Chairman Jaksha:** One year.

**Chairmen Hayworth and Clarke volunteer to be the nomination committee.**

*Motion by Commissioner Thayer to approve Item 6.B., seconded by Commissioner Clarke.*

*No public comment was received.*

*Motion passed 5-0*

**ANNOUNCEMENTS/COMMENTS:**

**Commissioner Weir** noticed that the next meeting is scheduled for November 18<sup>th</sup>, rather than the 11<sup>th</sup>, is that because of Veterans Day?

**Deputy City Clerk Minami:** Yes.

**Commissioner Weir:** Needs website for AB1234 training, not able to attend the training in Pacific Grove.

**City Manager Dawson:** Will provide and reminds everyone else about the training on the 23<sup>rd</sup> in Pacific Grove.

**Commissioner Hayworth:** Thanks Mike Zuccaro for all of his years of service and dedication and everyone agree that he will be missed.

**Deputy City Clerk Minami:** The cut off for Planning Commissioner applications is Oct. 21<sup>st</sup> at noon.

**NEXT MEETING:** Wednesday, November 18, 2009 at 6:00 p.m. (As a result of this meeting and the passing of Resolution 2009-03)

7: 20 p.m. Meeting Adjourned

Approved:

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1:32 PM

11/12/09

Accrual Basis

## CITY OF DEL REY OAKS

## Claims Report

As of October 31, 2009

| Date                           | Num   | Name                          | Memo   | Amount       |
|--------------------------------|-------|-------------------------------|--|--------------|
| <b>1000 · GENERAL CHECKING</b> |       |                               |  |              |
| 10/1/2009                      | 10947 | P.E.R.S.-HEALTH               | HEALTH PREMIUM OCT 2009  | (10,542.68)  |
| 10/1/2009                      | 10948 | PERS                          | RETIREMENT   | (14,983.73)  |
| 10/5/2009                      | EFT   | FIRST NATIONAL BANK CH...     | MERCHANT BANKCD FEE  | (46.07)      |
| 10/5/2009                      | EFT   | FIRST NATIONAL BANK CH...     | MERCHANT BANKCD DISCOUNT   | (13.64)      |
| 10/5/2009                      | EFT   | FIRST NATIONAL BANK CH...     | MERCHANT BNKCD INTERCHNG   | (0.24)       |
| 10/6/2009                      | EFT   | FIRST NATIONAL BANK CH...     | TRANSFER OUT TO RDA ACCOUNT FOR PAYMENTS                                       | (150,000.00) |
| 10/7/2009                      | 10949 | AFLAC                         | Premiums-employee paid-INV. 706690   | (197.60)     |
| 10/7/2009                      | 10950 | CITY OF MONTEREY              | VEHICLE COSTS FOR JULY 09  | (2,266.43)   |
| 10/7/2009                      | 10951 | CO-POWER                      | OCT 09, DELTA DENTAL PREMIUM   | (2,003.53)   |
| 10/7/2009                      | 10952 | COMCAST HIGH SPEED INT...     | INTERNET 9/10/09-10/9/09   | (64.90)      |
| 10/7/2009                      | 10953 | CRYSTAL SPRINGS WATER ...     | ACCT 56258/WATER   | (87.00)      |
| 10/7/2009                      | 10954 | DAWSON, DANIEL                | REIMBURSEMENT  | (224.00)     |
| 10/7/2009                      | 10955 | FIRST AMERICAN REAL EST...    | METRO SCAN- ADDRESS SERVICE-AUG 09   | (104.17)     |
| 10/7/2009                      | 10956 | FIRST CHOICE SERVICES         | Coffee and condiments  | (32.15)      |
| 10/7/2009                      | 10957 | FORD MOTOR CREDIT CO...       | LEASE PAYMENT FOR F150 PUBLIC WORKS TRUCK (3rd out of 4 installments)          | (7,722.02)   |
| 10/7/2009                      | 10958 | I.M.P.A.C.GOVERNM'T SER       | ACCT. # 4246044555649924   | (2,396.75)   |
| 10/7/2009                      | 10959 | LINDA A. TRIPOLI, ATTY AT ... | INV. 1912  | (352.50)     |
| 10/7/2009                      | 10960 | MARTINS' IRRIGATION SUP       | CAUTION TAPE   | (21.67)      |
| 10/7/2009                      | 10961 | MONTEREY BAY AREA INS...      | \$856.33 LIABILITY PREMIUM AND \$12,265.50 WORKERS COMP. PREMIUM               | (13,121.83)  |
| 10/7/2009                      | 10962 | MRWPCA                        | 2008-09 COST SHARING FOR PHASE II (1/23/09), THIS REPLACES CHK #10512, LOST... | (4,836.00)   |
| 10/7/2009                      | 10963 | MUNICIPAL CODE CORPOR...      | ELECTRONIC FORM OF MUNI CODE   | (32.48)      |
| 10/7/2009                      | 10964 | NEXTEL COMMUNICATION          | NEXTEL RADIO- CLK/PW/PD/MAYOR 8/12/09-9/11/09                                  | (688.35)     |
| 10/7/2009                      | 10965 | OFFICE EQUIPMENT FINAN...     | LEASE PAYMENT FOR COPIER-OCT. 09/ONE TIME FEE, PER LEASE AGREEMENT             | (268.85)     |
| 10/7/2009                      | 10966 | SBC                           | PHONE-LOCAL USEAGE, AUG 09   | (407.98)     |
| 10/7/2009                      | 10967 | SPCA OF MONTEREY COUN...      | AUG 09 ANIMAL SERVICES   | (637.00)     |
| 10/7/2009                      | 10968 | VSP                           | VISION PLAN OCT 09   | (160.55)     |
| 10/7/2009                      | 10969 | CITY OF SEASIDE               | Monterey Bay Area Manager's Group Lunch Oct. 09                                | (28.00)      |
| 10/15/2009                     | 10970 | IE SOLUTIONS                  | INV. 209104-QUICK BOOKS ENTERPRISE VERSION UPGRADE FOR COMPUTERS               | (2,598.00)   |
| 10/15/2009                     | 10036 | BLUM, ISAAC                   | Check Data From PBS  | (97.92)      |
| 10/15/2009                     | 10037 | INGERSOLL, ROBERT             | Check Data From PBS  | (130.57)     |
| 10/15/2009                     | 10038 | LAURITS, DAVID                | Check Data From PBS  | (97.92)      |
| 10/15/2009                     | 10039 | DAVID NGUYEN                  | Check Data From PBS  | (239.36)     |
| 10/15/2009                     | 10040 | DAVID TUCKER                  | Check Data From PBS  | (174.08)     |
| 10/20/2009                     | EFT   | FIRST NATIONAL BANK CH...     | Overdraft Charges  | (52.00)      |
| 10/26/2009                     | EFT   | FIRST NATIONAL BANK CH...     | Bank Analysis fees   | (120.55)     |

1:32 PM  
11/12/09  
Accrual Basis

CITY OF DEL REY OAKS  
**Claims Report**  
As of October 31, 2009

**ITEM 4.B.1.**

| <u>Date</u>                   | <u>Num</u> | <u>Name</u>      | <u>Memo</u>                | <u>Amount</u>                     |
|-------------------------------|------------|------------------|----------------------------|-----------------------------------|
| 10/30/2009                    | 1          | LANGFORD, RONALD | Manual Check Data From PBS |                                   |
| 10/30/2009                    | 10041      | JAIME DEL VALLE  | Check Data From PBS        | (74.70)                           |
| 10/30/2009                    | 10042      | DAVID NGUYEN     | Check Data From PBS        | (419.81)                          |
| 10/30/2009                    | 10043      | CECILIO, JEFF    | Check Data From PBS        | (100.00)                          |
| 10/30/2009                    | 1          | LANGFORD, RONALD | Manual Check Data From PBS |                                   |
| Total 1000 · GENERAL CHECKING |            |                  |                            | <u>(215,345.03)</u>               |
| <b>TOTAL</b>                  |            |                  |                            | <b><u><u>(215,345.03)</u></u></b> |

