



CITY OF DEL REY OAKS

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AGENDA REGULAR MEETING OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, JANUARY 26, 2016 AT 6:00 P.M. CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. 6:00 P.M. - ROLL CALL – *Council*

2. PLEDGE OF ALLEGIANCE

3. INVOCATION: Reverend Bob Hellam of Church of the Oaks

4. PUBLIC COMMENTS:

Anyone wishing to address the City Council 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.*

5. CONSENT AGENDA:

Action Items

A. MINUTES:

1. December 15, 2015 City Council Meeting
2. December 9, Planning Commission Meeting

B. MONTHLY REPORTS:

1. Claims, December 2015
2. Unpaid Bills Detail, All
3. Financials, December 2015 vs. December 2014
4. Fire Department Response Report, December 2015
5. Police Activity Report, December 2015

6. OLD BUSINESS:

- A. Reconsider Covenant and Agreement with City of Del Rey Oaks Regarding Retaining Wall at 826 Portola Drive as per Recommendation of City Attorney and Building Official. *Action Item*

Open Public Hearing

- B. Consider Ordinance 283, An Ordinance of the City Council of Del Rey Oaks adding Chapter 4.04 Medicinal Marijuana Delivery and Chapter 4.08 Medicinal Marijuana Cultivation to City of Del Rey Oaks Municipal Code (*Second Reading*) *Action Item*

7. NEW BUSINESS:

- A. Consider Resolution 2016-01, A Resolution of the City of Del Rey Oaks Adopting Ordinance 283, An Ordinance of the City Council of Del Rey Oaks adding Chapter 4.04 Medicinal Marijuana Delivery and Chapter 4.08 Medicinal Marijuana Cultivation to City of Del Rey Oaks Municipal Code. *Action Item*
- B. Consider Resolution 2016-02, A Resolution of the City of Del Rey Oaks Authorizing the City Manager to submit a request to CalTrans to relinquish State Route 218 within the City limits. *Action Item*

8. STAFF REPORTS:

- A. City Manager Report

9. MAYOR AND COUNCIL REPORTS

10. CORRESPONDENCE:

- A. League of California Cities 2015 Annual Report

11. CLOSED SESSION:

- A. None

- 12. SET NEXT MEETING DATE:** Establish Tuesday, February 23rd, 2016, at 6:00 P.M. as the date and time of the Council's next regular meeting.

13. 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.

**CITY OF DEL REY OAKS CITY COUNCIL REGULAR MEETING
CONVENED AT 6:00 P.M. ON TUESDAY, DECEMBER 15, 2015 IN THE
CHARLES BENSON MEMORIAL HALL, CITY HALL**

Present: Councilmembers Ventimiglia, Lintell, Allion, Vice Mayor Clark, Mayor Edelen

Absent: None

Also present: City Attorney Trujillo, City Manager Dawson and Assistant to the City Manager/Deputy City Clerk Carvalho

Meeting came to order at 6:00 p.m. and roll call was taken.

PLEDGE OF ALLEGIANCE: Led by Councilmember Lintell

INVOCATION: Reverend Bob Hellam of Church of the Oaks

PUBLIC COMMENT:

Jim Hammer, Arlington: Asked for Planning Commission minutes from previous meetings be reviewed for errors.

Mayor Edelen: Stated that he was pulling Item 6.A. to be heard at a future meeting.

CONSENT AGENDA:

A. MINUTES:

1. October 27, 2015 City Council Meeting
2. November 17, 2015, City Council Meeting - Canceled
3. October 14, 2015, Planning Commission Meeting
4. November 4, 2015, Planning Commission Meeting

B. MONTHLY REPORTS:

1. Claims, November 2015
2. Unpaid Bills Detail, All
3. Financials, November 2015 vs. November 2014
4. Fire Department Response Report, October/November 2015
5. Police Activity Report, October/November 2015

C. MISCELLANEOUS

1. 2016 City Council and Planning Commission Calendar of Meetings
2. 2016 Regional Agencies Boards & Committees Representatives Appointment List

Councilmember Allion: Pulled Item 5.B.3.

City Attorney Trujillo: Pulled items 5.A.1, 5.A.3. and 5.A.4.

Motion to approve remaining items: Vice Mayor Clark

Second: Council Member Lintell

Public Comment: None on remaining items

Motion passed: 5-1

Councilmember Allion: Item 5.B.3. Looks like we are spending ourselves into a hole and wants to make sure we schedule a mid-year review in January.

City Manager Dawson: Always likes the opportunity to review the City Finances with the public. In December we receive property taxes and sales taxes which improve our financial status. We are at 42% of the fiscal year. Will go over expenses and revenue at the mid year review next month. We are in a lot better shape than we were in 2 years ago. Last year we had the influx of 1 million from the sale of property. We are closer to putting away a reserve than ever in the history of the City.

Councilmember Allion: If you take away the influx from last year we are ahead in revenue and under in expenditures. The payables have increased because of the timing of influx of property tax and sales tax. Our payables with the exception of the lawyers are less than one month delinquent.

Councilmember Ventimiglia: Why is miscellaneous revenue high?

City Manager Dawson: That is the influx of \$25,000 from the dispensary.

City Attorney Trujillo: Item 5.A.1. City Council Minutes from 10-27-15 had some errors, she read the changes into the record. Item 5.A.3. & 4. Planning Commission minutes also had some errors but were not material and will go back to the Planning Commission for amended approval. The errors are in reference to item 7.B. tonight but will not affect the Council's decision on the appeal.

Motion to approve: Items 5.A.1., 5.A.3, 5.A.4. and 5.B.3. **Councilmember Lintell**

Second: Councilmember Ventimiglia

Public Comment: None

Motion passed: 5-0

Old Business:

The Council considered ITEM 6.B.:

City Manager Dawson: Announced that the traffic safety committee meeting was held and that a resident member Lane Buckley would be giving the report.

Lane Buckley, Carlton Dr.: Thanked the people who took their time to attend the meeting. Rich Deal stated the next step is to get a stamped engineering plan. City Council must approve funding for the plan and then approve the plan once submitted. The committee was to get more input from residents. Long term plan: Safety Committee to continue and get more input, recommendation of redesign of intersection at Highland and Carlton. There are fewer people here tonight as to consolidate the solutions. Submitting petition of Carlton residents in support of the possibility of speed cushions.

City Manager Dawson: Recommendation to have Council approve funding of a traffic engineering study. It would then be brought back to the Council for approval of recommendations.

Mayor Edelen: We should fund the speed cushions now too?

City Manager Dawson: After the review by the engineer

Councilmember Allion: Feels after would be better in case there is a different solution.

Motion: Vice Mayor Clark to approve up to \$10,000

Amended Motion: Councilmember Allion: Amend up to \$15,000 so he doesn't have to come back if it's a little over \$10,000.

Amended Motion Accepted by Vice Mayor Clark

Second: Councilmember Lintell

Public Comment: None

Motion passed: 5-0

Councilmember Ventimiglia: Asked which residents were on the petition

Deputy City Clerk Carvalho: Only Carlton Drive on the petition.

Lane Buckley: Went to all the houses on Carlton

New Business:

Mayor Edelen opened Public Hearing

The Council considered **ITEM 7.A.**, Consider Ordinance 283, An ordinance of the City Council of Del Rey Oaks adding Chapter 4.04 Medicinal Marijuana Delivery and Chapter 4.08 Medicinal Marijuana Cultivation to City of Del Rey Oaks Municipal Code (first reading).

City Attorney Trujillo: Explained that the State of California was currently discussing the regulation of delivery and cultivation of medicinal marijuana. If a City doesn't have something in place by March, then the State will regulate the cities. This ordinance give Del Rey Oaks a right to set our own rules. Once the State mandates are set we would not be able to take back authority. Proposes to allow delivery in order to promote our dispensary and to allow primary care givers and patients to grow in home but no commercial growing.

Councilmember Ventimiglia: Thinks it's a good ordinance and allows us to put something into place.

Vice Mayor Clark: Cannot support this and stated that the Airport District and all other peninsula cities oppose it.

Councilmember Lintell: Also opposed.

Public Comment:

Susan Ragsdale-Cronin, Carlton Dr: Stated she had just done an in-depth article on medicinal marijuana and state not one person has ever died from taking marijuana. She stated that opiates on the other hand kill more people than car accidents. Can't comprehend why anyone would deny people something that would save lives stating it's uncontrollable.

Alice Green, Saucito: Hopes the city will find a way to regulate delivery and cultivation. People that are home bound need delivery. Growing a few plants is not the problem after all they are just plants.

Councilmember Allion: Stated this is the first reading and felt the questions are how you regulate it and do you have to have a medical reason to grow it? Does it mean you have to have a city permit?

City Attorney Trujillo: Yes you would and we can control how that happens.

City Manager Dawson: If we don't do anything the State will tell us what we have to do.

Mayor Edelen: Started out against marijuana but the more he learned the more he found how it helps. Thinks we should go ahead so the State can stay out of it.

Motion to approve the first reading: *Councilmember Ventimiglia*

Second: *Councilmember Allion*

Public Comment: *None further*

Motion passed: *3 (Ventimiglia, Allion, Edelen) to 2 (Clark, Lintell)*

The City Council considered **ITEM 7.B.**, Appeal of Planning Commission Decision from November 4, 2015 meeting to allow a 5 foot retaining wall with attached 6 foot fence located at 810 Avalon Place.

City Manager Dawson: This is an appeal of the decision by the Planning Commission for 810 Avalon which came back before the commission twice because there were question about the survey. The Planning Commission approved the wall and fence as being built on the appropriate property. Now the appeal and there has been no new information. There has been some corrections of the Planning Commission minutes.

Mayor Edelen: Explained the process to the Hammers.

Mrs. Hammer, 821 Arlington: The corrected minutes were approved for both meetings?

Mayor Edelen: Yes both.

Mrs. Hammer, 821 Arlington: Asked for a copy of the corrected minutes (City Attorney Trujillo gave them her copies)

Councilmember Allion: We can listen to them but we can't take action tonight?

Mayor Edelen: We can because those were just the minutes.

City Manager Dawson: Stated that the City Attorney has made the determination that the changes to the minutes were not material to the decision made by the Planning Commission so we can hear this appeal.

Mr. Hammer: Stated they own the house at 821 Arlington have always applied for permits for everything they've done. They came home to a large wall, 11 feet high. The Planning Commission should have come to see the wall. The next item on the agenda after theirs was a 3 ½ foot wall that was discussed for a long time but the Planning Commission decided on an 11 foot wall very quickly. There is a wall, French drain, etc.

Mrs. Hammer: Held up pictures of the project. She read section 17.56.020 of the Del Rey Oaks Municipal Code into the record relating to preserving the natural setting, etc. Doesn't understand how this can be aesthetically pleasing. Passed around pictures to the council (no copies were given to the clerk for the record). There is an existing 3 foot retaining wall on their property plus a 5-6 foot wall with a 6 foot fence above that. She stated you can't see past the wall. She quoted Civil Code 841(b)(2) that states that they were required to give them 30 days' notice prior to building the wall. She stated the footings are encroaching onto their property. Said the Planning Commission had no tangible evidence that they were on their own property. She stated she took pictures of the marker.

Mayor Edelen: Do you have a survey?

Mrs. Hammer: Spoke with a lawyer who said the city cannot require them to prove wrong doing by the other owner. She stated a landscape architect verified the footing are

on her property. Stated the Planning Commission did not require a survey from the homeowner. Questioned Lucido survey stamped "in progress" and "not for building proposes". She stated she spoke with Phil Pearman who insisted Mr. Hardy reset the marker. She talked to Paul at the City of Monterey building department and he said they would need to submit engineered drawings. (*Clerk notes: It should be noted that the City of Del Rey Oaks is no longer contracted with the City of Monterey Building Department for any services*). She talked to Randy Farmer a licensed engineer who told her the way the posts were set in concrete was not adequate to support the wall. She asked who assumes the responsibility if the wall failed.

City Manager Dawson: Stated that the Planning Commission hears the location and design, not the structure. That is done with plan check.

Mrs. Hammer: Those are supposed to be submitted before construction. Showed more pictures to the Council stating the pictures showed no beams supporting the dirt, only three screws and the screws are on the wrong side of the posts. Safety issue as built. She stated the original wall was several feet from where it is now. She showed pictures of her three foot wall and where the new wall is now. (None of the pictures shown were provided to the Clerk for the record). She stated if the city believes they have tangible evidence the wall was built on their property (810 Avalon) she wants to see it. The written requirements were not met.

Mayor Edelen: Asked Mr. Lucido to explain the proof of where the wall was built.

George Jaksha, Planning Commissioner: State all properties built on a hill are required to retain their property from falling onto the adjacent property. Many properties are very similar. He stated it was unanimously approved by the commission.

Alice Green, Planning Commissioner: The new retaining wall was not unanimous, there was a lot of fill needed.

Frank Lucido, Surveyor: He was hired to do a boundary survey about a year ago. Many markers are used to survey. One marker missing is not material. He measured again and the wall and fence are on Mr. Hardy's property line. Doesn't believe that much fill was brought in. The survey by Pearman showed old wall being 3 feet into Mr. Hardy's property. He wanted to put the wall on his property line.

Mike Hayworth, Planning Commissioner: This was for architectural review only. Engineering was not a part of this. The wall was built without permits.

Ron Hardy, 810 Avalon: Was approached by the Hammers when he bought the house and asked to replace the failed retaining wall. He talked to the tenants about replacing the fallen wall because they have a dog and he was going to remove a 6 foot section and didn't want their dog to get out. They were totally okay with it.

Mrs. Hammer: State again that there is no tangible proof of the wall being built on the property line.

Vice Mayor Clark: Are we looking at a legal matter between neighbors? What are we looking at exactly? Just the architectural review?

City Manager Dawson: Architectural review only. Do the Planning Commission findings stand?

Councilmember Allion: Agrees with Vice Mayor Clark. Feels the Planning Commission did the right thing. Unfortunately they didn't figure it out prior to being built. Can't see any reason to overturn the Planning Commission decision. The rest is a legal issue between neighbors.

Frank Lucido: Feels everything was done with good intentions. The homeowner didn't know he needed a permit. Del Rey Oaks doesn't require a certification letter for property lines which is common in a lot of cities. Mr. Hardy said he would move the wall if needed. He feels emotion took over and has complicated the issue.

City Manager Dawson: Stated Mr. Lucido was exactly right. Where it is, is not an architectural decision.

Frank Lucido: Drawings should be submitted.

Councilmember Lintell: Does the city have any responsibility with the engineering?

City Manager Dawson: They have to submit drawings to plan check and then there will be inspections for soundness.

Councilmember Ventimiglia: Architectural review was done properly. Plan need to go to plan check for engineering.

Councilmember Allion: This is a work in progress. Homeowner will move if it's not on his property.

Motion: *Council Member Allion moved to uphold the Planning Commission decision.*

Second: *Vice Mayor Clark*

Public Comment: *None further*

Motion passed: *5-0*

Mayor Edelen: If it is found during plan check that the wall is not on his property it will have to be moved.

Mrs. Hammer: Wants to be kept informed of any progress.

Mayor Edelen: She needs to check with city staff.

Mrs. Hammer: Wants to know who will inspect it.

Mayor Edelen: She needs to check with city staff.

The Council considered **ITEM 7.C.**, Consider City Manager Dawson's request to conduct consulting work on a limited and non-conflicting basis per City Manager Contract language.

City Attorney Trujillo: Explained that the City Manager wants to start a consulting business and that it will not interfere with his work at the city. She stated since this is self-employment and not working for another agency felt it was best to come before the Council to remain open and transparent.

Councilmember Lintell: What type of consulting?

City Manager Dawson: Anyone willing to pay me. He stated he has every other Friday off and will be working with his daughter in Utah to help small businesses.

Mayor Edelen: He stated Mr. Dawson is the lowest paid City Manager on the peninsula and they gave him every other Friday off to compensate him.

