



# CITY OF DEL REY OAKS

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

## **REGULAR CITY COUNCIL MEETING AGENDA OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, SEPTEMBER 26, 2023 AT 6:00 PM**

Del Rey Oaks City Hall is inviting you to an **IN-PERSON MEETING AT CITY HALL**

PLEASE NOTE THIS WILL BE LIVE STREAMED FOR VIEWING ONLY  
YOU WILL NOT BE ABLE TO MAKE PUBLIC COMMENTS ON ZOOM

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/83598166227>

- 1. ROLL CALL - Council**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENTS: General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Agenda. 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.**
- 4. PROCLAMATIONS:**
  - A.** Del Rey Oaks 70th Birthday
  - B.** National Hispanic Month
  - C.** Stormwater Awareness Week
- 5. PRESENTATION:**
  - A.** Badge Ceremony for Reserve Police Officer Chris Salopek
  - B.** Community Human Services in Honor of Former Council Member Patricia "Pat" Lintell

**6. CONSENT AGENDA:**

**A. MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

- [1.](#) August 22, 2023, Regular City Council Meeting Minutes

**B. MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

- [1.](#) Financials August 2022 - August 2023
- [2.](#) Fire Department Response Report, August 2023
- [3.](#) Police Activity Report, August 2023

**C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

- [1.](#) Approval of Revised 2023-24 Salary Schedule with City Manager Salary Change
- [2.](#) Second Reading of an Ordinance to Amend Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short-Term Rentals
- [3.](#) Adopt Resolution 2023-17 to Approve Entering Into Agreement for the Regional Early Action Planning Grant 2.0 Program with AMBAG
- [4.](#) Authorize City Manager to Purchase Electric Lawn Mower and Mulch Kit for Public Works
- [5.](#) Adopt Resolution 2023-18 Approving a Professional Services Agreement with EcoGreen Solutions to Install Lighting Upgrades in City Hall

**7. OLD BUSINESS: None**

**8. NEW BUSINESS:**

- [A.](#) Appeal of City Building Official's determination regarding building at 121 Calle Del Oaks

**9. STAFF REPORTS:  
City Manager Report  
Council Reports**

- [A.](#) Council Reports  
City Manager Report

**10. CORRESPONDENCE:**

- [A.](#) MST Highlights  
TAMC Highlights  
Police Department Letters of Commendation

**11. Closed Session: As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations.**

**A. Public Comment on Closed Session Items: Anyone wishing to address the City Council on an item to be discussed in closed session may do so now. 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 public comment period.**

**B. Closed Session Items:**

- 1. Conference with Legal Counsel - Existing Litigation (Gov't Code § 54956.9(a))  
Michele Ball v. City of Del Rey Oaks et al. (Monterey County Superior Court  
Case No. 20CV002926**
- 2. Conference with Real Property Negotiations (Government Code § 54954.5)  
Property: "17-Acre Parcel" - APN 259-011-025-000  
Agency Negotiator: City Manager John Guertin Negotiating Parties: City of Del  
Rey Oaks, Monterey Peninsula Regional Parks District  
Under Negotiation: Price and terms of payment**

**12. NEXT MEETING DATE:**

**A. Tuesday, October 24, 2023 at 6:00pm**

**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

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

## PROCLAMATION

### Honoring the 70<sup>th</sup> Anniversary of the City of Del Rey Oaks



**WHEREAS**, the City of Del Rey Oaks, nestled within the sunbelt of the picturesque Monterey Peninsula, was incorporated in 1953, and;

**WHEREAS**, for seven decades, Del Rey Oaks has thrived as a community built on the principles of unity, progress, and inclusivity, and;

**WHEREAS**, the residents, businesses, and civic leaders of Del Rey Oaks have worked tirelessly to create a vibrant, welcoming, and sustainable community that embodies the spirit of innovation and cooperation, and;

**WHEREAS**, Del Rey Oaks has consistently demonstrated its commitment to preserving and enhancing the natural beauty of its surroundings, including the renowned Frog Pond Wetland Preserve and Work Memorial Park, and;

**WHEREAS**, the City of Del Rey Oaks has a proud history of public service, with dedicated city employees and elected officials working diligently to improve the lives of its residents, and;

**WHEREAS**, as Del Rey Oaks marks its 70th anniversary, it is an opportunity to celebrate the achievements of the past, acknowledge the challenges overcome, and look forward to a future filled with promise, progress, and prosperity.