**CITY OF DEL REY OAKS**  
**Payroll Report**  
**October 2009**

**ITEM 4.B.1.**

| Date          | Num   | Name                    | Account                        | Class                            | Amount   |
|---------------|-------|-------------------------|--------------------------------|----------------------------------|----------|
| <b>Oct 09</b> |       |                         |                                |                                  |          |
| 10/13/2009    | 1188  | CARVALHO, KIMBERLY R    | 10010 · SALARIES               | GF:090 ADMIN:092 CITY CLERK      | 2,107.57 |
| 10/13/2009    | 1188  | CARVALHO, KIMBERLY R    | 10010 · SALARIES               | GF:090 ADMIN:111 AUDIT/TREASU... | 371.93   |
| 10/13/2009    | 1190  | MINAMI, KAREN L         | 10010 · SALARIES               | GF:090 ADMIN:092 CITY CLERK      | 360.72   |
| 10/13/2009    | 1190  | MINAMI, KAREN L         | 10010 · SALARIES               | GF:090 ADMIN:111 AUDIT/TREASU... | 2,044.10 |
| 10/13/2009    | 1191  | BOURQUIN, CHRISTOPHER L | 10010 · SALARIES               | GF:172 POLICE                    | 2,425.50 |
| 10/13/2009    | 1191  | BOURQUIN, CHRISTOPHER L | 10009 · OVERTIME               | GF:172 POLICE                    | 923.67   |
| 10/13/2009    | 1192  | LANGFORD, RONALD J      | 10010 · SALARIES               | GF:172 POLICE                    | 4,600.00 |
| 10/13/2009    | 1193  | LANGFORD, RONALD J      | 10010 · SALARIES               | GF:172 POLICE                    | 530.80   |
| 10/13/2009    | 1194  | TOPPS, RALPH E          | 10010 · SALARIES               | GF:172 POLICE                    | 2,425.50 |
| 10/13/2009    | 1194  | TOPPS, RALPH E          | 10009 · OVERTIME               | GF:172 POLICE                    | 1,091.61 |
| 10/13/2009    | 1195  | VAN ZANTEN, RUSS V.     | 10010 · SALARIES               | GF:172 POLICE                    | 2,425.50 |
| 10/13/2009    | 1195  | VAN ZANTEN, RUSS V.     | 10009 · OVERTIME               | GF:172 POLICE                    | 1,007.64 |
| 10/13/2009    | 1196  | VILLARREAL, MARIO A     | 10010 · SALARIES               | GF:172 POLICE                    | 3,095.50 |
| 10/13/2009    | 1196  | VILLARREAL, MARIO A     | 10009 · OVERTIME               | GF:172 POLICE                    | 2,036.04 |
| 10/13/2009    | 1197  | OLMOS, DAVID M.         | 10008 · GF SALARIES/COPS GRANT | GF:172 POLICE:173 COPS           | 2,425.50 |
| 10/13/2009    | 1197  | OLMOS, DAVID M.         | 10009 · OVERTIME               | GF:172 POLICE:173 COPS           | 1,028.63 |
| 10/13/2009    | 1198  | JOSEPH JOHNSON          | 10010 · SALARIES               | GF:311 PUB WKS/STREETS           | 1,224.00 |
| 10/13/2009    | 1198  | JOSEPH JOHNSON          | 10010 · SALARIES               | GF:411 PARKS/RECREATION          | 816.00   |
| 10/13/2009    | 1199  | TERRY L SERRANO         | 10010 · SALARIES               | GF:311 PUB WKS/STREETS           | 1,224.00 |
| 10/13/2009    | 1199  | TERRY L SERRANO         | 10010 · SALARIES               | GF:411 PARKS/RECREATION          | 816.00   |
| 10/13/2009    | 1200  | MUSE, HENRY             | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 535.92   |
| 10/15/2009    | 10036 | BLUM, ISAAC             | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 100.48   |
| 10/15/2009    | 10037 | INGERSOLL, ROBERT       | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 133.98   |
| 10/15/2009    | 10038 | LAURITS, DAVID          | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 100.48   |
| 10/15/2009    | 10039 | DAVID NGUYEN            | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 245.63   |
| 10/15/2009    | 10040 | DAVID TUCKER            | 100103 · RESERVES SALARY       | GF:172 POLICE                    | 178.64   |
| 10/28/2009    | 1207  | CARVALHO, KIMBERLY R    | 10010 · SALARIES               | GF:090 ADMIN:092 CITY CLERK      | 2,107.57 |
| 10/28/2009    | 1207  | CARVALHO, KIMBERLY R    | 10010 · SALARIES               | GF:090 ADMIN:111 AUDIT/TREASU... | 371.93   |
| 10/28/2009    | 1209  | MINAMI, KAREN L         | 10010 · SALARIES               | GF:090 ADMIN:092 CITY CLERK      | 360.72   |
| 10/28/2009    | 1209  | MINAMI, KAREN L         | 10010 · SALARIES               | GF:090 ADMIN:111 AUDIT/TREASU... | 2,044.10 |
| 10/28/2009    | 1210  | BOURQUIN, CHRISTOPHER L | 10010 · SALARIES               | GF:172 POLICE                    | 2,537.46 |
| 10/28/2009    | 1212  | LANGFORD, RONALD J      | 10010 · SALARIES               | GF:172 POLICE                    | 4,971.56 |
| 10/28/2009    | 1213  | TOPPS, RALPH E          | 10010 · SALARIES               | GF:172 POLICE                    | 2,425.50 |
| 10/28/2009    | 1214  | VAN ZANTEN, RUSS V.     | 10010 · SALARIES               | GF:172 POLICE                    | 2,593.44 |
| 10/28/2009    | 1214  | VAN ZANTEN, RUSS V.     | 10009 · OVERTIME               | GF:172 POLICE                    | 251.91   |

**CITY OF DEL REY OAKS**  
**Payroll Report**  
**October 2009**

**ITEM 4.B.1.**

| <u>Date</u>   | <u>Num</u> | <u>Name</u>         | <u>Account</u>                  | <u>Class</u>             | <u>Amount</u>    |
|---------------|------------|---------------------|---------------------------------|--------------------------|------------------|
| 10/28/2009    | 1215       | VILLARREAL, MARIO A | 10010 · SALARIES                | GF:172 POLICE            | 3,095.50         |
| 10/28/2009    | 1216       | OLMOS, DAVID M.     | 10008 · GF SALARIES/COPS GRANT  | GF:172 POLICE:173 COPS   | 2,425.50         |
| 10/28/2009    | 1217       | JOSEPH JOHNSON      | 10009 · OVERTIME                | GF:311 PUB WKS/STREETS   | 180.08           |
| 10/28/2009    | 1217       | JOSEPH JOHNSON      | 10009 · OVERTIME                | GF:411 PARKS/RECREATION  | 120.06           |
| 10/28/2009    | 1217       | JOSEPH JOHNSON      | 10010 · SALARIES                | GF:311 PUB WKS/STREETS   | 1,224.00         |
| 10/28/2009    | 1217       | JOSEPH JOHNSON      | 10010 · SALARIES                | GF:411 PARKS/RECREATION  | 816.00           |
| 10/28/2009    | 1218       | TERRY L SERRANO     | 10010 · SALARIES                | GF:311 PUB WKS/STREETS   | 1,224.00         |
| 10/28/2009    | 1218       | TERRY L SERRANO     | 10010 · SALARIES                | GF:411 PARKS/RECREATION  | 816.00           |
| 10/28/2009    | 1219       | YOUNG, MATTHEW J    | 100103 · RESERVES SALARY        | GF:172 POLICE            | 803.88           |
| 10/28/2009    | 1220       | ALLION, DENNIS G    | 100101 · COUNCIL MEMBER STIPEND | GF:090 ADMIN:091 COUNCIL | 100.00           |
| 10/28/2009    | 1221       | CLARK, KRISTIN A    | 100101 · COUNCIL MEMBER STIPEND | GF:090 ADMIN:091 COUNCIL | 100.00           |
| 10/28/2009    | 1222       | EDELEN, JERRY B     | 100101 · COUNCIL MEMBER STIPEND | GF:090 ADMIN:091 COUNCIL | 100.00           |
| 10/30/2009    | 10041      | JAIME DEL VALLE     | 100103 · RESERVES SALARY        | GF:172 POLICE            | 76.65            |
| 10/30/2009    | 10042      | DAVID NGUYEN        | 100103 · RESERVES SALARY        | GF:172 POLICE            | 446.60           |
| 10/30/2009    | 10043      | CECILIO, JEFF       | 100101 · COUNCIL MEMBER STIPEND | GF:090 ADMIN:091 COUNCIL | 100.00           |
| <b>Oct 09</b> |            |                     |                                 |                          | <b>63,567.80</b> |