Motion: *Councilmember Allion to approve*

Second: *Vice Mayor Clark*

Public Comment: *None*

Motion passed: *5-0*

STAFF REPORTS:

City Manager Dawson: Announced we had minimal storm damage, a cypress tree fell on a fence in the maintenance yard and another tree was damaged and needed to be removed. He announced an open house holiday party from 11:30-2 on Friday.

COUNCIL REPORTS:

Councilmember Allion: Attended the Water Pollution meeting strategic planning retreat meeting with Marilyn. Environmental impact study discussed. They applied for State revolving loan to treat water which will be cheaper than Cal-Am water and feels Cal Am is working behind the scenes to stall this so they can build a larger desal plant. There has been good cooperation between farmers and non-agriculture. 2018 is projected date of completion.

Councilmember Lintell: Seaside Sanitation recommend expansion of the district. Attended MST Board for Vice Mayor Clark. Approved surveillance equipment, shelter contract and 1st Alarm for security. Also added Santa's workshop was a very fun day.

Vice Mayor Clark: Santa came down in the MRAP, it was priceless! Acknowledged Officer Salopek for his work mentioned in the letter in correspondence.

Councilmember Ventimiglia: Attended AMBAG and stated they are paying down all the balances. Community Human Services received a gift of \$120,000 for Genesis House.

Mayor Edelen: Compliment Del Rey Oaks Citizen's Action Group for Santa's workshop. The MRAP with lights and sirens was phenomenal! FORA's meeting was standard, attended the water authority. They have great plans and have asked them not to enforce the cease and desist order to cut off 60% of our water supply, this will most likely not happen. The mayors formed the water authority and it has championed water production. Water Management District has changed and they are working with the mayor's group. Land use jurisdictions will control water. Attended TAMC "Focused on the Future" conference. Non-self-help counties get no money from grants. MST lost out on a grant because we didn't vote in a small sales tax making us a non-self-help county. Reported that the Hwy 156 toll road will leave Hwy 156 alone and will be adding 2 lanes for high speed access express lanes. 156 will not change. Applying for low interest loans for 156. There is a program with projections that can tell what potential changes to a road will do, number of cars, etc.

CORRESPONDENCE:

Mayor Edelen: Announced the correspondence in the packet and announced closed session.

CLOSED SESSION:

A. Potential Litigation - Cal. Govt. Code §54956.9(d)2, conference with legal counsel regarding potential litigation (two cases)

City Attorney Trujillo: Announced that one of the two cases to be heard in closed session was dropped and the second case is relating to parking signs on Los Encinos.

Lane Buckley: Asked for clarification on some language used earlier, would it be a stamped engineering plan or study?

Mayor Edelen: Stated the City Attorney will clarify.

City Attorney Trujillo: Study will be done by and engineer not a machine like a traffic study.

7:59 p.m., Adjourned to next meeting date of Tuesday, January 26th , 2016 at 6 pm.

Attest:

Date:

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, DECEMBER 9, 2015 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Green, Commissioner Donaldson, Commissioner Jaksha,
Commissioner Hayworth, Commissioner Cecilio, Commissioner Weir
and Chairman Gaglioti.

Absent: None

Also Present: City Attorney Trujillo and Deputy City Clerk Minami

PLEDGE OF ALLEGIANCE: Led by Lucia Gaglioti (Chairman Gaglioti's daughter)

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
November 4, 2015. *Motion by Commissioner Jaksha to approve, seconded by*

Commissioner Cecilio

No comments

6-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report, November 2015

NEW BUSINESS: None

OLD BUSINESS:

Applicant's Name:	Ronald Hardy
File Number:	ARC# 15-05
Site Location:	810 Avalon Place
Planning Area:	APN# 012-561-021
Environmental Status:	Categorically Exempt
Project Description:	Requesting Architectural Review for a 5 foot

retaining wall, with an attached 6 foot fence in the rear portion of back yard of the single family dwelling that was built without approval. The Planning Commission recommended to carry the item over from the October 14, 2015, for additional clarification by the Licensed Surveyor that produced the survey in question for the project.

Frank Lucido, Applicant's Surveyor: A Professional Land Surveyor in Del Rey Oaks. Also lives here, and runs practice out of home. Started surveying in 1978; first boss was, at the time, the City Engineer for Del Rey Oaks. Here tonight to demonstrate the surveying service provided Ron Hardy, is accurate. Wants to shed light on the process of determining boundaries of parcels and types of subdivisions. Hopes that this might discourage people from using a public forum to make accusations. Watched the video from last month's meeting, but could not hear what Mrs. Hammer said. Didn't stand in front of the microphone for almost all of her speech.

Mrs. Hammer claims survey isn't accurate. It is and brought documentation to prove it. Mrs. Hammer claims survey isn't certified or recorded with the County. Survey will never be certified or recorded by the County. It gets examined by the County Surveyor and filed in his office, called Corner Records. Brought examples of the many Corner Records have done in and around this neighborhood. She claims to have a letter from her surveyor, but it is unclear who that surveyor is. She claims her surveyor can't survey the property because the point is gone. Received a call from Phil Pearman, surveyor about a month ago. Phil is a respected surveyor, and there is every reason to believe what he says and/or writes. Mrs. Hammer contacted him about the survey, but never mentioned a letter.

Phil is the surveyor she calls "hers". I would like to see a copy of that letter. According to the minutes Vice Chair Weir wants the surveyors to show up and fight it out. A surveyor, not a fighter. Would like to discuss this survey with Phil Pearman. Spoke with him last week, he said he can survey this property, but she didn't hire him.

Reviews pictures, maps, and charts in hand out: The Assessor's Map is the place to start. The Deeds, Lot 15 & Lot 21. Existing surveys: 1992 Corner Record #403 and 1999 Corner Record #683. Notice that Corner Record #403 shows Lots 15 & 21 as references with no monuments. Corner Record #683 shows a 2x2 stake was found at the rear corner of Lots 20/21 and replaced with a 3/4" iron pipe. A line of cypress stumps is shown and a view of the rear corner of Lots 20/21 and the 3/4" Iron Pipe that is now out of the ground. A survey done in 1994. The survey shows the rear property line of Lot 15 running through the cypress trees, and shows a fence a few feet to the northeast of rear property line. This survey is consistent with 1992 survey. The survey from 1999 is consistent with both this survey and the one from 1992. This survey in question is consistent with both of these other surveys.

This survey was drawn by Phil Pearman 5 years before the ¾" iron pipe was placed at the rear corner of the lot and this is the very same ¾" iron pipe that Mrs. Hammer claims at the last meeting is the reason that Phil Pearman cannot survey her lot. If he could survey this lot in 1994 and that pipe was not there yet, why can't he do it now? Think's he can, was told he can, but hasn't been hired to do it. Noticed at the last meeting on, Mrs. Hammer spent a substantial amount of time attacking the survey. She wrote a letter to the Planning Commission one week later that states that the survey is correct. Welcomes anyone who might have a question about work. Doesn't appreciate being accused of acts in a public forum. If there is a question about work, my contact information is available to almost the entire world. A phone call, instead of careless accusations, well before the necessary information has been gathered. Returned to the neighborhood to check the fence construction and found the fence is entirely on Mr. Hardy's property.

Commissioner Hayworth: Is there a plus/minus factor with surveying?

Frank Lucido: Factor weights and measures before calculation. 300 foot within 1/8 of an inch. Like comparing a ruler from Staples vs. Office Max.

Commissioner Hayworth: The County?

Frank Lucido: They trust the survey. Or they have the person that challenges it to hire their own surveyor.

Chairman Gaglioti: The State of California issues the license to a Surveyor. State stamp is enough for us to make a decision. It's up to us to make a decision on the application. Thanks Frank.

Mrs. Hammer: If the applicant would have followed the process with flagging, they would have seen that it is encroaching on her property. Fence is higher than 6 feet. Construction does not comply with the codes of the city. Failure to deny this project is in endorsement of the illegally built wall and fence. Muni codes are violated. Number 5 of the Building requirements, fence lines and detail should have been included on the site survey. Jerry Camacho from the County said that Frank hadn't registered the survey with the County.

Chairman Gaglioti: Does staff feel that what was submitted is enough?

City Manager Dawson: Since this is all after the fact with construction, yes it is enough. A site survey is more of a detail that is required to give an idea of where the fence lines, trees, buildings are located on the property. The license surveyor stands by his work and what is left is for this Commission is to approve for Architectural Review.

Frank Lucido: The fence is on Mr. Hardy's property. Jerry Camacho is not the County Surveyor, his name is Michael Getz. He has new standards that all surveyors have to follow. More information is required now. Wanted to include the Garden Center in the submittal to the County. There are always delays, we are all working as fast as we can.

The fact that it doesn't have a number doesn't mean it's not accurate. Explains Planning Commission's role and the site survey and building requirements.

Chairman Gaglioti: There is a process, no more questions or statements. Mrs. Hammer can appeal a decision, if she wishes. This is not the body to figure out setbacks, safety and drainage, that is all during the plan check process for the building permit. It is our job to make sure we have enough information to make a decision.

Commissioner Green: Issues with the way it was done, and how huge it is.

Commissioner Donaldson: The survey is the key, it was done by a licensed and qualified surveyor. That's enough for me. The 6 feet meets the fence requirements and the retaining wall might be needed, dirt would fall without it. Seems like the wall is appropriate.

Commissioner Green: Fence was on a slope and the home owner added fill dirt. There was a wall there before without all that dirt. Didn't like how it was done, very large!

Commissioner Cecilio: Agrees with Commissioner Donaldson on all points.

Commissioner Jaksha: Commissioner Donaldson is right, Lucido is accurate, has done surveys throughout the entire city. Mr. Hardy wanted to clean up and back filled as he should when a wall was constructed.

Chairman Gaglioti: Refer to staff about retaining dirt.

City Manager Dawson: A retaining wall is to retain soil, the fill had to be brought in to back fill. He did what he should have done.

Commissioner Green: Can't let water run on someone else's property. Drain in the wall that drains unto Mrs. Hammer's property.

City Attorney Trujillo: All of those details will be reviewed during the plan check phase.

Commissioner Jaksha: Up to the homeowner to keep the property safe. Commissions job to approve how it looks, after it's approved it will go through plan check.

Commissioner Hayworth: Glad it will go through plan check to deal with drainage and other issues.

Motion by Commissioner Cecilio to approve ARC #15-05 as presented, seconded by Commissioner Jaksha.

No public comment received

Motion passed 5-1 (Commissioner Green abstained)

Applicant's Name: Milos and Sandra Pesic
File Number: ARC# 15-06/VAR#15-01
Site Location: 21 Quendale Ave
Planning Area: APN# 012-501-036
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review and Variance approval for work started prior to the October meeting. The Planning Commission recommended that the item be carried over from the October 14, 2015 meeting, until a Variance application could be reviewed. Materials and colors match existing.

Commissioner Green steps down from the dais, as she owes property 500 feet from the project.

Chairman Gaglioti: The Commission is tasked with making sure that all 3 variance findings are met, but they need some further explanation from applicant.

Milos Pesic, Applicant: Explains variance reasoning about pet safety and why pillars are as high as they are, and location. First and last pillar are level, used string to make sure it's level. Neighbor's fences are level. It would look very awkward in the neighborhood if it weren't level. Followed common sense, not codes, still learning how the City works. Neighbors are 4 feet for privacy. Pillars will be from 3'10" to 4'10". Living on a corner lot, there's no privacy, people walking dogs and letting them poop on property, parking on his property. Last year, family had cat get hit and killed by a neighbor and 3 weeks ago another cat got hit and \$5,000.00 and 3 surgeries he is better now. Someday they would like to have a dog too. Family really needs a fence!

Commissioner Donaldson: All very good points. What type of fence? Level fences are built with grading and fill, that's the appropriate way to do it. Agrees he needs to build a fence, understands the need.

Commissioner Hayworth: Drove around and others have did retaining walls or fences built up with fill to be level. Variance application is very subjective, but it is still Architectural Review?

Chairman Gaglioti: First priority is the variance, then architectural review.

Commissioner Jaksha: It's just a fence, he shouldn't have to do any grading. Meets the variance section "A" because of animal and people on his property. There is a liability, what is someone hurts themselves on his property.

Chairman Gaglioti: Everyone has really good points. Likes the look of going with the grade of the land, rather than building up the land. Reads information from City Attorney regarding California Government Code Section 65906, regarding variances. Meets the findings. Variance “A” meets the requirement and “B” could be met with a 3 foot fence.

Commissioner Jaksha: The neighbors like it. Meets “B” and “C” of the findings.

Commissioner Hayworth: But how far does the Commission go while issuing a variance, where do we stop. Are we deciding on both the variance and ARC tonight.

City Manager Daniel Dawson: Commission is on point, if the findings have been met, you can approve the variance and treat the ARC as a separate issue.

Motion by Commissioner Jaksha to approve item VAR #15-01 as presented, seconded by Commissioner Cecilio.

No public comment received

Motion passed 3-2 (Commissioner Hayworth and Commissioner Donaldson)

Chairman Gaglioti: As a Commission, it is up to us how far to go on decisions like this. The variance has been approved, now look at the design.

Commissioner Hayworth: As far as the safety and enjoyment of the family, it doesn't matter about the fence height because cats jump. Appreciates all of the hard work applicant has put into this presentation.

Commissioner Hayworth: Plan on using the same wood on the fence as on the gate?

Milos Pesic, Applicant: Yes.

Commissioner Donaldson: Very ominous looking, with spikes, and will the arches go higher than the pillars?

Milos Pesic, Applicant: No, the picture is just temporary.

Commissioner Hayworth: Variance is for the fence height? The Variance application isn't specific.

Chairman Gaglioti: The City has a code and we are allowing the applicant to build higher than the code.

Commissioner Hayworth: Ominous and the police need to see in for safety. Too high and imposing.

Chairman Gaglioti: What kind of fence would you like to see built?

Commissioner Hayworth: Doesn't have a problem with the grape sticks, more spacing in between and stay level with the top of pillars

Commissioner Donaldson: Styles are debatable but should be more welcoming, very imposing. We are back tracking like last month, not sure what direction to go now.

Commissioner Jaksha: Had house broken into twice and would put up a six foot fence if he could. Falls back on property rights, well-being of applicant is part of the variance. Would like arch to be no higher than pillar, spikes shaved off, and at least 2 to 3 inches between grape stakes.

Milos Pesic, Applicant: Cat will go through 3 inches. 1 inch is plenty. On houses that have one inch, you can still see through.

Commissioner Jaksha: A cat will go over the top. At least 2 inches between. Did an amazing job, wishes that others would take care of property.

Commissioner Cecilio: Thought the pictures were confusing, thought it was iron and not wood. On the corner, it will look massive when you go by if it's wood. Iron would look better than grape stakes. Would like to have a material change.

Commissioner Jaksha: Too expensive to change to iron, could the grade stakes be thinner so it doesn't look so massive.

Milos Pesic, Applicant: where he came from his government wanted everything to be uniform. Now he is here and believes in freedom of choice.

Chairman Gaglioti: Since this is all after the fact, we have leverage on the design.

Commissioner Hayworth: Don't have to accept the design tonight, choosing to accept it, because he already started it. 5 or 6 inches between with smaller grape stakes would be less threatening.

Chairman Gaglioti: Does that work for your iron request.

Commissioner Cecilio: Yes, that's good. To stay with wood, bringing the arch down and not peek, might be less imposing. Cut the frame down. Wouldn't be so dominating.

Milos Pesic, Applicant: Wants to keep the arch the way it is, at the height in pictures, across the street has arches too. Explains the design with straight pickets, with grape sticks. Has been planning this for many years and has talked to neighbors and everyone said the arch would look great. Grape sticks are good because of visibility.

Commissioner Donaldson: The arches look higher than pillars, very sharp looking, will the material be the same?

Milos Pesic, Applicant: Same height as the pillars.