**NOW, THEREFORE, be it resolved**, I, Mayor Scott Donaldson, on behalf of the City Council of the City of Del Rey Oaks do hereby proudly announce and proclaim that we take pride in all Del Rey Oaks has accomplished in its first seven decades and look forward to a future of continued prosperity and achievement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Del Rey Oaks to be affixed this 26<sup>th</sup> day of September, 2023.

---

Scott Donaldson, Mayor



# CITY OF DEL REY OAKS

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

## **PROCLAMATION** **The City of Del Rey Oaks City Council** **Hereby Honoring National Hispanic Heritage Month**

**WHEREAS**, Since our founding, our Nation has drawn strength from the diversity of our people; and

**WHEREAS**, With faith and passion, a sturdy work ethic and profound devotion to family, Hispanics have helped carry forward our legacy as a vibrant beacon of opportunity for all; and

**WHEREAS**, Whether their ancestors have been here for generations or they are among the newest members of our American family, they represent many countries and cultures, each adding their own distinct and dynamic perspective to our country's story; and

**WHEREAS**, National Hispanic Heritage Month (NHHM) pays tribute to the generations of Hispanic Americans whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America, and who have positively influenced and enriched our nation and society; and

**WHEREAS**, In 1968, President Lyndon Johnson implemented the observance of Hispanic Heritage Week; and

**WHEREAS**, This observation was expanded to its current 30 day period from September 15 to Oct 15 and enacted into public law under President Ronald Reagan on 1988; and

**WHEREAS**, September 15 was chosen as the starting point for the commemoration because it is the anniversary of independence of five Hispanic countries: Costa Rica, El Salvador, Salvador, Guatemala, Honduras and Nicaragua, who all declared independence in 1821. In addition, Mexico, Chile and Belize celebrate their independence days on September 16, September 18, and September 21 respectively; and

**WHEREAS**, Hispanic Americans continue to enrich our community with cultural, educational and political influences that can be seen in all aspects of our life; and

**WHEREAS**, National Hispanic Heritage Month is an important reminder of how much strength we draw as a Nation from our immigrant roots and our values as a Nation of immigrants; and

**NOW, THEREFORE** I, Scott Donaldson, Mayor of the City of Del Rey Oaks, do hereby proclaim September 15-October 15, 2023 as National Hispanic Month in the City of Del Rey Oaks and I urge all citizens to embrace the diversity that strengthens us and continue striving to ensure the American dream is with reach for generation of Hispanics to come.

Signed this 26th day of September 2023

\_\_\_\_\_  
Scott Donaldson, Mayor



# CITY OF DEL REY OAKS

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

## PROCLAMATION STORMWATER AWARENESS WEEK September 25 – September 29, 2023

**WHEREAS**, the water quality of our local water resources are of vital importance to sustainable communities and to the health, safety, and well-being of the people of this community; and,

**WHEREAS**, it is in the public interest for the citizens, Staff, civic leaders, business interests, and children in our community to gain knowledge of and maintain a progressive interest and understanding of stormwater and the protection of our water resources; and,

**WHEREAS**, our Municipal Staff often serve on the front lines of water quality protection; and,

**WHEREAS**, stormwater is increasingly considered a resource for our community, where every drop counts as demonstrated by its contributions as a source water for Monterey One Water's Pure Water Monterey project; and,

**WHEREAS**, since 2002, the City of Del Rey Oaks has participated in the Monterey Regional Stormwater Management Program (MRSWMP), a regional collaboration intended to implement local Municipal Separate Storm Sewer System (MS4) Phase II Stormwater Permit Requirements under the Clean Water Act in a consistent and cost-effective manner; and,

**WHEREAS**, the City of Del Rey Oaks will participate in the annual Stormwater Awareness Week training activities, a statewide effort to train Municipal Staff, specifically Building Department Staff, on stormwater and water quality issues;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council does hereby proclaim the week of September 25 – September 29, 2023, as Stormwater Awareness Week, and urges all residents to recognize the importance of water quality and its impacts on our community health, safety, welfare, and quality of life.