**CITY OF DEL REY OAKS  
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL  
OCTOBER 2009**

**ITEM 4.B.2.**

|                                 |   | Actual Total for<br>2009/10 | FY 2009/10 Budget   | % of Annual<br>Budget |
|---------------------------------|---|-----------------------------|---------------------|-----------------------|
|                                 | <b>REVENUE</b>                              |                             |                     |                       |
| <b>300 · Operating Revenues</b> |   |                             |                     |                       |
|                                 | <b>3100 · PROPERTY TAXES</b>                |                             |                     |                       |
|                                 | 3105 · P/T-SECURED                          |                             | \$367,000.00        |                       |
|                                 | 3107 · P/T-UNITARY TAX                      |                             | \$5,100.00          |                       |
|                                 | 3108 · PRIOR UNITARY TAX                    |                             | \$50.00             |                       |
|                                 | 3110 · P/T-UNSECURED                        |                             | \$17,400.00         |                       |
|                                 | 3120 · P/T-SB813                            |                             | \$13,700.00         |                       |
|                                 | 3130 · P/T-PRIOR SECURED                    |                             | \$20,800.00         |                       |
|                                 | 3132 · PRIOR UNSECURED                      |                             | \$50.00             |                       |
|                                 | 3135 · PROPERTY TAX - VLF                   |                             | \$125,600.00        |                       |
|                                 | 3140 · P/T-INT/PENAL                        |                             | \$1,450.00          |                       |
|                                 | 3145 · P/T - ADMINISTRATIVE FEE             |                             | -\$5,500.00         |                       |
|                                 | <b>Total 3100 · PROPERTY TAXES</b>          |                             | <b>\$545,650.00</b> |                       |
|                                 | <b>3200 · OTHER TAXES</b>                   |                             |                     |                       |
|                                 | 3202 · MANDATED COSTS                       |                             | \$4,000.00          |                       |
|                                 | 3205 · SALES TAX                            | \$71,385.90                 | \$255,000.00        | 27.99%                |
|                                 | 3206 · SALES TAX IN LIEU - 3-FLIP           |                             | \$83,000.00         |                       |
|                                 | 3208 · Sales Tax - Add On                   | \$102,101.76                | \$388,000.00        | 26.32%                |
|                                 | 3209 · COP MONIES                           | \$44,774.56                 | \$88,000.00         | 50.88%                |
|                                 | 3210 · PROPERTY TRANSFER TAX                | \$514.25                    | \$4,900.00          | 10.5%                 |
|                                 | 3220 · GAS FRANCHISES                       |                             | \$6,850.00          |                       |
|                                 | 3225 · ELECTRIC FRANCHISES                  |                             | \$14,500.00         |                       |
|                                 | 3235 · GARBAGE FRANCHISES                   | \$16,798.39                 | \$40,600.00         | 41.38%                |
|                                 | 3240 · CABLE TV FRANCHISES                  | \$11,755.91                 | \$24,500.00         | 47.98%                |
|                                 | 3245 · WATER FRANCHISES                     |                             | \$8,500.00          |                       |
|                                 | 3851 · SEWER IMPACT                         |                             | \$8,400.00          |                       |
|                                 | <b>Total 3200 · OTHER TAXES</b>             | <b>\$247,330.77</b>         | <b>\$926,250.00</b> | <b>26.7%</b>          |
|                                 | <b>3300 · LICENSES &amp; PERMITS</b>        |                             |                     |                       |
|                                 | 3301 · BUSINESS LICENSES                    | \$159,547.64                | \$170,000.00        | 93.85%                |
|                                 | 3305 · BUILDING PERMITS                     | \$2,345.00                  | \$12,000.00         | 19.54%                |
|                                 | 3310 · PLAN CHECK FEES                      | \$120.00                    | \$5,000.00          | 2.4%                  |
|                                 | 3315 · STREET OPENING PERMITS FEES          | \$10,074.04                 | \$500.00            | 2,014.81%             |
|                                 | 3325 · PLUMBING PERMITS                     | \$160.00                    | \$600.00            | 26.67%                |
|                                 | 3330 · ELECTRICAL PERMITS                   |                             | \$500.00            |                       |
|                                 | 3340 · ENVIRON ASSESS FEES/PERMIT           |                             | \$100.00            |                       |
|                                 | 3342 · DEVELOPER PYMT FEES/PERMITS          | \$480.00                    | \$100.00            | 480.0%                |
|                                 | 3345 · OTHER LICENSES/PERMITS               | \$200.00                    | \$500.00            | 40.0%                 |
|                                 | <b>Total 3300 · LICENSES &amp; PERMITS</b>  | <b>\$172,926.68</b>         | <b>\$189,300.00</b> | <b>91.35%</b>         |
|                                 | <b>3400 · FINES &amp; FORFEITURES</b>       |                             |                     |                       |
|                                 | 3401 · VEHICLE CODE FINES                   | \$1,805.03                  | \$10,000.00         | 18.05%                |
|                                 | 3415 · OTHER COURT FINES                    | \$396.36                    | \$700.00            | 56.62%                |
|                                 | 3400 · FINES & FORFEITURES - Other          | \$1,778.00                  |                     |                       |
|                                 | <b>Total 3400 · FINES &amp; FORFEITURES</b> | <b>\$3,979.39</b>           | <b>\$10,700.00</b>  | <b>37.19%</b>         |

**CITY OF DEL REY OAKS  
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL  
OCTOBER 2009**

**ITEM 4.B.2.**

|  |                     | Actual Total for<br>2009/10 | FY 2009/10 Budget     | % of Annual<br>Budget |
|--|---------------------|-----------------------------|-----------------------|-----------------------|
| <b>3501 · INTEREST EARNED</b>            |                     |                             | <b>\$20,000.00</b>    |                       |
| 3600 · OTHER AGENCY REVENUE              |                     |                             |                       |                       |
| 3602 · MOTOR VEHICLE LICENSE FEE(MVLF)   |                     | \$2,366.95                  | \$3,000.00            | 78.9%                 |
| 3603 · OFF HIGHWAY                       |                     | \$11,038.43                 | \$100.00              | 11,038.43%            |
| 3604 · HOPTR                             |                     |                             | \$400.00              |                       |
| 3605 · VEHICLE LICENSE COLLECTION        |                     |                             | \$1,100.00            |                       |
| 3620 · PROP 172                          |                     | \$2,426.26                  | \$8,500.00            | 28.54%                |
| 3624 · POST REIMBURSE                    |                     |                             | \$100.00              |                       |
| 3648 · GRANTS                            |                     |                             | \$100.00              |                       |
| 3649 · TRAFFIC CONGESTION RELIEF-AB438   |                     | \$3,288.79                  | \$10,000.00           | 32.89%                |
| 3655 · POLICE GRANTS OTHER AGENCIES      |                     |                             | \$1,100.00            |                       |
| <b>Total 3600 · OTHER AGENCY REVENUE</b> |                     | <b>\$19,120.43</b>          | <b>\$24,400.00</b>    | <b>78.36%</b>         |
| 3700 · CURRENT SERVICES                  |                     |                             |                       |                       |
| 3703 · USE PERMITS                       |                     | \$520.00                    | \$3,000.00            | 17.33%                |
| 3704 · MAPS/PUBLICATIONS                 |                     | \$128.30                    | \$100.00              | 128.3%                |
| 3706 · RENTAL INCOME                     |                     | \$3,301.00                  | \$9,600.00            | 34.39%                |
| 3707 · POLICE REPORTS                    |                     | \$15.00                     | \$1,400.00            | 1.07%                 |
| 3709 · PROPERTY INSPECTIONS              |                     | \$900.00                    | \$1,300.00            | 69.23%                |
| 3710 · POLICE SERVICES                   |                     | \$9,295.00                  | \$10,000.00           | 92.95%                |
| 3711 · PUBLIC EVENTS                     |                     | \$48,584.93                 | \$80,000.00           | 60.73%                |
| 3712 · MISCELLANEOUS SERVICES            |                     | \$2,752.46                  | \$1,000.00            | 275.25%               |
| 3715 · PD DONATIONS                      |                     |                             | \$100.00              |                       |
| 3717 · SCRIP TAXI SVC FOR SENIORS        |                     | \$40.00                     |                       |                       |
| <b>Total 3700 · CURRENT SERVICES</b>     |                     | <b>\$65,536.69</b>          | <b>\$106,500.00</b>   | <b>61.54%</b>         |
| 3800 · PARKS/RECREATION                  |                     |                             |                       |                       |
| 3801 · PARK RENTAL                       |                     | \$1,150.00                  | \$4,000.00            | 28.75%                |
| 3802 · RV RENTAL PARKS                   |                     | \$6,520.00                  | \$26,000.00           | 25.08%                |
| <b>Total 3800 · PARKS/RECREATION</b>     |                     | <b>\$7,670.00</b>           | <b>\$30,000.00</b>    | <b>25.57%</b>         |
| 3900 · OTHER                             |                     |                             |                       |                       |
| 3610 · GAS TAX 2107                      |                     |                             | \$15,000.00           |                       |
| 3612 · GAS TAX 2106                      |                     |                             | \$10,000.00           |                       |
| 3614 · GAS TAX 2107.5                    |                     |                             | \$1,000.00            |                       |
| 3616 · GAS TAX 2105                      |                     |                             | \$10,000.00           |                       |
| <b>Total 3900 · OTHER</b>                |                     |                             | <b>\$36,000.00</b>    |                       |
| <b>Total 300 · Operating Revenues</b>    |                     | <b>\$516,563.96</b>         | <b>\$1,888,800.00</b> | <b>27.35%</b>         |
|  | <b>EXPENDITURES</b> |                             |                       |                       |
| 10000 · S/B                              |                     |                             |                       |                       |
| 10008 · GF SALARIES/COPS GRANT           |                     | \$19,851.84                 |                       |                       |
| 10009 · OVERTIME                         |                     | \$24,513.49                 | \$45,000.00           | 54.47%                |
| 10010 · SALARIES                         |                     | \$214,774.76                | \$743,250.00          | 28.9%                 |
| 100101 · COUNCIL MEMBER STIPEND          |                     | \$1,800.00                  | \$6,000.00            | 30.0%                 |