Chairman Gaglioti: At this time, we as a Commission could put a limit on height.

Commissioner Jaksha: Asks to make a motion for the arch to be 2 inches shorter than the pillars, between slates 3 inches thinner grape stakes. Compromise and wants the grape sticks up to 2 inches thick.

Commissioner Donaldson: The 3 foot fence triggered the need for a variance, could make it be 3 feet all the way around. And let him figure it out. Some will be 3 feet and some will be lower.

Chairman Gaglioti: Granting the variance because the Commission felt there was value in staying with the height.

Commissioner Jaksha: At some point it will be a foot and a half tall. Doesn't want that, defeats the purpose of safety.

Commissioner Cecilio: Applicant has been here twice and the Commission is trying to figure it out for him. Put a section up, so it can be seen. Give him a chance to take the ideas from tonight and resubmit a solid plan.

Commissioner Jaksha: Withdrew his motion.

Commissioner Hayworth: Use the ideas that you have heard here, doesn't have to be grape stakes, might be something else.

Commissioner Donaldson: Jeff makes a great point, since we are working backwards.

Chairman Gaglioti: Need to see an example of the design, with the ideas heard tonight.

Motion by Commissioner Cecilio to carry over item ARC #15-06, to give the applicant a chance to use the suggestions heard tonight and bring a design plan back, seconded by Commissioner Jaksha.

No public comment received

Motion passed 5-0

Commissioner Green came back to dais.

ANNOUNCEMENTS/COMMENTS:

NEXT MEETING: Wednesday, December 9, 2015 at 6:00 p.m.

7:45 p.m. Meeting Adjourned

Approved: _____

CITY OF DEL REY OAKS
Claims Report
December 2015

Date	Num	Name	Memo	Amount
AFLAC				
12/01/2015	15378	AFLAC	NOV 15 EMPLOYEE PAID PREMIUM INV. 666716	83.90
12/21/2015	15404	AFLAC	DEC 15 EMPLOYEE PAID PREMIUM INV. 099297	83.90
Total AFLAC				167.80
AMERICAN LOCK & KEY				
12/01/2015	15379	AMERICAN LOCK ...	BATTERY REPLACEMENT	10.85
Total AMERICAN LOCK & KEY				10.85
AT&T CAL NET 2				
12/01/2015	15380	AT&T CAL NET 2	PHONE 9/19/15-10/18/15	148.64
Total AT&T CAL NET 2				148.64
Bob Ingersoll				
12/15/2015	15401	Bob Ingersoll	Wellness	179.99
Total Bob Ingersoll				179.99
BROWN&BROWN INSURANCE				
12/01/2015	15381	BROWN&BROWN I...	Installation payment on Crime Policy inv. 37105 201...	500.00
Total BROWN&BROWN INSURANCE				500.00
CALIFORNIA-AMERICAN WATER				
12/01/2015	15382	CALIFORNIA-AME...	WATER 9/22/15-10/20/15	576.58
12/21/2015	15405	CALIFORNIA-AME...	WATER 10/21/15-11/18/15	788.33
Total CALIFORNIA-AMERICAN WATER				1,364.91
CHEVRON				
12/21/2015	15406	CHEVRON	11/11-12/11/15 FUEL	1,720.23
Total CHEVRON				1,720.23
CO-POWER				
12/01/2015	15383	CO-POWER	DEC 15 DELTA DENTAL PREMIUM	1,459.43
12/21/2015	15407	CO-POWER	JAN 16 DELTA DENTAL PREMIUM	1,459.43
Total CO-POWER				2,918.86
COMCAST HIGH SPEED INTERNET				
12/01/2015	15384	COMCAST HIGH S...	T.V. AND INTERNET 11/10-12/09/15	84.56
Total COMCAST HIGH SPEED INTERNET				84.56
CoreLogic Solutions, LLC.				
12/01/2015	15386	CoreLogic Solutions,...	METRO SCAN- ADDRESS SERVICE- OCT 2015	115.00
12/21/2015	15408	CoreLogic Solutions,...	METRO SCAN- ADDRESS SERVICE- NOV 2015	115.00
Total CoreLogic Solutions, LLC.				230.00
COUNTY OF MONTEREY-RESOURCE MANAGEMENT				
12/23/2015		COUNTY OF MON...	PECK CDBG REPMT	28,000.00
Total COUNTY OF MONTEREY-RESOURCE MANAGEMENT				28,000.00
David Nguyen, Officer				
12/15/2015	15402	David Nguyen, Officer	Wellness	375.00
Total David Nguyen, Officer				375.00
ENTERSECT CORPORATION				
12/01/2015	15385	ENTERSECT CORP...	POLICE ONLINE SERVICE INV. 1015EP31132	79.00
Total ENTERSECT CORPORATION				79.00
GLOBALSTAR USA				
12/21/2015	15409	GLOBALSTAR USA	SATELITE PHONE	55.91

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Date	Num	Name	Memo	Amount
Total GLOBALSTAR USA				55.91
HICKS PLUMBING				
12/21/2015	15410	HICKS PLUMBING	CLEANED OUT MAIN SEWER DRAIN 10/5/15	150.00
Total HICKS PLUMBING				150.00
HOME DEPOT CRC				
12/21/2015	15411	HOME DEPOT CRC	ACCT. # 6035 3220 0248 6219 SUPPLIES AND MA...	1,913.38
Total HOME DEPOT CRC				1,913.38
I.M.P.A.C.GOVERNM'T SER				
12/21/2015	15412	I.M.P.A.C.GOVERN...	MANAGING ACCOUNT #: 4246-0445-5564-9924 N...	1,789.27
Total I.M.P.A.C.GOVERNM'T SER				1,789.27
JAMES DE CHALK				
12/01/2015	15387	JAMES DE CHALK	CLEANING SERVICE OCT 2015	300.00
12/21/2015	15413	JAMES DE CHALK	CLEANING OF CITY HALL FOR OPEN HOUSE	210.00
Total JAMES DE CHALK				510.00
KELLY-MOORE PAINT CO.INC				
12/01/2015	15388	KELLY-MOORE PA...	SUPPLIES	45.33
Total KELLY-MOORE PAINT CO.INC				45.33
MONTEREY AUTO SUPPLY INC.				
12/01/2015	15389	MONTEREY AUTO...	AUTO SUPPLIES	350.87
Total MONTEREY AUTO SUPPLY INC.				350.87
MONTEREY TIRE SERVICE				
12/01/2015	15390	MONTEREY TIRE ...	acct. 1-2990 #60 TIRES	263.37
Total MONTEREY TIRE SERVICE				263.37
MTRY BAY OFFICE PRODUCTS				
12/21/2015	15414	MTRY BAY OFFIC...	CONTRACT INVOICE #256496	856.76
Total MTRY BAY OFFICE PRODUCTS				856.76
NEWTON BROS. TIRE AND AUTO SERVICE				
12/01/2015	15391	NEWTON BROS. TI...	INV. 183236 #33	863.05
Total NEWTON BROS. TIRE AND AUTO SERVICE				863.05
OFFICE DEPOT				
12/01/2015	15392	OFFICE DEPOT	INV. 801489924001	14.52
12/21/2015	15415	OFFICE DEPOT		288.40
Total OFFICE DEPOT				302.92
OFFICE EQUIPMENT FINANCE SERVICES				
12/21/2015	15416	OFFICE EQUIPME...	LEASE PAYMENT FOR COPIER-INV. 291648855	262.56
Total OFFICE EQUIPMENT FINANCE SERVICES				262.56
P.E.R.S.-HEALTH				
12/01/2015	15393	P.E.R.S.-HEALTH	HEALTH PREMIUM DEC 2015	9,872.20
Total P.E.R.S.-HEALTH				9,872.20
PENINSULA WELDING SUPPLY				
12/21/2015	15417	PENINSULA WELD...	OXYGEN (MEDICAL SUPPLIES) OCT. 2015	9.50
Total PENINSULA WELDING SUPPLY				9.50
PERS				
12/01/2015	15394	PERS	PERS RETIREMENT 7-2015-01	6,014.25

CITY OF DEL REY OAKS
Claims Report
December 2015

Date	Num	Name	Memo	Amount
Total PERS				6,014.25
PERS - 457 PLAN				
12/15/2015	15400	PERS - 457 PLAN	452503	4,200.00
Total PERS - 457 PLAN				4,200.00
PG&E				
12/01/2015	15395	PG&E	GAS & ELECTRIC 9/23/15-10/21/15	2,579.01
12/21/2015	15418	PG&E	GAS & ELECTRIC 10/14/15-11/12/15	2,332.18
Total PG&E				4,911.19
PG&E-GJM&218				
12/21/2015	15419	PG&E-GJM&218	6817283169-2	47.78
Total PG&E-GJM&218				47.78
PNC Equipment Finance				
12/01/2015	15396	PNC Equipment Fina...	RADIO LEASE AGREEMENT #164718000 - (PAY...	5,397.70
Total PNC Equipment Finance				5,397.70
PRO ROOFING				
12/01/2015	15397	PRO ROOFING	1/2 OF THE INVOICE COST FOR NEW ROOF	7,447.50
12/01/2015	15399	PRO ROOFING	2ND 1/2 OF THE INVOICE COST FOR NEW ROOF	7,447.50
Total PRO ROOFING				14,895.00
QuickBooks Payroll Service				
12/14/2015		QuickBooks Payroll ...	Fee for 11 direct deposit(s) at \$1.75 each	19.25
12/14/2015		QuickBooks Payroll ...	Fee for 12 employee(s) paid	18.00
12/14/2015		QuickBooks Payroll ...	Monthly processing fee for Dec 2015	99.00
12/14/2015		QuickBooks Payroll ...	No state fee for CA for Dec 2015	
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	15.46
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	4,465.00
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	586.49
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	586.49
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	37.38
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	37.38
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	1,677.47
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	246.85
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	29,111.74
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	65.20
12/14/2015		QuickBooks Payroll ...	Fee for 4 direct deposit(s) at \$1.75 each	7.00
12/14/2015		QuickBooks Payroll ...	Fee for 4 employee(s) paid	6.00
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	104.00
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	56.64
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	56.64
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	10.36
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	20.17
12/14/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/11/2015	3,715.05
12/29/2015		QuickBooks Payroll ...	Fee for 10 direct deposit(s) at \$1.75 each	17.50
12/29/2015		QuickBooks Payroll ...	Fee for 15 employee(s) paid	22.50
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	11.84
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	4,142.00
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	555.39
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	555.39
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	1,548.33
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	227.55
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	29,117.10
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	65.20
12/29/2015		QuickBooks Payroll ...	Fee for 2 direct deposit(s) at \$1.75 each	3.50
12/29/2015		QuickBooks Payroll ...	Fee for 2 employee(s) paid	3.00
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	5.00
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	9.64
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	9.64
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	5.00
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	2.39

CITY OF DEL REY OAKS
Claims Report
December 2015

Date	Num	Name	Memo	Amount
12/29/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	642.71
12/30/2015		QuickBooks Payroll ...	Fee for 2 direct deposit(s) at \$1.75 each	3.50
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	3.75
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	91.45
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	9.06
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	9.06
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	38.75
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	38.75
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	5.62
12/30/2015		QuickBooks Payroll ...	Created by Payroll Service on 12/28/2015	297.22
Total QuickBooks Payroll Service				78,382.41
RYAN RANCH PRINTERS				
12/21/2015	15420	RYAN RANCH PRI...	BUSINESS CARDS INV. 17355	27.28
Total RYAN RANCH PRINTERS				27.28
SAFEWAY STORE				
12/21/2015	15421	SAFEWAY STORE	SUPPLIES	29.99
Total SAFEWAY STORE				29.99
TERMINIX				
12/21/2015	15422	TERMINIX	6099531	68.00
Total TERMINIX				68.00
TIMOTHY J. MERONEY				
12/21/2015	15423	TIMOTHY J. MERO...	NOV 2015 PLAN CHECK/INSPECTION SERVICES	952.50
Total TIMOTHY J. MERONEY				952.50
TOM'S SITE SERVICES				
12/21/2015	15424	TOM'S SITE SERVI...	MOBILE RESTROOM FOR GAB CREW WORK	217.30
Total TOM'S SITE SERVICES				217.30
UNION BANK Charges				
12/31/2015	EFT12312015	UNION BANK Char...	Bank fees	311.36
Total UNION BANK Charges				311.36
UPS				
12/21/2015	15425	UPS	ACCT # 0000447YR5510 SHIPPING	40.09
Total UPS				40.09
USA TOWING, INC.				
12/21/2015	15426	USA TOWING, INC.	TOW SERVICE FOR PD	180.00
Total USA TOWING, INC.				180.00
VSP				
12/01/2015	15398	VSP	VISION SERVICE PLAN DEC 2015	125.96
Total VSP				125.96
TOTAL				168,825.77

