

**THE REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF DEL REY OAKS CONVENED AT 7:00 P.M. ON  
TUESDAY, JANUARY 22, 2008 IN THE CHARLES BENSON  
MEMORIAL HALL, CITY HALL**

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

**Absent:** None

**Also present:** Assistant City Attorney Thatcher, Redevelopment Project Manager Goblirsch and Deputy City Clerk Carvalho

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

**PUBLIC COMMENTS:**

**JIM CLARK:** Commented on potential stop sign at Rosita Rd and Angelus Way doesn't want it.

**MIKE VENTIMIGLIA:** Commented on potential stop sign at Rosita Rd and Angelus Way. No real opinion.

**TEX ERWIN:** Property owner on Casanova Rd. is concerned by the work being done on the creek. Brought in a "Creek Restoration Check Dams" plan and wants to know what is the plan for the creek?

**KIM RICHARDSON:** Wanted to know why there is a need for the stop sign at Rosita Rd and Angelus Way.

**BETH BENOIT:** Wants to know the status of the walkway on Work Ave.

**ACTING CITY MANAGER LANGFORD:** Met with Clayton Neill to work on getting the gabion weirs installed by the Gabilan crew for the creek. He stated that the stairway has been locked because of weather and is very slippery.

**CONSENT AGENDA:**

**COUNCIL MEMBER ALLION:** Pulled Items 3.B.2., 3.B.4., and 3.C.3., feels that the timing of the revenue needs to be accounted for, similar comment on expenses. Has concern about fire contract budget, walkway materials, public works overages, likes the notes at the bottom of financial reports. Pleased to see that we are at 55% of salaries, and feels that we need to look at more detail.

**ACTING CITY MANAGER LANGFORD:** The State issues our sales taxes and the COPS grant which comes in usually in October didn't come in until

December. The fire contract expenses are partially being reimbursed by Safeway and PG&E.

COUNCIL MEMBER ALLION: Code enforcement officer is not paid, but does he go up and talk to people or just issue citations.

ACTING CITY MANAGER LANGFORD: He does contact people directly, and has success in getting things cleaned up and the police department will issue the citations as needed.

COUNCIL MEMBER ALLION: Questioned the donation of Hummer H2 and incurring the cost.

ACTING CITY MANAGER LANGFORD: The old Chiefs vehicle will be put on line.

***Motion by Council Member Clark to approve consent Agenda:***

Minutes:

1. November 27, 2007, Regular City Council Meeting
2. December 18, 2007, Regular City Council Meeting Cancelled
3. December 12, 2007, Regular Planning Commission Meeting
4. January 9, 2008, Regular Planning Commission Meeting Cancelled

Monthly Reports:

1. Claims, November and December 2007
2. Financial, November and December 2007
3. Fire Department Response Report, November and December 2007
4. Police Activity Report, November and December 2007

***Motion seconded by Council Member Edelen***

***There were no public comments received***

***Motion passed 5-0***

**OLD BUSINESS:** None

**NEW BUSINESS:**

The Council considered Item 5.A., Resolution No. 2008-01, A Resolution Declaring Three (3) Police Vehicles and the One (1) Public Works Vehicle Surplus and Authorizing the Disposal Thereof

ACTING CITY MANAGER LANGFORD: Standard resolution to declare surplus items will be placed in the auto shopper with time for bids.

***Motion by Council Member Allion, seconded by Council Member Cecilio***

***There were no public comments received***

***Motion passed 5-0***

The Council considered Item 5.B., Consider approval of “Agreement for Jail Services” between the City of Del Rye Oaks and the City of Monterey Police Department

ACTING CITY MANAGER LANGFORD: For the first 20 years we were with Monterey for jailing, when the new chief took over and the contracts became unusable leaving us no alternative but to use Seaside. With the new chief there is now a new contract available. While the price is virtually the same there are technical differences such as checking on prisoners ever 20 minutes at Seaside, and having to cook them dinner, where Monterey does this for us for the same price.

***There was not public comment received***

***Motion by Council Member Edelen, Council Member Clark***

***Motion passed 5-0***

The Council considered Item 5.C., Consider Adoption of Local Hazard Mitigation Plan for Jurisdiction

ACTING CITY MANAGER LANGFORD: This document is on file at the City Hall and is available to the public. FEMA and CA dept of emergency services require that we adopt this plan

***Motion by Council Member Clark, seconded by Council Member Edelen***

***There was no public comment received***

***Motion passed 5-0***

The Council considered Item 5.D., Consider Approval DD Evans Consulting Agreement

MAYOR RUSSELL: This item was before the Council on closed session. He has spoken to Mr. Evans regarding purchases to operate this service to process developer payments and billing. This is the same proposal without the upfront purchases.

COUNCIL MEMBER ALLION: Feels the lawyers need to be consulted about this contract.

MAYOR RUSSELL: This is to process developer billing and is developer billable for reimbursement.

COUNCIL MEMBER ALLION: This is an agreement to agree on his fee structure.

ASSISTANT CITY ATTORNEY THACHER: This is a 6 month try out period and the developer will reimburse cost.

MAYOR RUSSELL: Developer is happy about this also.

***Motion by Council Member Clark, seconded by Council Member Edelen***

***There was no public comment received***

***Motion passed 5-0***

The Council considered Item 5.E., Consider \$500 Contribution to FORA for Veteran's Cemetery

MAYOR RUSSELL: Stated that there is an item in packet from FORA where they are asking the member agencies to help if possible. He stated that Seaside gave \$25,000. Feels it would be a show of good faith to contribute \$500.

COUNCIL MEMBER CLARK: Feels it's a good idea. We have a lot of veterans in our city.