**CITY OF DEL REY OAKS  
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL  
OCTOBER 2009**

**ITEM 4.B.2.**

|  | Actual Total for<br>2009/10 | FY 2009/10 Budget     | % of Annual<br>Budget |
|--|-----------------------------|-----------------------|-----------------------|
| 100102 · CITY MANAGER SALARY                 | \$27,300.00                 |                       |                       |
| 100103 · RESERVES SALARY                     | \$14,077.94                 | \$34,000.00           | 41.41%                |
| 10011 · PERS                                 | \$47,964.91                 | \$144,000.00          | 33.31%                |
| 10012 · MEDICARE                             |                             | \$10,000.00           |                       |
| 10013 · DENTAL EXPENSE                       | \$8,014.12                  | \$24,600.00           | 32.58%                |
| 10014 · HEALTH INS                           | \$33,613.22                 | \$127,400.00          | 26.38%                |
| 10015 · VISION INS                           | \$481.65                    | \$2,600.00            | 18.53%                |
| 10016 · WORKERS COMP                         | \$49,530.00                 | \$148,000.00          | 33.47%                |
| 10120 · UNIFORM ALLOWANCE                    | \$3,250.00                  | \$7,000.00            | 46.43%                |
| 10130 · EDUCATIONAL INCENTIVE                | \$4,265.63                  | \$5,100.00            | 83.64%                |
| <b>Total 10000 · S/B</b>                     | <b>\$449,437.56</b>         | <b>\$1,296,950.00</b> | <b>34.65%</b>         |
| <b>20100 · PAYROLL EXPENSE</b>               | \$695.00                    | \$3,000.00            | 23.17%                |
| <b>20119 · BANK SERVICE CHARGES</b>          | \$393.57                    | \$100.00              | 393.57%               |
| 20120 · -SUPPLIES                            |                             |                       |                       |
| 20121 · MATERIALS/SUPPLY                     | \$3,822.41                  | \$11,500.00           | 33.24%                |
| 20123 · AMMUNITION                           |                             | \$9,000.00            |                       |
| 20124 · STREET MATERIAL PW/STR               | \$177.39                    |                       |                       |
| 20125 · WALKWAY MATERL PW/STRT               | \$174.43                    |                       |                       |
| 20160 · OFFICE SUPPLIES                      | \$4,395.98                  | \$15,500.00           | 28.36%                |
| 20161 · SPECIAL SUPPLY POLICE                | \$1,778.88                  | \$9,000.00            | 19.77%                |
| 20120 · -SUPPLIES - Other                    | \$54.54                     |                       |                       |
| <b>Total 20120 · -SUPPLIES</b>               | <b>\$10,403.63</b>          | <b>\$45,000.00</b>    | <b>23.12%</b>         |
| 20130 · UTILITES & SERVICES                  |                             |                       |                       |
| 20122 · REPAIR/MAINTENANCE                   | \$3,925.28                  | \$20,000.00           | 19.63%                |
| 20126 · STREET SWEEPING                      | \$1,105.28                  | \$14,400.00           | 7.68%                 |
| 20127 · GABILAN CREW                         | \$10.16                     | \$2,000.00            | 0.51%                 |
| 20131 · UTILITIES/PGE                        | \$2,013.99                  | \$7,500.00            | 26.85%                |
| 20132 · UTILITIES/WATER                      | \$1,200.29                  | \$5,000.00            | 24.01%                |
| 20140 · TELEPHONE / INTERNET                 | \$4,504.69                  | \$15,000.00           | 30.03%                |
| 20145 · WEBSITE DESIGN & MAINTENANCE         | \$150.00                    | \$3,500.00            | 4.29%                 |
| 20163 · BACKGROUND-TESTING                   | \$458.00                    | \$500.00              | 91.6%                 |
| 20168 · POSTAGE / SHIPPING                   | \$655.09                    | \$4,000.00            | 16.38%                |
| 20170 · TRAVEL/CONFERENCE                    | \$1,144.65                  | \$1,000.00            | 114.47%               |
| 20171 · MEMBER/DUES/CONTRIBUTIONS            | \$2,225.00                  | \$14,500.00           | 15.35%                |
| 20172 · AD/PROMOTION CITY CNCL               | \$470.15                    | \$1,500.00            | 31.34%                |
| 20173 · LEGAL ADVERT NON-DEPT                |                             | \$1,500.00            |                       |
| 20174 · BOOK/PERIODICAL                      | \$32.48                     | \$100.00              | 32.48%                |
| 20175 · MEETING CITY CNCL                    | \$1,243.75                  | \$1,000.00            | 124.38%               |
| <b>Total 20130 · UTILITES &amp; SERVICES</b> | <b>\$19,138.81</b>          | <b>\$91,500.00</b>    | <b>20.92%</b>         |

**CITY OF DEL REY OAKS  
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL  
OCTOBER 2009**

**ITEM 4.B.2.**

|  | Actual Total for<br>2009/10 | FY 2009/10 Budget   | % of Annual<br>Budget |
|--|-----------------------------|---------------------|-----------------------|
| 20176 · PRINTING / PUBLICATIONS                |                             |                     |                       |
| 201761 · PERSONNEL MANUAL                      |                             | \$500.00            |                       |
| 20176 · PRINTING / PUBLICATIONS - Other        | \$178.61                    | \$3,000.00          | 5.95%                 |
| <b>Total 20176 · PRINTING / PUBLICATIONS</b>   | <b>\$178.61</b>             | <b>\$3,500.00</b>   | <b>5.1%</b>           |
| 20180 · OUTSIDE SERVICES                       |                             |                     |                       |
| 20178 · TRAINING POLICE                        | \$300.00                    | \$2,000.00          | 15.0%                 |
| 20181 · OTHER PERMITS PW/ENGR                  |                             | \$4,000.00          |                       |
| 30044 · LIABILITY/PROP NON-DPT                 | \$5,823.21                  | \$21,500.00         | 27.09%                |
| 30113 · CONTRACTUAL AUDIT                      |                             | \$25,000.00         |                       |
| 30115 · DATA PROCESSING                        | \$1,632.00                  | \$4,000.00          | 40.8%                 |
| 30116 · CONTRACTUAL SVCS PLANNING / ENG        | \$2,718.75                  | \$26,000.00         | 10.46%                |
| 30119 · CONTRACTUAL SVCS - LEGAL               | \$19,486.83                 | \$40,000.00         | 48.72%                |
| 30120 · CONTRL RETAINER LEGAL                  | \$3,640.00                  | \$11,000.00         | 33.09%                |
| 30126 · JANITORIAL FUND                        | \$1,050.00                  | \$4,100.00          | 25.61%                |
| 30127 · RADIO DISPATCH POLICE                  | \$40,926.17                 | \$23,800.00         | 171.96%               |
| 30129 · FEES NON-DT                            | \$54.87                     |                     |                       |
| 30165 · COMM HUM SERV NON-DEPT                 | \$3,057.00                  | \$3,100.00          | 98.61%                |
| <b>Total 20180 · OUTSIDE SERVICES</b>          | <b>\$78,688.83</b>          | <b>\$164,500.00</b> | <b>47.84%</b>         |
| 30170 · AUTO OPERATION                         |                             |                     |                       |
| 30181 · AUTO OPS - SUPPLIES / EQUIP            | \$479.52                    | \$6,000.00          | 7.99%                 |
| 30182 · AUTO OPS - FUEL                        | \$6,135.44                  | \$21,000.00         | 29.22%                |
| 30190 · AUTO REPAIR/MAINTENANCE                | \$6,853.12                  | \$23,000.00         | 29.8%                 |
| 30170 · AUTO OPERATION - Other                 | -\$141.96                   |                     |                       |
| <b>Total 30170 · AUTO OPERATION</b>            | <b>\$13,326.12</b>          | <b>\$50,000.00</b>  | <b>26.65%</b>         |
| 30180 · POLICE AND FIRE                        |                             |                     |                       |
| 30183 · FUND JAIL & PRISONER                   | \$273.79                    | \$1,000.00          | 27.38%                |
| 30184 · ACJIS SYSTEM POLICE                    | \$429.70                    | \$1,500.00          | 28.65%                |
| 30186 · FIRE CONTRACT                          | \$61,063.67                 |                     |                       |
| 301861 · FIRE SEASIDE                          |                             | \$116,000.00        |                       |
| 30187 · ANIMAL REGULATION FIRE                 | \$833.00                    | \$2,500.00          | 33.32%                |
| <b>Total 30180 · POLICE AND FIRE</b>           | <b>\$62,600.16</b>          | <b>\$121,000.00</b> | <b>51.74%</b>         |
| 30200 · STREETS & STORM WATER                  |                             |                     |                       |
| 30218 · STREETS ENGINEERING                    | \$57.84                     |                     |                       |
| 30219 · S.M.I.P.                               | -\$0.26                     | \$200.00            | (0.13%)               |
| 30220 · SB 1473                                | -\$0.90                     |                     |                       |
| 30230 · STREET LIGHTING                        | \$4,119.58                  | \$17,000.00         | 24.23%                |
| 30231 · STORM WATER PROJECT - PHASE1&2         | \$10,456.00                 | \$4,900.00          | 213.39%               |
| <b>Total 30200 · STREETS &amp; STORM WATER</b> | <b>\$14,632.26</b>          | <b>\$22,100.00</b>  | <b>66.21%</b>         |