CITY OF DEL REY OAKS
Unpaid Bills Detail

Accrual Basis

All Transactions

Date	Name	Memo	Account	Class	Amount	Balance	Due Date
CALIFORNIA BUILDING STANDARDS COMMISSION							
12/31/2015	CALIFORNIA BUILDING S...	BUILDING STANDARD STATE FEE 10/1/1...	60940 · SB 1473	General Gov...	9.90	9.90	01/30/2016
Total CALIFORNIA BUILDING STANDARDS COMMISSION					9.90	9.90	
CITY OF SEASIDE							
12/17/2015	CITY OF SEASIDE	STREET SWEEPING DEC 2015	60920 · STORM WATER PROJECT - PHA...	311 PUB W...	1,303.92	1,303.92	01/16/2016
Total CITY OF SEASIDE					1,303.92	1,303.92	
DEPT OF CONSERVATION							
12/31/2015	DEPT OF CONSERVATION	smip fee's for 10/1/15-12/31/15	60930 · S.M.I.P.	General Gov...	29.64	29.64	01/30/2016
Total DEPT OF CONSERVATION					29.64	29.64	
GOLDFARB & LIPMAN							
03/19/2013	GOLDFARB & LIPMAN	INV -107918, CURRENT FEES THROUGH ...	16020 · DUE FROM DEVELOPER	General Gov...	25,042.49	25,042.49	03/29/2013
04/17/2013	GOLDFARB & LIPMAN	INV #108082-FEES THROUGH 3/31/13	16020 · DUE FROM DEVELOPER	General Gov...	38,874.26	63,916.75	04/27/2013
11/18/2013	GOLDFARB & LIPMAN	INV - 110408 CURRENT FEES 10/1/13-10/3...	16020 · DUE FROM DEVELOPER	General Gov...	244.25	64,161.00	12/18/2013
12/16/2013	GOLDFARB & LIPMAN	INV - 110736 CURRENT FEE 11/21/13	16020 · DUE FROM DEVELOPER	General Gov...	225.00	64,386.00	01/15/2014
12/16/2013	GOLDFARB & LIPMAN	INV - 110737 CURRENT FEES 11/1/13-11/3...	16020 · DUE FROM DEVELOPER	General Gov...	3,098.59	67,484.59	01/15/2014
02/19/2014	GOLDFARB & LIPMAN	INV - 111339 CURRENT FEES THROUGH ...	16020 · DUE FROM DEVELOPER	General Gov...	1,850.00	69,334.59	03/21/2014
02/19/2014	GOLDFARB & LIPMAN	INV - 111390 CURRENT FEES THROUGH ...	16020 · DUE FROM DEVELOPER	General Gov...	1,354.50	70,689.09	03/21/2014
03/18/2014	GOLDFARB & LIPMAN	INV 111623 -CURRENT FEE THROUGH 2/...	16020 · DUE FROM DEVELOPER	General Gov...	1,475.00	72,164.09	04/17/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112024 -CURRENT FEE THROUGH 3/...	16020 · DUE FROM DEVELOPER	General Gov...	3,770.78	75,934.87	05/14/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112023-CURRENT FEE THROUGH 3/3...	16020 · DUE FROM DEVELOPER	General Gov...	1,773.60	77,708.47	05/14/2014
05/19/2014	GOLDFARB & LIPMAN	INV 112325 -CURRENT FEE THROUGH 4/...	16020 · DUE FROM DEVELOPER	General Gov...	2,675.00	80,383.47	06/18/2014
05/19/2014	GOLDFARB & LIPMAN	INV 112326 -CURRENT FEE THROUGH 4/...	16020 · DUE FROM DEVELOPER	General Gov...	7,182.51	87,565.98	06/18/2014
06/19/2014	GOLDFARB & LIPMAN	INV 112700 -CURRENT FEE THROUGH 5/...	16020 · DUE FROM DEVELOPER	General Gov...	7,595.19	95,161.17	07/19/2014
06/19/2014	GOLDFARB & LIPMAN	INV 112699 -CURRENT FEE THROUGH 5/...	16020 · DUE FROM DEVELOPER	General Gov...	1,350.00	96,511.17	07/19/2014
07/15/2014	GOLDFARB & LIPMAN	INV 112876 - CURRENT FEES THROUGH ...	16020 · DUE FROM DEVELOPER	General Gov...	2,174.00	98,685.17	08/14/2014
08/19/2014	GOLDFARB & LIPMAN	INV 113221 - CURRENT FEES THROUGH ...	16020 · DUE FROM DEVELOPER	General Gov...	2,253.08	100,938.25	09/18/2014
08/19/2014	GOLDFARB & LIPMAN	INV 113222- CURRENT FEES THROUGH 7...	16020 · DUE FROM DEVELOPER	General Gov...	2,610.00	103,548.25	09/18/2014
08/19/2014	GOLDFARB & LIPMAN	INV 113222-6- CURRENT FEES THROUGH...	16020 · DUE FROM DEVELOPER	General Gov...	52.00	103,600.25	09/18/2014
11/17/2014	GOLDFARB & LIPMAN	INV 114124 CURRENT FEES THROUGH 1...	60650 · CONTRACTUAL SVCS - LEGAL	General Gov...	595.27	104,195.52	12/17/2014
01/22/2015	GOLDFARB & LIPMAN	INV 114626 CURRENT FEES THROUGH 1...	60650 · CONTRACTUAL SVCS - LEGAL	General Gov...	156.00	104,351.52	02/21/2015
Total GOLDFARB & LIPMAN					104,351.52	104,351.52	
MONTEREY BAY AREA INSURANCE FUND							
01/01/2016	MONTEREY BAY AREA L...	2015-16 LIABILITY 50%	60620 · LIABILITY/PROP NON-DPT	General Gov...	18,511.00	18,511.00	01/31/2016
Total MONTEREY BAY AREA INSURANCE FUND					18,511.00	18,511.00	
MONTEREY BAY TECHNOLOGIES							
12/16/2015	MONTEREY BAY TECHN...	4/8/15-9/30/15 work performed for server netw...	60635 · DATA PROCESSING	172 POLICE	1,450.00	1,450.00	01/15/2016
12/16/2015	MONTEREY BAY TECHN...	4/8/15-9/30/22-8/6/15: new file server installa...	60635 · DATA PROCESSING	General Gov...	1,955.00	3,405.00	01/15/2016
Total MONTEREY BAY TECHNOLOGIES					3,405.00	3,405.00	
MONTEREY PENINSULA REGIONAL WATER AUTH.							
01/08/2016	MONTEREY PENINSULA ...	2015-16 JPA membership contribution	60550 · MEMBER/DUES/CONTRIBUTIONS	General Gov...	847.00	847.00	02/07/2016
Total MONTEREY PENINSULA REGIONAL WATER AUTH.					847.00	847.00	
P.E.R.S.-HEALTH							
01/14/2016	P.E.R.S.-HEALTH	BOURQUIN HEALTH PREMIUM FEB 2016	60140 · HEALTH INS	172 POLICE	1,591.14	1,591.14	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	CARVALHO 85%	60140 · HEALTH INS	General Gov...	676.23	2,267.37	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	CARVALHO 15%	60140 · HEALTH INS	General Gov...	119.34	2,386.71	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	DAWSON	60140 · HEALTH INS	General Gov...	1,591.14	3,977.85	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	INGERSOL	60140 · HEALTH INS	172 POLICE	795.57	4,773.42	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	LANGFORD	60140 · HEALTH INS	172 POLICE	2,068.48	6,841.90	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	MINAMI 85%	60140 · HEALTH INS	General Gov...	1,352.47	8,194.37	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	MINAMI 15%	60140 · HEALTH INS	General Gov...	238.67	8,433.04	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	NGUYEN	60140 · HEALTH INS	172 POLICE	1,591.14	10,024.18	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	OLMOS	60140 · HEALTH INS	172 POLICE	795.57	10,819.75	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	LAWSON	60140 · HEALTH INS	172 POLICE	795.57	11,615.32	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	CARTER 40%	60140 · HEALTH INS	411 PARKS/...	318.23	11,933.55	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	CARTER 60%	60140 · HEALTH INS	311 PUB W...	477.34	12,410.89	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	RETRO LANGFORD: NOV, DEC AND JAN.	60140 · HEALTH INS	172 POLICE	1,264.64	13,675.53	02/13/2016
01/14/2016	P.E.R.S.-HEALTH	ADMIN FEES	60140 · HEALTH INS	172 POLICE	84.58	13,760.11	02/13/2016
Total P.E.R.S.-HEALTH					13,760.11	13,760.11	
PERS							
12/15/2015	PERS	PERS RETIREMENT 12-2015-01	20140 · PERS PAYABLE	172 POLICE	2,802.51	2,802.51	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 DD	60125 · PERS	General Gov...	486.05	3,288.56	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 KC 85%	60125 · PERS	General Gov...	170.72	3,459.28	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 KC 15%	60125 · PERS	General Gov...	30.13	3,489.41	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 KM 15%	60125 · PERS	General Gov...	29.33	3,518.74	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 KM 85%	60125 · PERS	General Gov...	166.21	3,684.95	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 MC 60%	60125 · PERS	311 PUB W...	72.83	3,757.78	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01 MC 40%	60125 · PERS	411 PARKS/...	49.22	3,807.00	01/14/2016
12/15/2015	PERS	PERS RETIREMENT 12-2015-01	60125 · PERS	172 POLICE	2,451.11	6,258.11	01/14/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02	20140 · PERS PAYABLE	172 POLICE	9,022.99	9,022.99	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 DD	60125 · PERS	General Gov...	486.05	9,509.04	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 KC (85%)	60125 · PERS	General Gov...	170.72	9,679.76	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 KC (15%)	60125 · PERS	General Gov...	30.13	9,709.89	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 KM (15%)	60125 · PERS	General Gov...	29.33	9,739.22	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 KM (85%)	60125 · PERS	General Gov...	166.21	9,905.43	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 MC (60%)	60125 · PERS	311 PUB W...	60.41	9,965.84	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 MC (40%)	60125 · PERS	411 PARKS/...	40.27	10,006.11	01/30/2016
12/31/2015	PERS	PERS RETIREMENT 12-2015-02 PD	60125 · PERS	172 POLICE	2,471.96	12,478.07	01/30/2016
01/19/2016	PERS	Payroll 07/2015/2 Correction for Johnson (not ...	20140 · PERS PAYABLE	311 PUB W...	152.60	12,630.67	02/18/2016

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Accrual Basis

CITY OF DEL REY OAKS
Unpaid Bills Detail

All Transactions

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>	<u>Balance</u>	<u>Due Date</u>
01/19/2016	PERS	Payroll 08/2015/1 Correction for Johnson (not ...	20140 · PERS PAYABLE	411 PARKS/...	171.68	12,802.35	02/18/2016
Total PERS					12,802.35	12,802.35	
TOTAL					<u>155,020.44</u>	<u>155,020.44</u>	

CITY OF DEL REY OAKS
CURRENT FISCAL YEAR BUDGET VS. ACTUAL

July 1, 2015 - December 31, 2015

		Jul - Dec 15	Budget	% of Budget
Income				
40100 · PROPERTY TAXES				
	40110 · P/T-SECURED	221,981.46	365,000.00	61%
	40120 · P/T-UNSECURED	14,809.52	14,000.00	106%
	40130 · P/T-PRIOR SECURED	3,269.29	4,000.00	82%
	40150 · P/T-UNITARY TAX	3,747.53	6,500.00	58%
	40160 · P/T-SB813	4,851.91	6,000.00	81%
	40170 · PROPERTY TAX - VLF	65,085.00	120,000.00	54%
	40180 · P/T-INT/PENAL	141.99	200.00	71%
	40190 · P/T - ADMINISTRATIVE FEE	0.00	(5,000.00)	0%
Total 40100 · PROPERTY TAXES		313,886.70	510,700.00	61%
40200 · OTHER TAXES				
	40210 · SALES TAX	147,430.44	295,000.00	50%
	40220 · SALES TAX - ADD ON	374,238.95	580,000.00	65%
	40230 · LESS SALES TAX IN LIEU - 3-FLIP	12,383.82	74,000.00	17%
	40240 · COP MONIES	72,951.60	100,000.00	73%
	40250 · PROPERTY TRANSFER TAX	2,293.77	8,500.00	27%
	40260 · GAS FRANCHISES	0.00	4,500.00	0%
	40265 · ELECTRIC FRANCHISES	0.00	17,000.00	0%
	40270 · GARBAGE FRANCHISES	7,202.31	75,000.00	10%
	40275 · CABLE TV FRANCHISES	12,901.82	30,000.00	43%
	40280 · WATER FRANCHISES	0.00	15,000.00	0%
	40290 · SEWER IMPACT	0.00	12,000.00	0%
Total 40200 · OTHER TAXES		629,402.71	1,211,000.00	52%
40300 · LICENSES & PERMITS				
	40310 · BUSINESS LICENSES	227,516.10	185,000.00	123%
	40320 · BUILDING PERMITS	13,795.61	24,000.00	57%
	40330 · PLAN CHECK FEES	3,882.67	10,000.00	39%
	40340 · STREET OPENING PERMITS FEES	1,225.00	2,000.00	61%
	40350 · PLUMBING PERMITS	500.00	1,500.00	33%
	40360 · ELECTRICAL PERMITS	250.00	1,000.00	25%
	40370 · ENVIRON ASSESS FEES/PERMIT	0.00	1,500.00	0%
	40380 · SB 1473 STATE SURCHG ON PERMITS	26.56	0.00	100%
	40390 · OTHER LICENSES/PERMITS	287.50	1,000.00	29%
	40300 · LICENSES & PERMITS - Other	125.00	0.00	100%
Total 40300 · LICENSES & PERMITS		247,608.44	226,000.00	110%
40500 · FINES & FORFEITURES				
	40510 · VEHICLE CODE FINES	5,926.22	14,000.00	42%
Total 40500 · FINES & FORFEITURES		5,926.22	14,000.00	42%

			Jul - Dec 15	Budget
				% of Budget
		40700 · OTHER AGENCY REVENUE		
		40600 · INTEREST EARNED	0.00	1,200.00
		40710 · MOTOR VEHICLE LICENSE FEE(MVLF)	0.00	1,000.00
		40730 · HOPTR	337.73	1,200.00
		40740 · VEHICLE LICENSE COLLECTION	0.00	800.00
		40750 · PROP 172	6,223.94	12,500.00
		40760 · GRANTS	49,101.63	75,000.00
		40770 · TRAFFIC CONGESTION RELIEF-AB438	0.00	4,500.00
		Total 40700 · OTHER AGENCY REVENUE	55,663.30	96,200.00
		40800 · CURRENT SERVICES		
		40805 · USE PERMITS	4,885.00	12,500.00
		40810 · MAPS/PUBLICATIONS	2.00	250.00
		40815 · RENTAL INCOME FORMER GOLF RANGE	18,300.00	36,000.00
		40820 · POLICE REPORTS	435.00	1,200.00
		40825 · PROPERTY INSPECTIONS	900.00	3,000.00
		40830 · POLICE SERVICES	1,000.00	13,000.00
		40835 · PUBLIC EVENTS	9,375.00	45,000.00
		40840 · MISCELLANEOUS SERVICES	12,453.32	9,000.00
		40850 · PD DONATIONS	25,000.00	50,000.00
		Total 40800 · CURRENT SERVICES	72,350.32	169,950.00
		40900 · PARKS/RECREATION		
		40910 · PARK RENTAL	2,847.50	5,500.00
		40920 · RV RENTAL PARKS	15,955.00	31,000.00
		Total 40900 · PARKS/RECREATION	18,802.50	36,500.00
		41000 · OTHER		
		41010 · GAS TAX 2103	6,389.21	15,000.00
		41020 · GAS TAX 2105	5,438.85	8,000.00
		41030 · GAS TAX 2106	5,064.20	7,500.00
		41040 · GAS TAX 2107	6,965.58	10,000.00
		41050 · GAS TAX 2107.5	1,000.00	2,000.00
		Total 41000 · OTHER	24,857.84	42,500.00
		Total Income	1,368,498.03	2,306,850.00

		Jul - Dec 15	Budget	% of Budget
Expense				
	60000 · INTEREST EXPENSE - ND	(11.04)	0.00	100%
	60100 · PAYROLL & BENEFITS			
	60105 · PAYROLL	486,280.01	892,100.00	55%
	60110 · OVERTIME	25,997.00	8,000.00	325%
	60115 · COUNCIL MEMBER STIPEND	3,000.00	6,000.00	50%
	60120 · RESERVES PAYROLL	11,232.01	10,000.00	112%
	60125 · PERS	131,829.04	155,000.00	85%
	60130 · MEDICARE	7,623.30	15,000.00	51%
	60135 · DENTAL EXPENSE	9,512.87	23,000.00	41%
	60140 · HEALTH INS	67,091.94	160,000.00	42%
	60145 · VISION INS	883.39	2,000.00	44%
	60150 · WORKERS COMP	60,154.71	185,300.00	32%
	60155 · WELLNESS PROGRAM	6,837.62	8,000.00	85%
	60160 · UNIFORM ALLOWANCE	4,500.00	5,500.00	82%
	Total 60100 · PAYROLL & BENEFITS	814,941.89	1,469,900.00	55%
	60200 · PAYROLL EXPENSES	3,961.91	3,000.00	132%
	60300 · BANK SERVICE CHARGES	1,655.23	2,000.00	83%
	60400 · SUPPLIES			
	60410 · MATERIALS/SUPPLY	23,072.05	34,000.00	68%
	60430 · OFFICE SUPPLIES	11,971.14	15,000.00	80%
	60440 · SPECIAL SUPPLY POLICE	19,057.11	40,000.00	48%
	Total 60400 · SUPPLIES	54,100.30	89,000.00	61%
	60500 · UTILITIES & SERVICES			
	60505 · REPAIR/MAINTENANCE	51,657.27	40,000.00	129%
	60510 · STREET SWEEPING	5,215.68	25,000.00	21%
	60515 · GABILAN CREW	2,572.98	7,500.00	34%
	60520 · UTILITIES/PGE	5,003.43	12,000.00	42%
	60525 · UTILITIES/WATER	2,670.40	7,000.00	38%
	60530 · TELEPHONE / INTERNET	6,014.30	9,500.00	63%
	60535 · WEBSITE DESIGN & MAINTENANCE	2,298.98	4,500.00	51%
	60540 · POSTAGE / SHIPPING	1,691.55	2,500.00	68%
	60545 · TRAVEL/CONFERENCE	4,455.37	15,000.00	30%
	60550 · MEMBER/DUES/CONTRIBUTIONS	27,224.04	52,000.00	52%
	60555 · AD/PROMOTION CITY CNCL	750.00	7,500.00	10%
	60560 · LEGAL ADVERT NON-DEPT	600.00	1,000.00	60%
	60565 · BOOK/PERIODICAL	325.92	150.00	217%
	60570 · MEETING CITY CNCL	4,825.60	6,500.00	74%
	Total 60500 · UTILITIES & SERVICES	115,305.52	190,150.00	61%
	60600 · OUTSIDE SERVICES			
	60605 · TRAINING POLICE	3,998.07	9,000.00	44%
	60610 · OTHER PERMITS PW/ENGR	850.00	1,200.00	71%
	60615 · EQUIPMENT MAINT	214.67	0.00	100%
	60620 · LIABILITY/PROP NON-DPT	22,991.20	38,045.00	60%