COUNCIL MEMBER EDELEN: Feels \$500 is a fair fee.

***Motion by Council Member Clark, seconded by Council Member Allion***

***There was no public comment received***

***Motion passed 5-0***

The Council considered Item 5.F., Consider Request for Donation to Monterey High School Field and Track Renovation Project

MAYOR RUSSELL: Donation asking for contribution to Monterey High School for the field and track renovation which will be names after Dan Albert.

COUNCIL MEMBER ALLION: What budget line does this come out of?

COUNCIL MEMBER CLARK: How much money are we talking about?

MAYOR RUSSELL: \$500 at the moment sounds reasonable.

COUNCIL MEMBER ALLION: \$500 seems reasonable.

PUBLIC COMMENT:

JIM CLARK: Could donate one of the cars to Monterey High auto shop.

***Motion by Council Member Edelen to donate \$500, seconded by Council Member Allion***

***There was no further public comment***

***Motion passed 5-0***

The Council considered Item 5.G., Consider approval of covenant agreement between Frank Lucido Jr. and the City of Del Rey oaks along the Park strip to the rear of 2 Saucito Avenue on Carlton Drive

ASSISTANT CITY ATTORNEY THATCHER: Covenant agreement details the responsibility of the owner, this item has been before the PC and is requesting City Council approval. Must maintain liability insurance indemnifying the City from damages. This will be filed with the county.

COUNCIL MEMBER CLARK: How difficult is it to get the insurance?

FRANK LUCIDO, JR.: Brings the covenant agreement to State Farm and the policy is issued.

ASSISTANT CITY ATTORNEY THATCHER: Adding a rider to the policy to cover the renovation.

COUNCIL MEMBER ALLION: Is this identical to other insurance requirements for other properties.

FRANK LUCIDO, JR.: Spoke with the city engineer to check for visibility issues, feels there will be no issue with the insurance.

PUBLIC COMMENT:

ERIC DITTMER: Handed a letter to Officer Bourquin and it was delivered to the city. He stated he was never able to get the insurance company to indemnify the city.

***Motion by Council Member Cecilio, seconded by Council Member Allion***

***There was no further public comment***

***Motion passed 5-0***

The Council considered item 5.H., Consider issuance of request for proposal (RFP) for Development Impact Fee Study.

ASSISTANT CITY ATTORNEY THATCHER: Recommend that the city look into development impact fees regarding the Development at Ft. Ord. The RFP seeks a firm that will do the study needed to decide the level of development impact fees needed.

MAYOR RUSSELL: If we hire someone to do this study they will come up with a list of studies that will need to be done and that relate to the project, such as traffic studies, a new city hall, any public facility and only has to do with capital improvements. It's a very good instrument from the developer's perspective and gives him a jump on the potential of being sued down the road.

ASSISTANT CITY ATTORNEY THATCHER: On page 2 it shows the specific impacts that will be addressed, such as traffic facilities, public facilities, including police, general government buildings, parks, corporation yard and public transit.

MAYOR RUSSELL: This is simply a request to look into this, it does not authorize anything.

COUNCIL MEMBER EDELEN: FORA has already got amounts built into their project and wants to know why we need to have more impact fees when FORA has them already.

ASSISTANT CITY ATTORNEY THATCHER: We need to have impact fees to protect the City which FORA does not cover. These fees cover future complications.

COUNCIL MEMBER ALLION: The developers explained this that one way or the other this has to be done to pay for new city facilities. Who will be advising us on this selection process?

MAYOR RUSSELL: The consultants from EPS will be involved in this process.

COUNCIL MEMBER ALLION: How long will this be out? Feels the process should be no more than 45 days to get applications returned.

MAYOR RUSSELL: Feels that 45 days sounds fair and that the 45 days will be the response time.

PUBLIC COMMENT:

MIKE VENTIMIGLIA: Feels this is a prudent move by the Council.

*Motion by Council Member Allion as proposed with 45 day time limit for return of proposals, seconded by Council Member Cecilio*

*There was no further public comment*

*Motion passed 5-0*

#### **STAFF REPORTS:**

ACTING CITY MANAGER LANGFORD: Street sweeping will begin in February, and will be the first Wednesday of every month. Officer David Nguyen resigned to take a position at CSUMB. The park equipment has been installed, the ADA ramps will be completed and a sign to be installed stating paid for by the State.

#### **COUNCIL REPORTS:**

**Council Member Clark:** Stated he is sorry to see David Nguyen leave he was very nice. Reported on MST and a possible route through the Presidio.

**Council Member Edelen:** Report on TAMC

**Council Member Cecilio:** David Nguyen very well respected officer sorry to see him go. Reported on Community Human Services and Mosquito Abatement District.

**Council Member Allion:** Reported on AMBAG and we have new numbers on our housing element and our quota got reduced significantly.

**Mayor Russell:** Reported on TAMC and we'll be hearing from them at the next City Council meeting, he reported on FORA, they are clearing a good portion along General Jim and this will be cleared all the way to Del Rey Oaks for the change in the path of the road. He also reported on the Water Master, MRWPCA, Federal Development meeting on January 23<sup>rd</sup>, attended open house at Roland & Associates who produce defense software for the government, and reported on AMBAG tri-county conference. He also commented on the recent storm events and the creek and wanted to commend Joe Johnson on his hard work in working with Granite Construction to keep this from eroding. Also wants to give kudos' to Sgt. Mario Villarreal on his handling of the storm for the City.

**8:19 p.m. Adjourned to next regular meeting.**

**Next meeting: February 26, 2008 at 7:00 p.m.**

**Approved:**

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