**CITY OF DEL REY OAKS  
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL  
OCTOBER 2009**

**ITEM 4.B.2.**

|  |  | Actual Total for<br>2009/10 | FY 2009/10 Budget     | % of Annual<br>Budget |
|--|--|-----------------------------|-----------------------|-----------------------|
|  | 60001 · AUTO LEASE PAYMENTS                  | \$7,722.02                  | \$22,550.00           | 34.24%                |
|  | 70980 · TRANSFER FUNDS OUT                   | \$22,000.00                 | \$47,345.00           | 46.47%                |
|  | Projected Excess / Deficit Operating Revenue | -\$52,651.83                | \$21,255.00           |                       |
| <b>Total 10 · Operating Expenses</b>             |  | <b>\$626,564.74</b>         | <b>\$1,888,800.00</b> | <b>33.17%</b>         |
| <b>TOTAL OPERATING REVENUE</b>                   |  | \$516,563.96                |                       |                       |
| <b>LESS TOTAL OPERATING EXPENDITURES</b>         |  | \$626,564.74                |                       |                       |
| <b>TOTAL OPERATING REVENUE LESS EXPENDITURES</b> |  | <b>-\$110,000.78</b>        |                       |                       |

**CITY OF DEL REY OAKS**  
**FISCAL YEAR 2009/10 CAPITAL OUTLAY BUDGET VS. ACTUAL**  
**JULY 1, 2009 - OCTOBER 31, 2009**

**ITEM 4.B.2.**

|   |  | FY 2009/10<br>BUDGET |     |  | ACTUAL TOTALS<br>FOR 2009/10 |
|---|--|----------------------|-----|--|------------------------------|
| <b>4900 · CAPITAL OUTLAY REVENUE</b>                          |  |                      |     |  |                              |
|   | 3625 · 2000 PARK BOND GRANT  | \$0.00               |     |  | \$0.00                       |
|   | 3627 · 2002 Parks Resources Bond Act   | \$99,655.00          |     |  | \$0.00                       |
|   | 3720 · Portola/Carlton (Prop 1B) CIP   | \$0.00               |     |  | \$0.00                       |
|   | 3730 · Portola/Work Walkway (MPRPD)  | \$12,500.00          |     |  | \$0.00                       |
|   | 3740 · Stream Blockage (State)   | \$0.00               |     |  | \$0.00                       |
|   | 3750 · Portola/Work Street (TAMC)  | \$0.00               |     |  | \$0.00                       |
|   | 3760 · City Monument Sign Proceeds   | \$0.00               |     |  | \$0.00                       |
| <b>TOTAL 4900 · CAPITAL OUTLAY REVENUE</b>                    |  | <b>\$112,155.00</b>  |     |  | <b>\$0.00</b>                |
| <b>50400 · CAPITAL OUTLAY EXPENDITURE</b>                     |  |                      |     |  |                              |
|   | 50400 · CAPITAL OUTLAY   |                      |     |  | 0                            |
|   | 50410 · ADMINISTRATION COMPUTERS   |                      |     |  | \$0.00                       |
|   | 50420 · MONUMENT SIGN  | \$0.00               |     |  | \$6,761.61                   |
|   | 50430 · PORTOLA / CARLTON (PROP 1B)  | \$400,000.00         | *   |  | \$0.00                       |
|   | 50440 · PORTOLA / WORK WALKWAY (MPRPD)   | \$25,000.00          | **  |  | \$0.00                       |
|   | 50450 · 2000 PARKS BOND ACT  | \$0.00               |     |  | \$0.00                       |
|   | 50460 · 2002 PARKS RESOURCES BOND ACT  | \$134,500.00         | *** |  | \$0.00                       |
|   | 50470 · STREAM BLOCKAGE (STATE GRANT)  | \$0.00               |     |  | \$0.00                       |
|   | 50480 · PORTOLA / WORK STREET (TAMC)   | \$0.00               |     |  | \$0.00                       |
| <b>TOTAL 50400 · CAPITAL OUTLAY EXPENDITURE</b>               |  | <b>\$559,500.00</b>  |     |  | <b>\$6,761.61</b>            |
|   | Operating Funds Transferred In for Capital Outlay Funding  | \$47,345.00          |     |  |                              |
| <b>Projected Excess/(Deficit) Capital Outlay Fund Balance</b> |  |                      |     |  | <b>-\$400,000.00</b>         |
| *50430  | Portola/Carlton (Prop 1B):   |                      |     |  |                              |
|   | Revenue received last FY; the City Engineer is preparing the plans and specifications for road resurfacing along Portola / Carlton and 13 cul-de-sacs, project deadline 06/30/2012 |                      |     |  |                              |
| *50440  | Portola/Work Walkway (MPRPD)   |                      |     |  |                              |
|   | The \$12,500 parks grant is to be matched 100% by the City, project deadline 11/30/2010)   |                      |     |  |                              |
| *50460  | 2002 Parks Resources Bond Act:   |                      |     |  |                              |
|   | The \$99,655 bond revenue is to be matched 35% by the City, project deadline 6/30/2011   |                      |     |  |                              |
|   | ☑ Funds Transferred In from City Operating Account   |                      |     |  |                              |
|   | \$47,345 is the amount of match required to be paid by the City for the Walkway and the Park Bond Grants   |                      |     |  |                              |

CITY OF DEL REY OAKS  
 CASH FUNDS  
 AS OF SEPTEMBER 30, 2009

**ITEM 4.B.2.**

| <b>CITY OF DEL REY OAKS</b>                 |  |                                    |                     |
|---|--|------------------------------------|---------------------|
| <b>CASH BALANCES AS OF OCTOBER 31, 2009</b> |  |                                    |                     |
|   |  | 1000 · GENERAL CHECKING            | \$58,526.95         |
|   |  | 1008 · LAIF CITY - 246             | \$704,806.79        |
|   |  | 10080 · LAIF T&R Anticip Bond -006 | \$1,044.26          |
|   |  | <b>Total City Checking/Savings</b> | <b>\$764,378.00</b> |
| <b>REDEVELOPMENT AGENCY</b>                 |  |                                    |                     |
| <b>CASH BALANCES AS OF OCTOBER 31, 2009</b> |  |                                    |                     |
|   |  | 10-1001 · GENERAL CHECKING         | \$43,991.64         |
|   |  | 10-1003 · DUFFY EIR/CEQA CHECKING  | \$24,659.47         |
|   |  | 10-1002 · LAIF RDA ACCOUNT         | \$21,246.98         |
|   |  | <b>Total RDA Checking/Savings</b>  | <b>\$89,898.09</b>  |
| <b>GRAND TOTAL CASH BALANCES</b>            |  |                                    | <b>\$854,276.09</b> |
|   |  |                                    |                     |
|   |  |                                    |                     |
|   |  |                                    |                     |



**FIRE DEPARTMENT**

1635 Broadway Avenue  
Seaside, CA 93955

Telephone (831) 899-6790  
FAX (831) 899-6261

November 2, 2009

Chief Langford  
Del Rey Oaks City Hall  
650 Canyon Del Rey  
Del Rey Oaks, CA 93940

Dear Chief Langford:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of October 1, 2009 thru October 31, 2009.