			Jul - Dec 15	Budget	
				% of Budget	
		60625 · CONTRACTUAL AUDIT	2,190.00	30,000.00	7%
		60635 · DATA PROCESSING	9,684.69	5,000.00	194%
		60640 · CONTRACTUAL SVCS PLANNING	5,940.00	14,000.00	42%
		60650 · CONTRACTUAL SVCS - LEGAL	0.00	10,000.00	0%
		60655 · CONTRL RETAINER LEGAL	6,250.00	20,000.00	31%
		60660 · JANITORIAL FUND	1,785.00	3,500.00	51%
		60665 · RADIO DISPATCH POLICE	41,527.04	52,000.00	80%
		60670 · COMM HUM SERV NON-DEPT	3,382.00	3,200.00	106%
		Total 60600 · OUTSIDE SERVICES	98,812.67	185,945.00	53%
		60700 · AUTO OPERATION			
		60710 · AUTO OPS - SUPPLIES / EQUIP	9,015.29	2,500.00	361%
		60720 · AUTO OPS - FUEL	12,782.52	28,000.00	46%
		60730 · AUTO REPAIR/MAINTENANCE	7,634.16	10,000.00	76%
		60740 · AUTO LEASE PAYMENTS	3,070.45	7,500.00	41%
		Total 60700 · AUTO OPERATION	32,502.42	48,000.00	68%
		60800 · POLICE AND FIRE			
		60810 · FIRE SEASIDE	90,000.00	160,000.00	56%
		60820 · ANIMAL REGULATION FIRE	128.54	3,500.00	4%
		60830 · FUND JAIL & PRISONER	245.00	1,200.00	20%
		60840 · ACJIS SYSTEM POLICE	1,508.28	6,100.00	25%
		Total 60800 · POLICE AND FIRE	91,881.82	170,800.00	54%
		60900 · STREETS & STORM WATER			
		60910 · STREET LIGHTING	7,769.20	13,000.00	60%
		60920 · STORM WATER PROJECT - PHASE 4	8,613.10	20,000.00	43%
		60930 · S.M.I.P.	94.04	150.00	63%
		60940 · SB 1473	28.00	0.00	100%
		Total 60900 · STREETS & STORM WATER	16,504.34	33,150.00	50%
		Total Expense	1,229,655.06	2,191,945.00	56%
		Total Revenue	1,368,498.03	2,306,850.00	59%
		Total Expenses	1,229,655.06	2,191,945.00	56%
		Total Revenue less Expense	138,842.97	114,905.00	3%

CITY OF DEL REY OAKS
CASH BALANCES
As of December 31, 2015

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01/21/2016
Accrual Basis
Dec 31, 15

ASSETS	
Current Assets	
Checking/Savings	
10100 · GENERAL CHECKING	479,448.64
10110 · LAIF CITY - 246	15,627.67
10180 · DEV - MONTEREY PENINSULA PARTNE	58,940.41
Total Checking/Savings	<u>554,016.72</u>
Total Current Assets	<u>554,016.72</u>
TOTAL ASSETS	<u><u>554,016.72</u></u>

CITY OF DEL REY OAKS
FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL
 July through December 2014

		Jul - Dec 14	Budget	% of Budget
Ordinary Income/Expense				
	Income			
	40100 · PROPERTY TAXES			
	40110 · P/T-SECURED	209,368.98	350,000.00	59.82%
	40120 · P/T-UNSECURED	14,185.66	13,500.00	105.08%
	40130 · P/T-PRIOR SECURED	2,547.05	5,000.00	50.94%
	40150 · P/T-UNITARY TAX	3,436.43	6,500.00	52.87%
	40160 · P/T-SB813	3,242.65	6,000.00	54.04%
	40170 · PROPERTY TAX - VLF	59,927.50	114,000.00	52.57%
	40180 · P/T-INT/PENAL	91.30	200.00	45.65%
	40190 · P/T - ADMINISTRATIVE FEE		(5,000.00)	
	Total 40100 · PROPERTY TAXES	292,799.57	490,200.00	59.73%
	40200 · OTHER TAXES			
	40210 · SALES TAX	122,999.84	295,000.00	41.7%
	40220 · SALES TAX - ADD ON	197,594.85	475,000.00	41.6%
	40230 · SALES TAX IN LIEU - 3-FLIP	34,614.59	82,000.00	42.21%
	40240 · COP MONIES	47,896.69	100,000.00	47.9%
	40250 · PROPERTY TRANSFER TAX	5,108.94	4,500.00	113.53%
	40260 · GAS FRANCHISES		4,500.00	
	40265 · ELECTRIC FRANCHISES		17,000.00	
	40270 · GARBAGE FRANCHISES	18,890.58	40,000.00	47.23%
	40275 · CABLE TV FRANCHISES	12,503.35	30,000.00	41.68%
	40280 · WATER FRANCHISES		13,000.00	
	40290 · SEWER IMPACT		8,500.00	
	Total 40200 · OTHER TAXES	439,608.84	1,069,500.00	41.1%
	40300 · LICENSES & PERMITS			
	40310 · BUSINESS LICENSES	166,693.99	185,000.00	90.11%
	40320 · BUILDING PERMITS	12,853.75	18,000.00	71.41%
	40330 · PLAN CHECK FEES	5,819.42	10,000.00	58.19%
	40340 · STREET OPENING PERMITS FEES	975.00	2,000.00	48.75%
	40350 · PLUMBING PERMITS	240.00	1,500.00	16.0%
	40360 · ELECTRICAL PERMITS	600.00	1,000.00	60.0%
	40380 · SB 1473 STATE SURCHG ON PERMITS	24.00		100.0%
	40390 · OTHER LICENSES/PERMITS	579.15	600.00	96.53%
	40786 · DEVELOPER PYMT FEES/PERMITS	103,407.10		
	40300 · LICENSES & PERMITS - Other	120.00		
	Total 40300 · LICENSES & PERMITS	291,312.41	218,100.00	133.57%
	40500 · FINES & FORFEITURES			
	40510 · VEHICLE CODE FINES	5,968.98	14,000.00	42.64%
	Total 40500 · FINES & FORFEITURES	5,968.98	14,000.00	42.64%

CITY OF DEL REY OAKS
FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL
 July through December 2014

		Jul - Dec 14	Budget	% of Budget
40700 · OTHER AGENCY REVENUE				
	40600 · INTEREST EARNED	85.26	100.00	85.26%
	40710 · MOTOR VEHICLE LICENSE FEE(MVLF)		1,000.00	
	40730 · HOPTR	332.24	1,200.00	27.69%
	40740 · VEHICLE LICENSE COLLECTION	682.36	800.00	85.3%
	40750 · PROP 172	7,613.56	10,000.00	76.14%
	40760 · GRANTS	4,329.71	8,000.00	54.12%
	40770 · TRAFFIC CONGESTION RELIEF-AB438		4,500.00	
	40783 · GRANT OTHER AGENCIES	26,516.00		100.0%
Total 40700 · OTHER AGENCY REVENUE		39,559.13	25,600.00	154.53%
40800 · CURRENT SERVICES				
	40805 · USE PERMITS	8,725.00	12,500.00	69.8%
	40810 · MAPS/PUBLICATIONS		250.00	
	40815 · RENTAL INCOME FORMER GOLF RANGE	2,100.00	5,000.00	42.0%
	40820 · POLICE REPORTS	940.00	1,200.00	78.33%
	40825 · PROPERTY INSPECTIONS	1,800.00	3,000.00	60.0%
	40830 · POLICE SERVICES	7,650.00	6,000.00	127.5%
	40835 · PUBLIC EVENTS	15,300.00	65,000.00	23.54%
	40840 · MISCELLANEOUS SERVICES	19,311.72	6,500.00	297.1%
	40845 · MISC REVENUE	1,350,970.83		100.0%
	40850 · PD DONATIONS	1,596.87	5,000.00	31.94%
Total 40800 · CURRENT SERVICES		1,408,394.42	104,450.00	1,348.39%
40900 · PARKS/RECREATION				
	40910 · PARK RENTAL	2,200.00	5,200.00	42.31%
	40920 · RV RENTAL PARKS	15,790.00	31,000.00	50.94%
	40900 · PARKS/RECREATION - Other	(100.00)		
Total 40900 · PARKS/RECREATION		17,890.00	36,200.00	49.42%
41000 · OTHER				
	41010 · GAS TAX 2103	9,496.80	15,000.00	63.31%
	41020 · GAS TAX 2105	5,289.91	6,000.00	88.17%
	41030 · GAS TAX 2106	4,660.14	6,250.00	74.56%
	41040 · GAS TAX 2107	6,511.49	9,000.00	72.35%
	41050 · GAS TAX 2107.5	2,000.00	1,000.00	200.0%
Total 41000 · OTHER		27,958.34	37,250.00	75.06%
	42100 · Uncategorized Income	2,400.00		
Total Income		2,525,891.69	1,995,300.00	126.59%

CITY OF DEL REY OAKS
FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL
 July through December 2014

		Jul - Dec 14	Budget	% of Budget
Expense				
60100 · PAYROLL & BENEFITS				
	60105 · PAYROLL	475,908.71	780,000.00	61.01%
	60110 · OVERTIME	3,298.70	15,000.00	21.99%
	60115 · COUNCIL MEMBER STIPEND	3,000.00	6,000.00	50.0%
	60120 · RESERVES PAYROLL	4,477.17	20,000.00	22.39%
	60125 · PERS	74,052.40	165,000.00	44.88%
	60130 · MEDICARE	7,340.41	13,000.00	56.47%
	60135 · DENTAL EXPENSE	10,791.74	23,000.00	46.92%
	60140 · HEALTH INS	74,883.66	160,000.00	46.8%
	60145 · VISION INS	1,037.40	2,000.00	51.87%
	60150 · WORKERS COMP	70,820.44	159,440.00	44.42%
	60155 · WELLNESS PROGRAM	2,270.48	8,000.00	28.38%
	60160 · UNIFORM ALLOWANCE	2,000.00	5,500.00	36.36%
	60172 · GF PAYROLL/COPS GRANT	20,051.38		100.0%
	60195 · Reimbursements - Exp	13.00		100.0%
Total 60100 · PAYROLL & BENEFITS		749,945.49	1,356,940.00	55.27%
60200 · PAYROLL EXPENSES		1,203.92	7,500.00	16.05%
60300 · BANK SERVICE CHARGES		618.85	2,500.00	24.75%
60400 · SUPPLIES				
	60410 · MATERIALS/SUPPLY	12,850.35	17,500.00	73.43%
	60430 · OFFICE SUPPLIES	6,524.73	15,000.00	43.5%
	60440 · SPECIAL SUPPLY POLICE	18,391.42	40,000.00	45.98%
Total 60400 · SUPPLIES		37,766.50	72,500.00	52.09%
60500 · UTILITIES & SERVICES				
	60505 · REPAIR/MAINTENANCE	24,501.33	30,000.00	81.67%
	60510 · STREET SWEEPING	8,970.70	27,000.00	33.23%
	60515 · GABILAN CREW	3,389.40	9,000.00	37.66%
	60520 · UTILITIES/PGE	5,992.20	10,000.00	59.92%
	60525 · UTILITIES/WATER	2,524.22	7,500.00	33.66%
	60530 · TELEPHONE / INTERNET	5,195.01	9,000.00	57.72%
	60535 · WEBSITE DESIGN & MAINTENANCE	3,019.00	500.00	603.8%
	60540 · POSTAGE / SHIPPING	1,672.33	3,000.00	55.74%
	60545 · TRAVEL/CONFERENCE	4,689.48	9,000.00	52.11%
	60550 · MEMBER/DUES/CONTRIBUTIONS	12,035.29	52,000.00	23.15%
	60555 · AD/PROMOTION CITY CNCL	750.00	7,500.00	10.0%
	60560 · LEGAL ADVERT NON-DEPT	636.83	1,000.00	63.68%
	60565 · BOOK/PERIODICAL	23.88	150.00	15.92%
	60570 · MEETING CITY CNCL	794.47	1,000.00	79.45%
	60575 · PRINTING / PUBLICATIONS	1,408.41		100.0%
	60500 · UTILITIES & SERVICES - Other	57.75		100.0%
Total 60500 · UTILITIES & SERVICES		75,660.30	166,650.00	45.4%
60600 · OUTSIDE SERVICES				
	60605 · TRAINING POLICE	200.00	12,000.00	1.67%
	60610 · OTHER PERMITS PW/ENGR	600.00	5,000.00	12.0%

CITY OF DEL REY OAKS
FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL
 July through December 2014

			Jul - Dec 14	Budget	
				% of Budget	
		60620 · LIABILITY/PROP NON-DPT	22,975.00	38,045.00	60.39%
		60625 · CONTRACTUAL AUDIT	21,781.40	30,000.00	72.61%
		60635 · DATA PROCESSING	3,002.30	5,000.00	60.05%
		60640 · CONTRACTUAL SVCS PLANNING	23,959.82	12,500.00	191.68%
		60650 · CONTRACTUAL SVCS - LEGAL	33,527.58	25,000.00	134.11%
		60655 · CONTRL RETAINER LEGAL	6,845.27	15,000.00	45.64%
		60660 · JANITORIAL FUND	1,950.00	3,500.00	55.71%
		60665 · RADIO DISPATCH POLICE	47,312.39	47,000.00	100.67%
		60670 · COMM HUM SERV NON-DEPT	3,300.00	3,200.00	103.13%
		Total 60600 · OUTSIDE SERVICES	165,453.76	196,245.00	84.31%
		60700 · AUTO OPERATION			
		60710 · AUTO OPS - SUPPLIES / EQUIP	1,237.16	1,000.00	123.72%
		60720 · AUTO OPS - FUEL	13,479.22	22,000.00	61.27%
		60730 · AUTO REPAIR/MAINTENANCE	1,336.92	9,000.00	14.86%
		60740 · AUTO LEASE PAYMENTS	7,680.18	14,800.00	51.89%
		Total 60700 · AUTO OPERATION	23,733.48	46,800.00	50.71%
		60800 · POLICE AND FIRE			
		60810 · FIRE SEASIDE	75,000.00	120,000.00	62.5%
		60820 · ANIMAL REGULATION FIRE	3,315.20	3,500.00	94.72%
		60830 · FUND JAIL & PRISONER	2,694.00	1,000.00	269.4%
		60840 · ACJIS SYSTEM POLICE	2,754.14	4,000.00	68.85%
		Total 60800 · POLICE AND FIRE	83,763.34	128,500.00	65.19%
		60900 · STREETS & STORM WATER			
		60910 · STREET LIGHTING	7,679.48	13,000.00	59.07%
		60920 · STORM WATER PROJECT - PHASE 4	5,944.98	8,000.00	74.31%
		60930 · S.M.I.P.	75.42	150.00	50.28%
		60940 · SB 1473	27.00		100.0%
		60900 · STREETS & STORM WATER - Other	435.89		
		Total 60900 · STREETS & STORM WATER	14,162.77	21,150.00	66.96%
		69800 · Uncategorized Expenses (Expenses not categorized elsewhere)	213.58		
		70100 · MISC EXPENSES			
		70110 · RECONCILIATION DISCREPENCIES	(65.00)		
		70100 · MISC EXPENSES - (CDBG Loan payback)	43,175.00		
		Total 70100 · MISC EXPENSES	43,110.00		100.0%
		Total Expense	1,195,631.99	1,998,785.00	59.82%
		Total Revenue	2,525,891.69	1,995,300.00	127%
		Total Expenditures	1,195,631.99	1,998,785.00	60%
		Total Operating Revenue Less Expenditures this fiscal year to date	1,330,259.70	(3,485.00)	67%

CITY OF DEL REY OAKS
CASH BALANCES
 As of December 31, 2014

			Dec 31, 14
ASSETS			
Current Assets			
Checking/Savings			
		10100 · GENERAL CHECKING	472,524.74
		10110 · LAIF CITY - 246	15,578.54
		10180 · DEV - MONTEREY PENINSULA PARTNE	82,775.21
Total Checking/Savings			570,878.49
Total Current Assets			570,878.49
TOTAL ASSETS			570,878.49



FIRE DEPARTMENT
1635 Broadway Avenue
Seaside, CA 93955

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

January 4, 2016

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 December 1, 2015 through December 31, 2015.

The Seaside Fire Department responded to the following incidents in the month of December:

<u>Incident #</u>	
15-2602	15-2764
15-2627	15-2786
15-2636	15-2804
15-2676	15-28-06
15-2680	15-2813
15-2703	15-2817
15-2705	15-2826
15-2715	
25-2726	

There are a total of sixteen (16) fire calls for the month of December. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melissa Failauga".

Melissa Failauga
Office Assistant
CC: File



Del Rey Oaks Police Department
 Monthly Report of Activity
 DEC - 2015
 Completed By: Ron Langford, COP

ARRESTS:

YEAR END

<i>Felony Arrests</i>	1	
<i>Misdemeanor Arrests</i>	5	
<i>Warrant Arrests (OJ)</i>		
TOTAL ARRESTS	06	40

ASSAULTS:

YEAR END

<i>Simple Assault</i>		
<i>Domestic Violence</i>	1	
<i>Weapon Involved</i>	1	
TOTAL ASSAULTS	2	05

REPORTS FILED:

12	152
----	-----

TRAFFIC ACCIDENTS:

<i>Non-Injury Accidents</i>		
<i>Injury Accidents</i>		
TOTAL ACCIDENTS	00	25

BURGLARIES:

<i>Residential</i>		
<i>Commercial</i>		
<i>From Locked Vehicle</i>		
<i>Other</i>	1	
TOTAL BURGLARIES	01	08

TOWED & STORED VEHICLES:

00	15
----	----

GRAND & PETTY THEFTS:

<i>Residential</i>		
<i>Commercial</i>		
<i>Shoplifting</i>	2	
<i>From Motor Vehicle</i>		
<i>Other</i>	1	
TOTAL THEFTS	03	14

ALARMS:

<i>Residential</i>		
<i>Commercial</i>		
TOTAL ALARMS	00	00

DUI ENFORCEMENT:

1	
01	18

CITATIONS ISSUED:

<i>Traffic Citations Issued</i>	27	
<i>Parking Citations Issued</i>		
<i>Admin Citations Issued</i>		
TOTAL CITATION ISSUED	27	276

Recording requested by, and)
when recorded mail to:)
City Manager)
City of Del Rey Oaks)
650 Canyon Del Rey)
Del Rey Oaks, California 93940)

(Space above this line for Recorder's use)

COVENANT AND AGREEMENT WITH
CITY OF DEL REY OAKS
REGARDING RETAINING WALL

The undersigned hereby certify that I (we) am (are) the owner(s) or authorized representative(s) of the hereinafter legally described real property located in Monterey County, State of California, generally described as APN #012-471-005-000, Sub-division; Sayers Subdivision, Lot 5, commonly known as 826 Portola Drive, Del Rey Oaks, California.

Recitals

1. Lazaro Espinola, hereinafter "Owner," has built a retaining wall at the front of his property and it is entirely on property belonging to the City of Del Rey Oaks, hereinafter "City".
2. In order for the City to allow such construction on its property, an agreement which runs with the land is necessary.

Terms and Conditions

In consideration of the mutual promises contained herein, City and Owner agree to the following conditions:

1. City shall allow Owner to construct a retaining wall, as shown on the attached photos and design found in Exhibit A, on City property.
2. Owner shall be responsible for all construction and maintenance of the retaining wall and shall not allow the retaining wall to become dangerous, unsightly or otherwise detrimental to the neighborhood.
3. If at any time, City desires to construct a sidewalk that would interfere with the retaining wall, Owner, at Owner's sole expense, shall remove the retaining wall upon thirty (30) days written notice.
4. Owner hereby agrees to indemnify and hold City, its officers, agents and employees, harmless from any claim, liability, suit, cause of action or other legal proceedings which may be brought or claimed against City as a result of the operation of this Agreement or the construction or maintenance of the retaining wall.
5. Owner shall, at Owner's cost and expense, at all times during which the retaining wall described herein is in place, maintain in force, for the benefit of City as well as Owner, liability insurance,

satisfactory to the City's Risk Manager.

6. This Covenant and Agreement shall run with the land and be binding upon any future owners, heirs, personal representatives, successors and assigns of the parties hereto.

7. Upon execution of this Covenant and Agreement, the City shall cause recordation thereof with the County Recorder's office and shall provide a copy of said recorded document to Owner.

Dated this XX day of XXXX, 201X.

CITY OF DEL REY OAKS

OWNER(S)

*By _____
Daniel Dawson
City Manager

*By: _____
Name _____

*By: _____
Name _____

I, am duly licensed as a contractor under the laws of the state of California, and understand that the approval of the covenant agreement is based on my statement of fact that the attached structural design of the wall is the exact detail of the structure as built and such design was relied upon and approved by the City Building Official as represented. I have personal knowledge of the workmanship, construction, and completion of the wall and warrant and declare under penalty of perjury that the attached design in Exhibit A is a true and accurate representation of the structural design of the wall as built.

Date: _____

Signed: _____
Lazaro Espinola, Owner

*Must attach proof of Notary Public for each signature

ORDINANCE NO. 283

AN ORDINANCE OF THE CITY COUNCIL OF DEL REY OAKS ADDING CHAPTERS 4.04 MEDICINAL MARIJUANA DELIVERY AND CHAPTER 4.08 MEDICINAL MARIJUANA CULTIVATION TO CITY OF DEL REY OAKS MUNICIPAL CODE

Summary

This Ordinance adds a new Chapter 4.04 to the City of Del Rey Oaks Municipal Code to regulate the delivery of medicinal marijuana in the City of Del Rey Oaks and Chapter 4.08 to the City of Del Rey Oaks Municipal Code to regulate the cultivation of medicinal marijuana in the City of Del Rey Oaks.

THE CITY OF DEL REY OAKS, CALIFORNIA ORDAINS AS FOLLOWS:

SECTION 1.

A new Chapter 4.04 is hereby added to the City of Del Rey Oaks Municipal Code to read as follows:

Section 4.04.10 Delivery

Delivery of medical marijuana and medical cannabis products to a qualified patient, primary caregiver or dispensary are allowed in city limits, provided that deliveries are performed in strict compliance of state law and the regulations of this division. "Delivery" is defined in Business & Professions Code section 19300.5(m), and Health & Safety Code section 11362.7, as those sections may be further amended.

SECTION 2.

A new Chapter 4.08 is hereby added to the City of Del Rey Oaks Municipal Code to read as follows:

Section 4.08.010. Findings and Purpose.

A. In 1996, the voters of the State of California approved Proposition 215, which was codified as Cal. Health & Safety Code § 11362.5, and entitled "The Compassionate Use Act of 1996."

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to legally obtain and use it under limited, specified circumstances without fear of criminal prosecution. Proposition 215 further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes." (Cal. Health & Safety Code § 11362.5(b)(2).) The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow 'unlimited quantities of marijuana to be grown anywhere.'"

C. In 2003, the California Legislature passed Senate Bill 420 (codified as California Health and Safety Code §§ 11362.7 *et seq.*) to clarify the scope of Proposition 215 and expressly allow cities and counties to adopt

and enforce ordinances that are consistent with SB 420.

D. The Federal Controlled Substances Act (21USC §§ 801 *et seq.*) classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with the intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

E. The unregulated cultivation of marijuana in the City of Del Rey Oaks can adversely affect the health, safety, and well-being of the City, its residents and environment. Regulating the cultivation of marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, offensive odor, and fire hazards that may result from unregulated medicinal marijuana cultivation.

F. Other public agencies have reported adverse impacts from cultivation, including, but not limited to, disagreeable odors; negative effects on the environment; unsanitary conditions; negative effects on physical, mental and community health; violation of building codes and other land development codes; increased risk of burglary and other property crimes; and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

G. The creation of persistent strong odors as marijuana plants mature and flower is offensive to many people, results in complaints of respiratory problems, and generally creates an attractive nuisance by alerting persons, including children, to the location of valuable marijuana plants and creating an increased risk of crime.

H. Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that children will be involved or endangered.

I. The indoor cultivation of substantial amounts of marijuana within a residence presents potential health and safety risks to those living in the residence, especially children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.

J. The production of concentrated marijuana and extraction of compounds from marijuana using alcohol or flammable liquids or gases has caused numerous fires and explosions throughout California, including a 2014 fire in Gilroy and several other fires throughout Santa Clara County.

K. The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance. By limiting the cultivation area for indoor cultivation to a single space no larger than 50 square feet in a single room and limiting marijuana plants to a single layer, and by limiting outdoor cultivation to 12 plants, the City anticipates a reduction in the negative secondary effects of unfettered growing such as odor, fire, crime, and pollution.

L. Limiting the area of indoor cultivation to 50 square feet is necessary because the lights and electricity required by cultivation areas larger than 50 square feet are likely to exceed the wattage supported by a typical household light and receptacle circuit, thereby creating an unreasonable risk to public health, safety, and welfare and a public nuisance through the hazard of fire and overloading of circuits.

M. Limiting the number of medicinal marijuana plants cultivated outdoors is necessary because cultivating medicinal marijuana plants in excess of 12 would create an unreasonable risk of causing a public nuisance due to odors, attracting criminal activity, including theft and burglaries, and creating an attractive nuisance for children.

N. Limiting the number of medicinal marijuana plants or medicinal marijuana cultivation space available to a qualified patient or primary caregiver is not intended to preclude a qualified patient or primary caregiver from obtaining through dispensaries, collectives or other legal means additional medicinal marijuana that the qualified patient needs for his or her reasonable medical use.

O. The City has established a uniform setback from adjacent property lines for marijuana cultivation in order to reduce the potential for nuisances to neighboring property owners. The setback standards include a provision for reduced setbacks on narrow parcels smaller than 10,000 square feet.

P. The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to cultivate or possess an amount of marijuana in excess of the amount reasonably necessary to treat the qualified patient's condition or to create a public nuisance as a result of illegal diversion. According to studies conducted by the states of Colorado Washington and Nevada, as well as the Office of National Drug Control Policy and the California National Organization for the Reform of Marijuana Laws, qualified patients use an average of 1.36 pounds of marijuana annually. By limiting the amount of medicinal marijuana that a qualified patient or primary caregiver may possess or store to no more than 3 pounds at a given time, the City seeks to reduce the amount of medicinal marijuana diverted to illicit uses, sold on the black market, or distributed to minors.

Q. Regulation of parcels used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein that are especially significant if the amount of marijuana cultivated on any legal parcel is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

R. It is the purpose and intent of this chapter to implement State law by providing a means for regulating the cultivation of medicinal marijuana in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Del Rey Oaks. This chapter is intended to prohibit the cultivation of marijuana by anyone for any purpose other than by a qualified patient or primary caregiver cultivating for personal medicinal use in strict compliance with this chapter, and applicable State law. This division is not intended to prohibit persons from exercising any right otherwise granted by State law, including Proposition 215 and Senate Bill 420. Rather, the intent and purpose of this division is to establish reasonable regulations upon the manner in which marijuana for medicinal purposes may be cultivated, including restrictions on the amount of marijuana that may be cultivated in any location or premises, in order to protect the public health, safety and environment in the City of Del Rey Oaks.

S. The limited right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medicinal purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations in this division, the City will achieve a significant reduction in the aforementioned

harms caused or threatened by unregulated cultivation of marijuana in the City of Del Rey Oaks.

T. Nothing in this division shall be construed to allow the cultivation of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State or federal law.

U. These regulations do not restrict the ability of the one permitted dispensary to grow, distribute or transport medical cannabis in conformance with State Law.

Section 4.08.20 Definitions.

As used in this chapter, the following terms and phrases shall be defined as follows:

A. *Cultivation* means the planting, growing, or harvesting of one or more marijuana plants or any part thereof.

B. *Indoor* means within a fully enclosed and secure structure, including any attached or detached accessory structure, that complies with the California Building Code, as adopted by the City of Del Rey Oaks. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors and may be constructed of any approved building materials.

C. *Legal parcel* means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Cal. Gov't Code §§ 66410 *et seq.*) and the City of Del Rey Oaks Municipal Code.

D. *Marijuana* shall have the same meaning as in California Health and Safety Code Section 11018, as may be amended. Marijuana, medicinal marijuana, and the cultivation thereof, as defined in this division shall not be considered an agricultural activity, operation or facility under Cal. Civil Code § 3482.5 or Chapter 17.28 and Section 17.28.20 of the Del Rey Oaks Municipal Code.

E. *Medicinal marijuana* means marijuana used for medical purposes in accordance with Cal. Health & Safety Code §§ 11362.7 *et seq.*

F. *Outdoor* means any location that is not indoor within a fully enclosed and secure structure and may include shade structures.

G. *Park* means any playground, hiking or riding trail, recreation area, community center, or historic structure that is owned, managed, operated or controlled by any public entity.

H. *Primary caregiver* means a primary caregiver as defined in Cal. Health & Safety Code § 11362.7(d).

I. *Qualified patient* means a qualified patient as defined in Cal. Health & Safety Code § 11362.7(f).

J. *Residence* means the place where an individual has his or her true, fixed, permanent home and principal establishment, and to which place he or she has, whenever absent, the intention of returning.

K. *School Bus Stop* means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in Cal. Vehicle Code § 233 or Cal. Vehicle Code § 545, or school pupil buses, as defined in Cal. Vehicle Code § 546.

Section 4.08.30 Marijuana cultivation—prohibited.

A. Outdoor cultivation of marijuana is prohibited in city limits.

B. Indoor cultivation of marijuana is prohibited in city limits.

C. This section shall not apply to cultivation of medicinal marijuana by a qualified patient or primary caregiver at any residence on a legal parcel where the qualified patient or primary caregiver resides, provided that the cultivation is performed in strict compliance with the regulations of this chapter and applicable state law.

Section 4.08.40 Medicinal marijuana cultivation—regulations.

A. Medicinal marijuana cultivation by a qualified patient or primary caregiver at any residence on a legal parcel where the qualified patient or primary caregiver resides is limited to one of the following:

1. Indoor cultivation, provided that the cultivation is performed in strict compliance with Section 4.08.50.

2. Outdoor cultivation, provided that the cultivation is performed in strict compliance with Section 4.08.60.

B. No evidence of cultivation of medicinal marijuana shall be visible or detectable from any adjacent property or public right of way. Evidence of cultivation of medicinal marijuana includes, but is not limited to, dust, glare, light, heat, gases, odors, smoke, or vibrations caused by any activity associated with the cultivation of medicinal marijuana.

C. No medicinal marijuana cultivated under this chapter shall be distributed to any person other than the qualified patient cultivating the medicinal marijuana or the qualified patient of a primary caregiver cultivating the medicinal marijuana.

D. All electrical systems and fuel storage involved in cultivation of medicinal marijuana shall be permitted, used and installed pursuant to all applicable ordinances, laws, and regulations. The total wattage for all lights used for cultivation shall not exceed 1,200 watts. All lights used for cultivation shall be plugged directly into a wall outlet. The number and wattage of lights used must not exceed the design capacity of the electrical system's circuits.

E. All water used in cultivation of medicinal marijuana shall be permitted and obtained from a legal source and shall be applied in accordance with all applicable ordinances, laws, and regulations.