The City of Del Rey Oaks is being billed for the following incident numbers:

Incident #  
09-0001739  
09-0001782  
09-0001799  
09-0001828  
09-0001863  
09-0001878  
09-0001916

There are seven calls for the month of October. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Pernet".

Kathryn Pernet  
Sr. Administrative Assistant

CC: File

Seaside Fire

ITEM 4.B.3.

Incident List by Alarm Date/Time

Alarm Date Between {10/01/2009} And {10/31/2009}  
and District = "029"

| Incident-Exp#  | Alm Date   | Alm Time | Location                  | Incident Type                    |
|----------------|------------|----------|---------------------------|----------------------------------|
| 09-0001739-000 | 10/02/2009 | 06:37:00 | 1007 PORTOLA DR /Del Rey  | 553 Public service               |
| 09-0001745-000 | 10/02/2009 | 17:02:00 | 815 CANYON DEL REY BLVD / | 611 Dispatched & cancelled en ro |
| 09-0001782-000 | 10/09/2009 | 11:29:00 | 1091 ROSITA RD /Del Rey O | 321 EMS call, excluding vehicle  |
| 09-0001799-000 | 10/11/2009 | 14:02:00 | 2 OSIO WAY                | 743 Smoke detector activation, n |
| 09-0001828-000 | 10/14/2009 | 15:47:00 | 7 ROBERTSON PL /Del Rey O | 321 EMS call, excluding vehicle  |
| 09-0001863-000 | 10/19/2009 | 16:33:00 | 815 CANYON DEL REY BLVD / | 321 EMS call, excluding vehicle  |
| 09-0001878-000 | 10/22/2009 | 12:07:00 | 7 ROBERTSON PL /Del Rey O | 321 EMS call, excluding vehicle  |
| 09-0001916-000 | 10/27/2009 | 15:57:00 | 46 LOS ENCINOS DR /Del Re | 700 False alarm or false call, O |

Total Incident Count 8



Del Rey Oaks Police Department  
 Monthly Report of Activity  
 October – 2009  
 Completed By: Ron Langford, COP

**ARRESTS:**

Prior Year

|                             |           |           |
|-----------------------------|-----------|-----------|
| <i>Felony Arrests</i>       | 00        |           |
| <i>Misdemeanor Arrests</i>  | 06        |           |
| <i>Warrant Arrests (OJ)</i> |           |           |
| <b>TOTAL ARRESTS</b>        | <b>06</b> | <b>06</b> |

**ASSAULTS:**

Prior Year

|                          |           |           |
|--------------------------|-----------|-----------|
| <i>Simple Assault</i>    |           |           |
| <i>Domestic Violence</i> |           |           |
| <i>Weapon Involved</i>   |           |           |
| <b>TOTAL ASSAULTS</b>    | <b>00</b> | <b>01</b> |

**REPORTS FILED:**

|           |           |
|-----------|-----------|
| <b>13</b> | <b>18</b> |
|-----------|-----------|

**TRAFFIC ACCIDENTS:**

Prior Year

|                             |           |           |
|-----------------------------|-----------|-----------|
| <i>Non-Injury Accidents</i> | 01        |           |
| <i>Injury Accidents</i>     | <b>01</b> |           |
| <b>TOTAL ACCIDENTS</b>      | <b>02</b> | <b>05</b> |

**BURGLARIES:**

Prior Year

|                            |           |           |
|----------------------------|-----------|-----------|
| <i>Residential</i>         |           |           |
| <i>Commercial</i>          |           |           |
| <i>From Locked Vehicle</i> |           |           |
| <i>Other</i>               |           |           |
| <b>TOTAL BURGLARIES</b>    | <b>00</b> | <b>01</b> |

**TOWED & STORED VEHICLES:**

Prior Year

|           |           |
|-----------|-----------|
| <b>01</b> | <b>07</b> |
|-----------|-----------|

**ALARMS:**

Prior Year

|                     |           |           |
|---------------------|-----------|-----------|
| <i>Residential</i>  |           |           |
| <i>Commercial</i>   |           |           |
| <b>TOTAL ALARMS</b> | <b>00</b> | <b>00</b> |

**GRAND & PETTY THEFTS:**

Prior Year

|                           |           |           |
|---------------------------|-----------|-----------|
| <i>Residential</i>        |           |           |
| <i>Commercial</i>         |           |           |
| <i>Shoplifting</i>        | 06        |           |
| <i>From Motor Vehicle</i> |           |           |
| <i>Other</i>              |           |           |
| <b>TOTAL THEFTS</b>       | <b>06</b> | <b>02</b> |

**DUI ENFORCEMENT:**

Prior Year

|           |           |
|-----------|-----------|
| <b>01</b> | <b>01</b> |
|-----------|-----------|

**CITATIONS ISSUED:**

Prior Year

|                                 |           |           |
|---------------------------------|-----------|-----------|
| <i>Traffic Citations Issued</i> | 12        |           |
| <i>Parking Citations Issued</i> |           |           |
| <i>Admin Citations Issued</i>   |           |           |
| <b>TOTAL CITATION ISSUED</b>    | <b>12</b> | <b>25</b> |

ORDINANCE NO. 269

AN ORDINANCE ADDING CHAPTER 8.30  
RELATING TO POLYSTYRENE FOOD PACKAGING TO  
THE MUNICIPAL CODE

-oOo-

THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:

1. Chapter 8.30 added. Chapter 8.30, entitled "Polystyrene Food Packaging," is hereby added to the Municipal Code to read in its entirety as set forth on the attached six (6) pages, marked Exhibit "A" and incorporated herein by this reference thereto.
2. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.
3. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.
4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

The foregoing ordinance was introduced at a special meeting of the City Council of the City of Del Rey Oaks duly held on November 17, 2009, and was passed and adopted at a regular meeting duly held on December 15, 2009, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

---

Jerry Edelen, Mayor

ATTEST:

---

Daniel Dawson, City Clerk

## POLYSTYRENE FOOD PACKAGING

## Sections:

- 8.30.010 Findings and Statement of Intent
- 8.30.020 Definitions
- 8.30.030 Prohibited Disposable Food Service Ware
- 8.30.040 Required Biodegradable, Compostable, or Recyclable Disposable Food Service Ware
- 8.30.050 Exemptions for Biodegradable, Compostable or Recyclable Food Service Ware
- 8.30.060 Miscellaneous

## 8.30.010 Findings and Statement of Intent

The City Council hereby finds and declares that:

A. The City has a responsibility to protect its natural environment, its economy, and the health of its citizens. Solid waste that is non-degradable or non-recyclable poses an acute problem for any environmentally and financially responsible solid waste management program.

B. The City borders or is in close proximity to the Monterey Bay National Marine Sanctuary, a federal preserve that supports one of the most diverse and delicate ecosystems in the world. This sanctuary provides habitat for at least 33 mammals, 94 species of seabirds, 345 species of fish, and contains the largest kelp forest in the nation. The nearby region also encompasses some of the richest farmland in the world as it stretches deep into the Salinas Valley. Agricultural-business interests and tourism constitute the mainstays of the economy of Monterey County. The impact of an environmentally damaged Monterey Bay or the pollution of our rivers would be felt throughout the area.

C. Food and beverage packaging constitutes a significant and growing portion of the waste in the city/county. Laws, policies and regulations pertaining to disposable food service-ware are a vital component in the City's efforts to reduce the amount of disposed waste.

D. Food service-ware made from polystyrene foam is not biodegradable, returnable, or practically recyclable. Polystyrene foam breaks into smaller pieces and, because it is lightweight, may be picked up by the wind even when it has been placed in a waste receptacle.

E. A prevalence of polystyrene foam packaging, which is highly durable and persists longer than any other type of refuse, litters parks and public places, streets and roads, waterways, storm drains and beaches. This litter ultimately floats or is blown into the Monterey Bay, creating a financial cost and adversely impacting our environment. Polystyrene foam that ends up in rivers that wend miles away from Monterey Bay, in the Salinas Valley, also finds its way into Monterey Bay.

F. Mistaking it for food, marine animals and birds often ingest polystyrene foam, which can damage their digestive tracts, often leading to death.

G. Polystyrene foam is manufactured from petroleum, a non-renewable resource.

## ITEM 6.A.

H. Scientific evidence indicates that styrene leaches from polystyrene foam containers into food and drink. The Environmental Protection Agency (EPA) has found that there are short- and long-term adverse health effects associated with exposure to styrene.

I. It is not economically feasible at this time to recycle polystyrene foam in or near the City.

J. When products are recycled, natural resources are conserved, less energy is used for the production of new products, and valuable landfill space is preserved. When biodegradable products are turned into compost they can reduce water use and reduce the need for fertilizer. Take-out food packaging that is biodegradable, compostable, or recyclable is the most responsible and sustainable choice for the tourist economy, the citizenry and the environment.

K. Biodegradable takeout packaging (such as cups, plates, clamshell containers and cutlery) made from paper, sugarcane, corn bi-products and potato starch is available locally. As these products degrade, they do not harm the environment and are not a permanent blight on the landscape.

L. Eliminating the use of polystyrene foam and other non-biodegradable, non-compostable, non-returnable and non-recyclable food packaging material from all establishments within the City will help protect the local environment, including the Monterey Bay National Marine Sanctuary and the vast Salinas Valley, from contamination and degradation, helping to safeguard this area as a tourist destination and a major grower of agricultural products. It will also support the City's goal of reducing waste and protecting the environment for generations to come.

M. Taking the aforementioned action also will be cost-effective, helping to maximize the operating life of landfills and reducing the economic and environmental expense of managing waste and litter.

### 8.30.020 Definitions

Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the meanings set forth below:

- A. "Affordable" means that a biodegradable, compostable or recyclable product may cost up to 15 percent more than the purchase cost of the non-biodegradable, non-compostable or non-recyclable alternative(s).
- B. "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.
- C. "Biodegradable" means the ability of organic matter to break down from a complex to a more simple form.
- D. "City Facility" means any building, structure or vehicle owned and operated by the City, its agents, agencies, and departments.
- E. "City Contractor" means any person or entity that has a contract with the City for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be donated or to be purchased at the expense of the City.
- F. "Compostable" means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-

plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic.

- G. "Disposable Food Service Ware" means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This does not include single-use disposable items such as plastic straws, cup lids, or utensils
- H. "Food Provider" means any vendor located or providing food within the City which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck or vehicle, or any other person who provides prepared food; and any organization, group or individual which regularly provides food as a part of its services.
- I. "Person" means an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- J. "Polystyrene Foam" means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).
- K. "Prepared Food" means food or beverage prepared for consumption on the food provider's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation. It is a policy goal of this City to encourage supermarkets and other vendors to eliminate the use of polystyrene foam for packaging unprepared food.
- L. "Recyclable" means any material that is accepted by the City or special district recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. Recyclable plastics comprise those plastics coded with the recycling symbols #1 through #5.
- M. "Retail Food Establishment" shall include but is not limited to, any place where food is prepared to include any fixed or mobile restaurant, drive-in, coffee shop, public food market, produce stand, or similar place which food or drink is prepared for sale or for service on the premises or elsewhere.
- N. "Special Events Promoter" means an applicant for any special events permit issued by the City or any City employee(s) responsible for any city/county-organized special event.

#### 8.30.030 Prohibited Disposable Food Service Ware

- A. Food providers within the City may not provide prepared food in any disposable food service ware that contains polystyrene foam.
- B. Disposable food service ware that contains polystyrene foam is prohibited from use in all City facilities.
- C. City contractors in the performance of City contracts and special events promoters may not provide prepared food in disposable food service ware that contains polystyrene foam.

- D. It shall be a policy goal of the City that business establishments located outside the City shall not package any non-food product in any package which utilizes polystyrene foam both block polystyrene or packaging peanuts, or purchase, obtain, keep, distribute or sell for home or personal use, or give, or otherwise provide to customers any packaging which utilizes polystyrene foam. The City shall promote and encourage, on a voluntary basis, the elimination of all polystyrene foam packaging.

8.30.040 Required Biodegradable, Compostable, or Recyclable Disposable Food Service Ware

- A. All food providers within the City utilizing disposable food service ware shall use biodegradable, compostable or recyclable products unless there is no affordable alternative available as determined by the City Manager (see definition of “Affordable” and Section 8.30.050 Exemptions). Food providers may charge a “take-out fee” to cover the difference in cost.
- B. All City facilities utilizing disposable food service ware shall use products that are biodegradable, compostable or recyclable.
- C. City contractors and special events promoters utilizing disposable food service ware shall use biodegradable, compostable, or recyclable products while performing under a City contract or permit.

8.30.050 Exemptions for Biodegradable, Compostable or Recyclable Food Service Ware

- A. No exemptions shall allow for the use of polystyrene foam disposable food service ware.
- B. Upon written application, the City Manager may exempt, in writing, a food provider from the requirement set forth in section 8.30.030 of this Chapter for a non-renewable, one-year period upon the food provider showing, in writing, that this Chapter would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances.
- C. The exemption application shall include all information necessary for the City Manager to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The City Manager may require the applicant to provide additional information.
- D. The City Manager may approve the exemption application in whole or in part, with or without conditions. The City Manager’s decision shall be final.
- E. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this Chapter. Purveyors of food prepared or packaged outside the City are encouraged to follow the provisions of this Chapter as it is a policy goal of this City to eliminate the use of polystyrene foam for packaging unprepared food.

8.30.060 Miscellaneous

- A. The City, in accordance with applicable law, may inspect any vendor or food provider’s premises to verify compliance.
- B. Each food vendor shall state, in writing, that it is in compliance with this Chapter as part of its initial and annual renewal business license forms.

**ITEM 6.A.**

C. To allow all persons an opportunity to use remaining stock of prohibited products, this Chapter shall become effective and enforceable on the first day of the month that begins after one hundred and eighty (180) days following its following passage and adoption. During the six-month period following its enactment, it shall nonetheless be the policy of the city to encourage voluntary adherence to the requirements of this Chapter.



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

## **MEMORANDUM**

**TO:** City Council

**FROM:** Daniel Dawson

**SUBJECT:** Energy Efficiency and Conservation Block Grant (EECBG)

**MEETING DATE:** November 17, 2009

### **STAFF RECOMMENDATION:**

It is recommended that City Council adopt the attached Resolution to apply for Energy Efficiency and Conservation Block Grant (EECBG) funding through the California Energy Commission. In order to meet the requirements of this funding application, staff recommends that language be included in the Resolution indicating whether the project(s) to be funded under this grant opportunity are subject to review under the California Environmental Quality Act (CEQA) and if so what finding was reached through this review. Given the nature of projects funded under this opportunity, which involve replacement or retrofit of existing equipment with energy efficient upgrades, staff recommends that the proposed project(s) be declared categorically exempt from review requirements under CEQA section 15301, class 1(a), as projects solely affecting "existing facilities," with no foreseeable environmental impact.

### **BACKGROUND/DISCUSSION:**

The Federal Energy Independence and Security Act of 2007 (EISA) established the Energy Efficiency and Conservation Block Grant (EECBG) program to assist eligible entities in creating and implementing strategies to:

- 1) Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- 2) Reduce the total energy use of the eligible entities; and
- 3) Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

On February 17, 2009, President Obama signed into law ARRA which, for the first time, appropriated funds to the U.S. Department of Energy (DOE) for the EECBG program. The purpose of ARRA is to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and, to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

On June 25, 2009, the California Energy Commission submitted an application to DOE to receive authority to expend EECBG funds for eligible projects. DOE awarded the EECBG grant to the Energy Commission on September 14, 2009. The EECBG federal Funding Opportunity Announcement (DE-FOA-0000013) provides \$49,603,400 to the State of California. DOE requires that no less than 60% of the funds received by states be passed through to cities and counties that did not receive a direct EECBG allocation from DOE.

The City of Del Rey Oaks has been allocated up to \$25,000.00 for use toward energy efficient equipment purchase or energy efficiency projects which achieve a minimum level of cost-effectiveness as specified by the California Energy Commission. The City is working with staff from the Association of Monterey Bay Area Governments Energy Watch to define the work to be funded under this solicitation and prepare an application package for the funding allocation.

Article 19, section 15301 of CEQA states that a categorical exemption may be declared for “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.” As projects fundable under the EECBG program involve replacing or retrofitting inefficient existing equipment with more efficient upgrades, this exception can be claimed for the energy efficiency project(s) for which Del Rey Oaks is requesting EECBG funding (described in exhibit A).