F. Any individual cultivating medicinal marijuana on a legal parcel for which the individual is not the legal owner must obtain and post written permission from the legal owner(s) or landlord consenting to the

cultivation of medicinal marijuana on the property.

G. The primary caregiver or qualified patient may store or possess no more than 3 pounds of harvested medicinal marijuana at any time. All storage of dried and/or processed marijuana must be secured in a manner to prevent unauthorized access, including by children.

H. The extraction of chemical compounds from marijuana by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol is prohibited.

I. Any modifications, alterations, or improvements made to the residence or property where cultivation of medicinal marijuana occurs shall be permitted and performed pursuant to all applicable ordinances, laws, and regulations.

Section 4.08.50 Additional regulations for indoor cultivation.

In addition to the regulations specified in Section 4.08.40, the following regulations shall apply to any qualified patient or primary caregiver performing indoor cultivation:

A. The single space in the single room shall be no larger than 50 square feet. All marijuana plants cultivated indoors shall be arranged in a single layer. This limit shall apply notwithstanding the number of qualified patients and/or primary caregivers residing at the residence.

B. Indoor cultivation shall be secured in a manner to prevent unauthorized access, including by children.

C. The drying, processing, and/or storage of medicinal marijuana shall be limited to a single room within the residence where the cultivation occurs and must be secured in a manner to prevent unauthorized access, including by children.

Section 4.08.60 Additional regulations for outdoor cultivation.

In addition to the regulations specified in Section 4.08.40, the following regulations shall apply to any qualified patient or primary caregiver performing outdoor cultivation:

A. Cultivation is prohibited as follows:

1. For parcels 10,000 square feet or larger:
 - a. Within 100 feet of any park.
 - b. Within 1,000 feet of any school bus stop, school, day care center, college, or university.
 - c. Within 25 feet of any property line.
 - d. In the front yard of any parcel.
2. For parcels smaller than 10,000 square feet:
 - a. Within 100 feet of any park.
 - b. Within 1,000 feet of any school bus stop, school, day care center, college, or university.
 - c. Within 25 feet from any property line, or within 30 percent of the average lot width from any property line, whichever is smaller.

d. In the front yard of any parcel.

B. Cultivation shall be limited to a total of 12 marijuana plants at the legal parcel of the qualified patient's or primary caregiver's residence. This limit shall apply notwithstanding the number of qualified patients and/or primary caregivers residing at the legal parcel.

C. Cultivation shall be enclosed by a fence with a locking gate and shall at no time exceed the height of the fence. Any such fence shall be permitted and constructed in compliance with all zoning, planning, and building ordinances.

D. The drying, processing, and/or storage of medicinal marijuana cultivated outdoors shall be limited to a single room at the residence where the outdoor cultivation occurs and must be secured in a manner to prevent unauthorized access, including by children.

Section 4.08.70 Enforcement

A. This division may be enforced in any manner consistent with this chapter by any peace officer, or by any employee, agent, or officer of any of the following departments or agencies:

1. Del Rey Oaks Police Department
2. Sheriff's Department
3. City Attorney's Office
4. Fire Department
5. Consumer and Environmental Protection Agency

B. Enforcement under this section shall be at the discretion of the enforcing agency, pursuant to the following:

1. If a peace officer, or any employee, agent, or officer of an enforcing agency determines that the marijuana plants or a condition or use associated with marijuana plants constitute a violation of the ordinance, the enforcing agency shall be authorized to summarily abate the condition or use through the seizure and confiscation of marijuana plants pursuant the Del Rey Oaks Municipal Code, Chapter 8.28.

2. If the marijuana cultivation is, or can be immediately brought into compliance with the allowable number and locations of marijuana plants set forth in this Chapter and the cultivation is not a health, safety, or environmental hazard, then the a peace officer, or any employee, agent, or officer of an enforcing agency may elect to issue a notice to abate in lieu of seizure and confiscation. The notice to abate will specify the violations and the allowable time for the property owner to remedy the violation until further enforcement action is taken. Failure to abate violations within the specified time shall be grounds for the seizure and confiscation of marijuana plants pursuant to the Del Rey Oaks Municipal Code, Chapter 8.28.

Section 4.08.80 Public nuisance.

Any violation of this division is hereby declared a public nuisance and may be abated by the City pursuant to Chapter 8.28 of this Code.

Section 4.08.90 Separate offense for each day.

Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any person commits, continues to permit, or causes a violation

thereof, and shall be penalized accordingly.

Section 4.08.100 Criminal penalties.

Any violation of any provision of this chapter shall be deemed a misdemeanor.

Section 4.08.110 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth above, any violation of this division may be subject to administrative remedies, as set forth in this Code.

Section 4.08.120 Other ordinance code provisions.

Notwithstanding this chapter, the City, its employees, agents, and officers have the authority to pursue any and all applicable remedies for any of the aforementioned violations or any other violations of any local, state or federal law.

SECTION 2. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof; other than the section so declared to be unconstitutional or invalid.

PASSED AND ADOPTED by the City Council of the City of Del Rey Oaks, County of Monterey, State of California on January 26, 2016 by the following roll call vote:

Councilmember Allion:
Councilmember Ventimiglia:
Councilmember Lintell:
Vice Mayor Clark:
Mayor Edelen:

APPROVED

JERRY EDELEN
Mayor

ATTEST:

DANIEL DAWSON
City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHRISTINA TRUJILLO
City Counsel

RESOLUTION NO. 2016-01

A RESOLUTION OF THE CITY OF DEL REY OAKS ADOPTING ORDINANCE 283, AN ORDINANCE OF THE CITY COUNCIL OF DEL REY OAKS ADDING CHAPTER 4.04 AND 4.08 TO CITY OF DEL REY OAKS MUNICIPAL CODE REGULATING MEDICINAL MARIJUANA CULTIVATION AND DELIVERY

THE COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, the Compassionate Use Act of 1996 (Health & Safety Code section 11362.5 et seq.), the intent of which was to enable seriously ill residents of California to obtain and use marijuana for medical purposes with the recommendation of a physician; and

WHEREAS, in 2003, the California Legislature enacted the Medical Marijuana Program (Health & Safety Code section 11362.7 et seq.) to clarify the scope of the Compassionate Use Act of 1996; and

WHEREAS, on November 18, 2014, the City enacted an ordinance (Del Rey Oaks City Code Title 4, Chapter 4.00) allowing medical marijuana dispensaries within the City limits. The ordinance passed and was in full force and effect on January 1, 2015; and

WHEREAS, the California Supreme Court in City of Riverside v. Inland Empire Patients Health and Wellness Center, inc (2013) 56 Cal.4th 729, held that neither the Compassionate Use Act nor the Medical Marijuana Program expressly or impliedly preempt the authority of California counties or cities, under their police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana. Cities and counties may adopt local ordinances that regulate the location, operation, or establishment of medical marijuana cooperatives or collectives, and to enforce such ordinances; and

WHEREAS, in Maral v. City of Live Oak (2014) 221 Cal.App.4th 975, the appellate court held that the Compassionate Use Act and the Medical Marijuana Program Act do not preempt a city's police power to prohibit marijuana cultivation. The Live Oak decision has no exceptions for cultivation by qualified patients; and

WHEREAS, in October 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) for the licensure and regulation of medical marijuana. Local authority remains intact under the law. All medical marijuana businesses (dispensary sales, delivery services, cultivation, or transport) must have a State license; and

WHEREAS, under the MMRSA, a medical marijuana business in the City may only operate if it has a license with the State and the City (dual licensing); and

WHEREAS, under the MMRSA, if a City does not have an ordinance in place prohibiting the cultivation of marijuana, either expressly or otherwise under the principles of permissive zoning, or chooses not to administer a conditional program, then commencing on March 1, 2016, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants; and

WHEREAS, the City operates under the principles of permissive zoning. Under a permissive zoning code, any use not enumerated in the code is presumptively prohibited. (City of Monterey v. Carmshimba (2013) 215. Cal. App. 4th 1068, 1091-1095; City of Corona v. Naulls (2008) 166 Cal.App.4th 418, 425.) Although Del Rey Oaks under permissive zoning principles does not allow for marijuana cultivation, Del Rey Oaks City Code section 17.28.020 allows "Agricultural" activity pursuant to a use permit in ST districts. According to Merriam-Webster Dictionary " 'Agriculture' is defined as the cultivating of the soil, producing of crops, and raising of livestock." Consequently, it could be argued that marijuana cultivation is an agricultural activity permitted under this Chapter. Therefore, to eliminate any room for confusion, the adoption of express language prohibiting marijuana cultivation by persons and businesses, excepting qualified patients and caregivers, is necessary; and

WHEREAS, the City adopts this ordinance expressly stating that marijuana cultivation will not be permitted, excepting qualified patients and caregivers that are compliant with local and State laws; and

WHEREAS, under the MMRSA, if the City does not have an ordinance expressly permitting the delivery of medical marijuana within its jurisdiction, delivery will be permitted and regulated under State law commencing March 1, 2016. The City adopts this ordinance to retain local authority to regulate delivery in City limits; and

WHEREAS, other public agencies have reported adverse impacts from marijuana cultivation, including, but not limited to, disagreeable odors; negative effects on the environment; unsanitary conditions; negative effects on the environment; unsanitary conditions; negative effects on physical, mental and community health; violation of building codes and other land development codes; increased risk of burglary and other property crimes; and acts of violence in connection with the commission of such crimes or occupants' attempt to prevent such crimes. Moreover, where any type of marijuana cultivation has occurred there is a need for local regulation and enforcement increasing the police services associated with the marijuana cultivation which would divert resources from other law enforcement or regulatory priorities; and

WHEREAS, Monterey County recently enacted a moratorium that, in part, prohibits the establishment of cultivation businesses. On July 28, 2015, the County made findings that "...cultivation of medical marijuana has also been associated with serious harmful effects in areas where they are located, to owners of property in such areas, and to people living, visiting, conducting business or otherwise present in the area, as reported by other California counties and cities. Harmful effects at both outdoor and indoor cultivation facilities have included an increase in criminal activity because of the high monetary value of the marijuana plants, adverse environmental impacts, interference with farming practices, fire from grow light systems, extensive energy consumption and strong offensive odors"; and

WHEREAS, the City Council finds that the cultivation of medical marijuana significantly impacts, or has the potential to significantly impact, the residents, visitors, and businesses in the City. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of robberies and similar crimes and nuisance impacts to neighboring properties from the odors from the plants and increased crime; and

WHEREAS, the purpose of the ordinance prohibiting marijuana cultivation is to protect the public health, safety, and welfare of the community and prevent the adverse impacts cultivation of medical marijuana will have on nearby properties and residents; and

WHEREAS, the purpose of the ordinance expressly permitting marijuana delivery in City limits is to facilitate transportation deliveries to the medical dispensary and to retain local regulatory control of deliveries; and

WHEREAS, the City does not wish to be in violation of federal law; and

WHEREAS, the proposed Ordinance is consistent with the objectives, policies, general land uses and programs of the City of Del Rey Oaks General Plan and Zoning Code. The Ordinance is covered by the general rule exemption pursuant to the California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3) (CEQA Guidelines) because it can be seen with certainty that there is no possibility that adoption of the proposed Ordinance may have a significant effect on the environment. The Ordinance establishes standards and limitations for the cultivation of medical marijuana designed to protect the public health, safety and general welfare and would not intensify any existing use.

NOW THEREFORE, the Del Rey Oaks City Council declares as follows:

Section 2: The foregoing recitals are true and correct and are hereby adopted by the City Council.

Section 3: Del Rey Oaks City Code, Title 4, Chapter 4.04, Medical Marijuana Delivery and Chapter 4.08, Medical Marijuana Cultivation are hereby added to read as follows:

ORDINANCE NO. 283

**AN ORDINANCE OF THE CITY COUNCIL OF DEL REY OAKS
ADDING CHAPTERS 4.04 REGULATING MEDICINAL MARIJUANA DELIVERY AND
CHAPTER 4.08 REGULATING MEDICINAL MARIJUANA CULTIVATION
TO CITY OF DEL REY OAKS MUNICIPAL CODE**

Summary

This Ordinance adds a new Chapter 4.04 to the City of Del Rey Oaks Municipal Code to regulate the delivery of medicinal marijuana in the City of Del Rey Oaks and Chapter 4.08 to the City of Del Rey Oaks Municipal Code to regulate the cultivation of medicinal marijuana in the City of Del Rey Oaks.

THE CITY OF DEL REY OAKS, CALIFORNIA ORDAINS AS FOLLOWS:

SECTION 1.

A new Chapter 4.04 is hereby added to the City of Del Rey Oaks Municipal Code to read as follows:

Section 4.04.10 Delivery

Delivery of medical marijuana and medical cannabis products to a qualified patient, primary caregiver or dispensary are allowed in city limits, provided that deliveries are performed in strict compliance of state law and the regulations of this division. "Delivery" is defined in Business & Professions Code section 19300.5(m), and Health & Safety Code section 11362.7, as those sections may be further amended.

SECTION 2.

A new Chapter 4.08 is hereby added to the City of Del Rey Oaks Municipal Code to read as follows:

Section 4.08.010. Findings and Purpose.

A. In 1996, the voters of the State of California approved Proposition 215, which was codified as Cal. Health & Safety Code § 11362.5, and entitled "The Compassionate Use Act of 1996."

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to legally obtain and use it under limited, specified circumstances without fear of criminal prosecution. Proposition 215 further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes." (Cal. Health & Safety Code § 11362.5(b)(2).) The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow 'unlimited quantities of marijuana to be grown anywhere.'"

C. In 2003, the California Legislature passed Senate Bill 420 (codified as California Health and Safety Code §§ 11362.7 et seq.) to clarify the scope of Proposition 215 and expressly allow cities and counties to adopt and enforce ordinances that are consistent with SB 420.

D. The Federal Controlled Substances Act (21USC §§ 801 et seq.) classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States,

and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with the intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

E. The unregulated cultivation of marijuana in the City of Del Rey Oaks can adversely affect the health, safety, and well-being of the City, its residents and environment. Regulating the cultivation of marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, offensive odor, and fire hazards that may result from unregulated medicinal marijuana cultivation.

F. Other public agencies have reported adverse impacts from cultivation, including, but not limited to, disagreeable odors; negative effects on the environment; unsanitary conditions; negative effects on physical, mental and community health; violation of building codes and other land development codes; increased risk of burglary and other property crimes; and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

G. The creation of persistent strong odors as marijuana plants mature and flower is offensive to many people, results in complaints of respiratory problems, and generally creates an attractive nuisance by alerting persons, including children, to the location of valuable marijuana plants and creating an increased risk of crime.

H. Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that children will be involved or endangered.

I. The indoor cultivation of substantial amounts of marijuana within a residence presents potential health and safety risks to those living in the residence, especially children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.

J. The production of concentrated marijuana and extraction of compounds from marijuana using alcohol or flammable liquids or gases has caused numerous fires and explosions throughout California, including a 2014 fire in Gilroy and several other fires throughout Santa Clara County.

K. The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance. By limiting the cultivation area for indoor cultivation to a single space no larger than 50 square feet in a single room and limiting marijuana plants to a single layer, and by limiting outdoor cultivation to 12 plants, the City anticipates a reduction in the negative secondary effects of unfettered growing such as odor, fire, crime, and pollution.

L. Limiting the area of indoor cultivation to 50 square feet is necessary because the lights and electricity required by cultivation areas larger than 50 square feet are likely to exceed the wattage supported by a typical household light and receptacle circuit, thereby creating an unreasonable risk to public health, safety, and welfare and a public nuisance through the hazard of fire and overloading of circuits.

M. Limiting the number of medicinal marijuana plants cultivated outdoors is necessary because cultivating medicinal marijuana plants in excess of 12 would create an unreasonable risk of causing a public nuisance due to odors, attracting criminal activity, including theft and burglaries, and creating an attractive nuisance for children.