**Financial Impact:** None. Administrative support for the application process will be provided by AMBAG Energy Watch and projects developed will be fully funded under the grant opportunity and/or energy savings created.

**RESOLUTION No. 2009-16**

**A Resolution Authorizing the Submittal of the Application to the California Energy Commission's EECBG Program for Funds to Execute the Proposed Project as Described in Exhibit A**

WHEREAS, the City of Del Rey Oaks recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction; and

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission's EECBG Program for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the City of Del Rey Oaks is eligible for EECBG funding under the California Energy Commission's EECBG Program; and

WHEREAS, the City of Del Rey Oaks is proposing to implement the energy efficiency project/s described in Exhibit A in order to qualify for EECBG funds from the California Energy Commission; and

WHEREAS, the City of Del Rey Oaks has considered the application of the California Environmental Quality Act (CEQA) to the approval of the energy efficiency project/s described in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that in compliance with the CEQA, the City of Del Rey Oaks finds that the approval of the energy efficiency project/s described in Exhibit A is categorically exempt from review requirements under CEQA section 15301, class 1(a), as projects solely affecting "existing facilities," with no foreseeable environmental impact.

BE IT ALSO RESOLVED, that the City of Del Rey Oaks authorizes the submittal of the application to the California Energy Commission's EECBG Program for funds to execute the proposed project described in Exhibit A. Be it also resolved, if recommended for funding by the California Energy Commission, the City Council authorizes the City of Del Rey Oaks to accept a grant award up to the amount of this application for \$25,000.00, and, that Daniel Dawson acting for the City of Del Rey Oaks is hereby authorized and empowered to execute in the name of the City of Del Rey Oaks, all necessary contracts and agreements, and amendments hereto, to implement and carry out the purposes specified in the application.

The foregoing resolution was passed by the City Council of the City of Del Rey Oaks this 17th day of November, 2009.

**ITEM 6.B.**

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAINS: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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Jerry Edelen, Mayor

ATTEST:

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Daniel Dawson, City Clerk

EXHIBIT A

**Energy Efficiency Upgrade to Public Facilities;**

**City Hall Windows**

**Old Town Hall Windows**

**RESOLUTION NO. 2009-17**

**PLEDGE TO SUPPORT PROTECTING LOCAL GOVERNMENT AND  
TRANSPORTATION FUNDING FROM THE GRIPS OF THE STATE – TO  
PROTECT OUR COMMUNITIES ONCE AND FOR ALL**



WHEREAS, the legislature and governor have taken or borrowed nearly \$5 billion in city, county, transit and transportation funds to finance the state budget this year; and

WHEREAS, the board of directors of the League of California Cities, in partnership with the California Alliance for Jobs, the California Transit Association, and many other organizations is currently evaluating the financial and political feasibility of co-sponsoring a November 2010 ballot measure to provide constitutional protections to cities against legislative redevelopment and transportation: and

WHEREAS, the voters of the state have indicated their strong desire to further protect local and transportation revenues from state interference and manipulation; and

WHEREAS, we are city officials who strongly support asking the voters to provide further constitutional protections against state raids, loans or diversions of local government and transportation revenues.

NOW, THEREFORE, be it resolved that the City Council fully supports the efforts of the League and other organizations to consider launching a campaign to secure signatures to place a local government and transportation revenue protection measure on the November, 2010 ballot.

The foregoing resolution was passed by the City Council of the City of Del Rey Oaks this 17th day of November, 2009.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAINS: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
Jerry Edelen, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Dawson, City Clerk

**RESOLUTION OPPOSING TRANSFER OF DEL REY OAKS CHILDREN TO  
DEL REY WOODS ELEMENTARY SCHOOL**

§§§

WHEREAS, Del Rey Oaks children have attended Foothill Elementary for many years: and

WHEREAS, Del Rey Oaks was divided up previously by the Monterey Peninsula Unified School District sending half the City's children to Del Rey Woods Elementary and leaving the other half attending Foothill Elementary; and

WHEREAS, Del Rey Woods Elementary has consistently done poorly in testing compared to all other peninsula elementary schools.

NOW, THEREFORE, be it resolved that the City Council of the City of Del Rey Oaks strongly opposes the forced transfer of our students to Del Rey Woods School.

The foregoing resolution was passed by the City Council of the City of Del Rey Oaks this 17th day of November, 2009.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAINS: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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Jerry Edelen, Mayor

ATTEST:

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Daniel Dawson, City Clerk

**ITEM 9.A.**WILLIAM MERRY, P.E., BCEE  
GENERAL MANAGER/  
DISTRICT ENGINEERTIMOTHY S. FLANAGAN  
ASST. GENERAL MANAGERRICHARD SHEDDEN, P.E.  
SENIOR ENGINEERRICHARD NORTON  
ADMIN. SERVICES MGR.ROBERT WELLINGTON  
COUNSEL

## BOARD OF DIRECTORS

LEO LASKA  
CHAIRSUE McCLOUD  
VICE CHAIRGARY BALES  
DAVID PENDERGRASS  
~~JOSEPH RUSSELL~~  
LIBBY DOWNEY  
JANE PARKER  
IAN OGLESBY  
BRUCE DELGADO  
KRISTIN CLARKMONTEREY REGIONAL  
WASTE MANAGEMENT DISTRICT*Home of the Last Chance Mercantile*MEMORANDUMRECEIVED  
OCT 23 2009  
DEPARTMENT OF  
OFFICEDATE: October 21, 2009  
TO: Del Rey Oaks City Council  
FROM: Kristin Clark  
SUBJECT: Highlights of the October 16, 2009 Board Meeting

The highlights of the meeting are as follows:

- 1) The Board reviewed the Draft Annual Report for Fiscal Year 2008/09. After discussion and input to staff on possible improvements to the report, the Board approved the report and suggested issuing a press release once the final report is available to the public. The final report will be delivered to District member agencies and other interested parties.
- 2) The Board received the minutes from the September 16, 2009 District Strategic Planning Advisory Task Force Meeting. Discussion was held on alternate funding sources and the anticipated need for a tip fee increase, among other topics. The Task Force requested that District staff prepare a vision statement for regional resource (waste) management system and consolidated franchise agreement in the year 2015 and beyond, and present to member agency city councils. The next meeting of the Task Force will be December 2<sup>nd</sup>.
- 3) Staff reported on the opportunity to sell Carbon Offset Credits from the Landfill Gas to Renewable Energy Project. Staff retained TerraPass, Inc., to assist with the application and related procedures in order to meet the submittal deadline to the Climate Action Reserve (CAR). Once the application is accepted by CAR, staff will prepare a plan to market the carbon offset credits.
- 4) The Board received a presentation on the processing of electronic waste by District staff and e-Recycling of California (e-Recycling). The District processes over 11,000 cathode ray tube (televisions and computer monitors) units annually resulting in over 590,000 pounds of recycled material, which is all disassembled at e-Recycling's Hayward plant. The presentation by e-Recycling included a short video entitled "ecocompany: E-Waste," showing how e-waste is dismantled at their Hayward plant, and where the resulting recycled material is sent for manufacturing of new products. A copy of the video will be provided to each member agency and is also available at [www.erecyclingofcalifornia.com/news/index.html](http://www.erecyclingofcalifornia.com/news/index.html). e-Recycling has signed the Basel Action Network Stewardship Pledge and is a certified "e-steward" ensuring that electronic waste is recycled in accordance with the best environmental standards and social practices.

If you have any questions or need more information, please contact General Manager William Merry at 384-5313, or me.

\_\_\_\_\_  
Kristin Clark, Director  
Monterey Regional Waste Management District

**Kim Carvalho**

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**From:** Russo [f-russo@sbcglobal.net]  
**Sent:** Friday, September 25, 2009 11:46 AM  
**To:** cityhall  
**Subject:** Compliment

I just wanted to compliment the City on a few things that I have noticed -

The frog pond walking path is well taken care of, it's obvious that the city crew is looking out for it and I appreciate it. The path is well trimmed, plastic dog poop bags are always stocked and it just looks good.

The repaving of Portola - great job! The new City signs look good as well!

The fixing of the dip at Portola and Greenock is much appreciated!

The police catching the bank robber at Safeway (I know this happened awhile ago, but it bears mentioning) - that will teach the Salinas bangers to stay in their own neighborhood! Great job!

Recently the City has charged more for the storage spaces at the city yard - I agree with the move, the current price is more reasonable for the City (in comparison to other storage areas) just don't go crazy or you will push us out!

You all are doing a great job - keep it up!

The Russo's