N. Limiting the number of medicinal marijuana plants or medicinal marijuana cultivation space available to a qualified patient or primary caregiver is not intended to preclude a qualified patient or primary caregiver from obtaining through dispensaries, collectives or other legal means additional medicinal marijuana that the qualified patient needs for his or her reasonable medical use.

O. The City has established a uniform setback from adjacent property lines for marijuana cultivation in order to reduce the potential for nuisances to neighboring property owners. The setback standards include a provision for reduced setbacks on narrow parcels smaller than 10,000 square feet.

P. The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to cultivate or possess an amount of marijuana in excess of the amount reasonably necessary to treat the qualified patient's condition or to create a public nuisance as a result of illegal diversion. According to studies conducted by the states of Colorado Washington and Nevada, as well as me Office of National Drug Control Policy and the California National Organization for the Reform of Marijuana Laws, qualified patients use an average of 1.36 pounds of marijuana annually. By limiting the amount of medicinal marijuana that a qualified patient or primary caregiver may possess or store to no more than 3 pounds at a given time, the City seeks to reduce the amount of medicinal marijuana diverted to illicit uses, sold on the black market, or distributed to minors.

Q. Regulation of parcels used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein that are especially significant if the amount of marijuana cultivated on any legal parcel is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

R. It is the purpose and intent of this chapter to implement State law by providing a means for regulating the cultivation of medicinal marijuana in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the incorporated area of the City of Del Rey Oaks. This chapter is intended to prohibit the cultivation of marijuana by anyone for any purpose other than by a qualified patient or primary caregiver cultivating for personal medicinal use in strict compliance with this chapter, and applicable State law. This division is not intended to prohibit persons from exercising any right otherwise granted by State law, including Proposition 215 and Senate Bill 420. Rather, the intent and purpose of this division is to establish reasonable regulations upon the manner in which marijuana for medicinal purposes may be cultivated, including restrictions on the amount of marijuana that may be cultivated in any location or premises, in order to protect the public health, safety and environment in the City of Del Rey Oaks.

S. The limited right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medicinal purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations in this division, the City will achieve a significant reduction in the aforementioned harms caused or threatened by unregulated cultivation of marijuana in the City of Del Rey Oaks.

T. Nothing in this division shall be construed to allow the cultivation of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State or federal law.

U. These regulations do not restrict the ability of the one permitted dispensary to grow, distribute or transport medical cannabis in conformance with State Law.

Section 4.08.20 Definitions.

As used in this chapter, the following terms and phrases shall be defined as follows:

A. Cultivation means the planting, growing, or harvesting of one or more marijuana plants or any part thereof.

B. Indoor means within a fully enclosed and secure structure, including any attached or detached accessory structure that complies with the California Building Code, as adopted by the City of Del Rey Oaks. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors and may be constructed of any approved building materials.

C. Legal parcel means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Cal. Gov't Code §§ 66410 et seq.) and the City of Del Rey Oaks Municipal Code.

D. Marijuana shall have the same meaning as in California Health and Safety Code Section 11018, as may be amended. Marijuana, medicinal marijuana, and the cultivation thereof, as defined in this division shall not be considered an agricultural activity, operation or facility under Cal. Civil Code § 3482.5 or Chapter 17.28 and Section 17.28.20 of the Del Rey Oaks Municipal Code.

E. Medicinal marijuana means marijuana used for medical purposes in accordance with Cal. Health & Safety Code §§ 11362.7 et seq.

F. Outdoor means any location that is not indoor within a fully enclosed and secure structure and may include shade structures.

G. Park means any playground, hiking or riding trail, recreation area, community center, or historic structure that is owned, managed, operated or controlled by any public entity.

H. Primary caregiver means a primary caregiver as defined in Cal. Health & Safety Code § 11362.7(d).

I. Qualified patient means a qualified patient as defined in Cal. Health & Safety Code § 11362.7(f).

J. Residence means the place where an individual has his or her true, fixed, permanent home and principal establishment, and to which place he or she has, whenever absent, the intention of returning.

K. School Bus Stop means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in Cal. Vehicle Code § 233 or Cal. Vehicle Code § 545, or school pupil buses, as defined in Cal. Vehicle Code § 546.

Section 4.08.30 Marijuana cultivation—prohibited.

A. Outdoor cultivation of marijuana is prohibited in city limits.

B. Indoor cultivation of marijuana is prohibited in city limits.

C. This section shall not apply to cultivation of medicinal marijuana by a qualified patient or primary caregiver at any residence on a legal parcel where the qualified patient or primary caregiver resides, provided that the cultivation is performed in strict compliance with the regulations of this chapter and applicable state law.

Section 4.08.40 Medicinal marijuana cultivation—regulations.

A. Medicinal marijuana cultivation by a qualified patient or primary caregiver at any residence on a legal parcel where the qualified patient or primary caregiver resides is limited to one of the following:

1. Indoor cultivation, provided that the cultivation is performed in strict compliance with Section 4.08.50.

2. Outdoor cultivation, provided that the cultivation is performed in strict compliance with Section 4.08.60.

B. No evidence of cultivation of medicinal marijuana shall be visible or detectable from any adjacent property or public right of way. Evidence of cultivation of medicinal marijuana includes, but is not limited to, dust, glare, light, heat, gases, odors, smoke, or vibrations caused by any activity associated with the cultivation of medicinal marijuana.

C. No medicinal marijuana cultivated under this chapter shall be distributed to any person other than the qualified patient cultivating the medicinal marijuana or the qualified patient of a primary caregiver cultivating the medicinal marijuana.

D. All electrical systems and fuel storage involved in cultivation of medicinal marijuana shall be permitted, used and installed pursuant to all applicable ordinances, laws, and regulations. The total wattage for all lights used for cultivation shall not exceed 1,200 watts. All lights used for cultivation shall be plugged directly into a wall outlet. The number and wattage of lights used must not exceed the design capacity of the electrical system's circuits.

E. All water used in cultivation of medicinal marijuana shall be permitted and obtained from a legal source and shall be applied in accordance with all applicable ordinances, laws, and regulations.

F. Any individual cultivating medicinal marijuana on a legal parcel for which the individual is not the legal owner must obtain and post written permission from the legal owner(s) or landlord consenting to the cultivation of medicinal marijuana on the property.

G. The primary caregiver or qualified patient may store or possess no more than 3 pounds of harvested medicinal marijuana at any time. All storage of dried and/or processed marijuana must be secured in a manner to prevent unauthorized access, including by children.

H. The extraction of chemical compounds from marijuana by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol is prohibited.

I. Any modifications, alterations, or improvements made to the residence or property where cultivation of medicinal marijuana occurs shall be permitted and performed pursuant to all applicable ordinances, laws, and regulations.

Section 4.08.50 Additional regulations for indoor cultivation.

In addition to the regulations specified in Section 4.08.40, the following regulations shall apply to any qualified patient or primary caregiver performing indoor cultivation:

A. The single space in the single room shall be no larger than 50 square feet. All marijuana plants cultivated indoors shall be arranged in a single layer. This limit shall apply notwithstanding the number of qualified patients and/or primary caregivers residing at the residence.

B. Indoor cultivation shall be secured in a manner to prevent unauthorized access, including by children.

C. The drying, processing, and/or storage of medicinal marijuana shall be limited to a single room within the residence where the cultivation occurs and must be secured in a manner to prevent unauthorized access, including by children.

Section 4.08.60 Additional regulations for outdoor cultivation.

In addition to the regulations specified in Section 4.08.40, the following regulations shall apply to any qualified patient or primary caregiver performing outdoor cultivation:

- A. Cultivation is prohibited as follows:
1. For parcels 10,000 square feet or larger:
 - a. Within 100 feet of any park.
 - b. Within 1,000 feet of any school bus stop, school, day care center, college, or university.
 - c. Within 25 feet of any property line.
 - d. In the front yard of any parcel.
 2. For parcels smaller than 10,000 square feet:
 - a. Within 100 feet of any park.
 - b. Within 1,000 feet of any school bus stop, school, day care center, college, or university.
 - c. Within 25 feet from any property line, or within 30 percent of the average lot width from any property line, whichever is smaller.
 - d. In the front yard of any parcel.

B. Cultivation shall be limited to a total of 12 marijuana plants at the legal parcel of the qualified patient's or primary caregiver's residence. This limit shall apply notwithstanding the number of qualified patients and/or primary caregivers residing at the legal parcel.

C. Cultivation shall be enclosed by a fence with a locking gate and shall at no time exceed the height of the fence. Any such fence shall be permitted and constructed in compliance with all zoning, planning, and building ordinances.

D. The drying, processing, and/or storage of medicinal marijuana cultivated outdoors shall be limited to a single room at the residence where the outdoor cultivation occurs and must be secured in a manner to prevent unauthorized access, including by children.

Section 4.08.70 Enforcement

A. This division may be enforced in any manner consistent with this chapter by any peace officer, or by any employee, agent, or officer of any of the following departments or agencies:

1. Del Rey Oaks Police Department
2. Sheriff's Department
3. City Attorney's Office
4. Fire Department
5. Consumer and Environmental Protection Agency

B. Enforcement under this section shall be at the discretion of the enforcing agency, pursuant to the following:

1. If a peace officer, or any employee, agent, or officer of an enforcing agency determines that the marijuana plants or a condition or use associated with marijuana plants constitute a violation of the ordinance, the enforcing agency shall be authorized to summarily abate the condition or use through the seizure and confiscation of marijuana plants pursuant the Del Rey Oaks Municipal Code, Chapter 8.28.

2. If the marijuana cultivation is, or can be immediately brought into compliance with the allowable number and locations of marijuana plants set forth in this Chapter and the cultivation is not a health, safety, or environmental hazard, then the a peace officer, or any employee, agent, or officer of an enforcing agency may elect to issue a notice to abate in lieu of seizure and confiscation. The notice to abate will specify the violations and the allowable time for the property owner to remedy the violation until further enforcement action is taken. Failure to abate violations within the specified time shall be grounds for the seizure and confiscation of marijuana plants pursuant to the Del Rey Oaks Municipal Code, Chapter 8.28.

Section 4.08.80 Public nuisance.

Any violation of this division is hereby declared a public nuisance and may be abated by the City pursuant to Chapter 8.28 of this Code.

Section 4.08.90 Separate offense for each day.

Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any person commits, continues to permit, or causes a violation thereof, and shall be penalized accordingly.

Section 4.08.100 Criminal penalties.

Any violation of any provision of this chapter shall be deemed a misdemeanor.

Section 4.08.110 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth above, any violation of this division may be subject to administrative remedies, as set forth in this Code.

Section 4.08.120 Other ordinance code provisions.

Notwithstanding this chapter, the City, its employees, agents, and officers have the authority to pursue any and all applicable remedies for any of the aforementioned violations or any other violations of any local, state or federal law.

SECTION 3.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof; other than the section so declared to be unconstitutional or invalid.

PASSED AND ADOPTED by the City Council of the City of Del Rey Oaks, County of Monterey, State of California on January 26, 2016 by the following roll call vote:

Councilmember Allion:
Councilmember Ventimiglia:
Councilmember Lintell:
Vice Mayor Clark:
Mayor Edelen:

KRISTIN A. CLARK
Vice Mayor

ATTEST:

DANIEL DAWSON
City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHRISTINA TRUJILLO
City Counsel

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF DEL REY OAKS this 26th day of January, 2016, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

APPROVED:

Jerry B. Edelen
Mayor

ATTEST:

Daniel J. Dawson
City Clerk

RESOLUTION NO. 2016-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS AUTHORIZING
THE CITY MANAGER TO SUBMIT A REQUEST TO CALTRANS TO RELINQUISH STATE
ROUTE 218 WITHIN THE CITY LIMITS**

WHEREAS, the relinquishment of a portion of a State highway is provided in Section 73 and 73.5 of the California Streets and Highways Code; and

WHEREAS, the relinquishment process is further described in detail in Chapter 25 of the Caltrans Project Development Procedures Manual; and

WHEREAS, the benefit to the City in obtaining the Ownership of SR 218 within the City limits is that the City will be in charge of the administration, planning, construction and operation of this segment of SE 218 without the need for obtaining encroachment permits or approval from Caltrans; and

WHEREAS, the City of Seaside intends to simultaneously pursue ownership of the remainder of SR 218 from Fremont Street to SR 1 within its City limits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Rey Oaks hereby authorizes the City Manager to submit a request to Caltrans to relinquish State Route 218 within the City limits.

PASSED AND ADOPTED by the City Council of the City of Del Rey Oaks at a regular meeting duly held on January 26th, 2016 by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSTAIN:	Councilmembers:
ABSENT:	Councilmembers:

ATTEST:

Kristin A. Clark, Vice Mayor

Daniel J. Dawson, City Clerk



The wise saying “the whole is greater than the sum of its parts” applies to the 473-member League of California Cities®.

At 118 years strong, the organization in 2015 achieved success through the combined engagement of mayors, council members, department directors and staff of our member cities, the League’s regional divisions, policy committees, the League board officers and directors and the contributions of the dedicated League staff. The numbers presented in this 2015 Annual Report reflect the results of the League’s strategic efforts to advocate, inform members, the public and lawmakers on issues of greatest concern to California cities, showcase best practices at the local level and educate city leaders.

► Legislative Advocacy

2,772 BILLS INTRODUCED of which, the League monitored, tracked and engaged on **1,291**.

70 
CITY OFFICIAL MEETINGS

with legislators and legislative staff arranged by League staff.

17 of 21 
League-supported bills signed by Governor Jerry Brown.

465 MEMBERS combined from **8** policy committees that met **3 to 4** times.

 **146 Alumni** of the League’s California Civic Leadership Institute® between 2005-2015, including **17** in 2015.

164 League Members downloaded new legislative advocacy app. 

► Legal Advocacy

54  friend-of-the-court briefs/letters approved for filing in California appellate courts and Attorney General; and League is petitioner on behalf of cities or provided financial support in **3** additional cases.

► Information

105 ISSUES of *CA Cities Advocate* e-newsletter with **8,430** subscribers and average of **37** articles/month.

139,300 visitors to www.cacities.org → **13% increase** from 2014. 

 **62,400** unique visitors to news article pages on www.cacities.org.

1,000+ subscribers to *Local News RoundUp* who receive biweekly city-focused news clips.

18 ACTIVE LEAGUE LISTSERVS for city officials to discuss city-focused issues. **9,591** subscribers

 **6,700 Twitter followers** with an average of **139** tweets and an average of **68,855** monthly impressions.

 **2,500 FACEBOOK LIKES**

 **150+ PRESS INQUIRIES**

 **25 new resources** from the Institute for Local Government (ILG); **2** new resource centers (*Cap-and-Trade and Recycling*).

 **2,200** ILG resources downloaded monthly from www.ca-ilg.org.

12 issues of *Western City* magazine published, totaling **392** pages. 

100,000 visitors to www.westerncity.com.

► Recognitions Given

 **3 LEGISLATORS OF THE YEAR**

6 Legislators recognized with new Distinguished Legislative Leadership Award. 

13 Helen Putnam Award-winning cities exemplifying best practices in city innovation.

30 cities honored with Institute for Local Government Beacon Awards for sustainability efforts. 

► Education

1,773 Annual Conference & Expo attendees. 

273 Exhibitors at the Annual Conference, including **84** first-time exhibitors.

 **8** municipal department meetings with a total of **2,665** participants.

23 webinars on a wide range of topics with **3,514** webinar sites and **10+** participants/site. 

► Financial Resources for Cities

CSCDA > **\$1.25 billion** Issuance of tax-exempt bonds and tax credits for cities/community nonprofits. www.cscda.org.

US Communities > **345** cities saved **\$4.2 million** using purchasing portal with group discounts on goods and services. www.uscommunities.org/lcc.

CalTrust > **\$2.17 billion** in pooled investment of public funds at attractive rates. www.caltrust.org.

League of California Cities®
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