Signed this 26th day of September, 2023

\_\_\_\_\_  
Scott Donaldson, Mayor

# **City of Del Rey Oaks**

**City Hall  
650 Canyon Del Rey Blvd  
Del Rey Oaks, CA 93940**



## **Action Minutes**

**Tuesday August 22, 2023 - 6:00 PM**

**City Council – Regular Meeting**

### **Del Rey Oaks City Council**

**Scott Donaldson – Mayor  
Kim Shirley – Vice Mayor  
Jeremy Hallock – Councilmember  
John Uy – Councilmember  
Bill Ragsdale-Cronin - Councilmember**

**6:00 PM – Called to Order:**

The meeting was called to order by Mayor Donaldson.

**Roll Call:**

**Present: Mayor Donaldson, Councilmember Shirley, Councilmember Hallock, Councilmember Ragsdale-Cronin and Councilmember Uy.**

**Absent: None**

**Also Present: City Manager Guertin, Chief Bourquin, City Attorney Lorca, Deputy City Clerk Minami and Administrative Assistant Fitz**

**Pledge of Allegiance:**

**Mayor Donaldson led the Pledge of Allegiance**

**Public Comment:**

Gary Kreeger for Susan Ragsdale-Cronin (speeding on Carlton), Jose Luis Barajas (Building Business Back) and Kristin Clark (DROCAG information) and Ann Ahmadi (Air Quality Measure Score)

**PUBLIC COMMENT IS CLOSED**

**PROCLAMATION:** Honoring Long Time Residents Tony and Joann Ferrante

**PRESENTATIONS:** Swearing in Ceremony of Police Officer Justin Tang

**CONSENT AGENDA:           *Action Items***

**A.     **MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)****

1.           June 27, 2023, Regular City Council Meeting Minutes
2.           June 14, 2023, Regular Planning Commission Meeting Minutes
3.           July 12, 2023, Regular Planning Commission Meeting Minutes
4.           August 9, 2023, DRAFT Regular Planning Commission Meeting Minutes

**B.     **MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)****

1.           Financials, June and July 2023
2.           Fire Department Response Report, June and July 2023
3.           Police Activity Report, June and July 2023

**C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. Approval of an Updated City Clerk Job Description and Adoption of Resolution 2023-14 to Amend City's Position Control List
2. Approve Agreement Amendment with Regional Government Services for Finance, Human Resources Management and Administrative Services
3. Adopt Resolution 2023-16 Approving Changes to the Del Rey Oaks Personnel Manual Regarding Overtime

**Mayor Donaldson:** Pulled item C1. to make a statement regarding history of the City Clerk job and Deputy City Clerk Minami

**Discussion and Public Comment regarding Deputy City Clerk Minami having the City Clerk Title.**

**Public Comment was closed.**

A motion was made by **Council Member Hallock**, seconded by **Council Member Shirley** to approve the consent agenda item as presented.

**Motion passes unanimously 5-0**

**OLD BUSINESS:**

- A. Housing Element Update by Denise Duffy and Associates  
Denise Duffy shows slides and explains process

**NEW BUSINESS:**

- A. **First Reading of an Ordinance to Amend Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short -Term Rentals**

**Mayor Donaldson:** Thanks City Manager Guertin and Chair Hayworth

**City Manager Guertin:** Great input from the Planning Commission and reviews the current STR numbers. The un hosted where it's a primary residence but they just rent it out while on vacation are exempt from the limited numbers. Reviews the parking rules, noise rules and a good neighbor binder.

**Discussion on the following items between City Council Members:**

- \*Clustering of STR's, to be considered another time
- \*Wait list for STR's
- \*A percentage or a cap on number of STR's

**Public comment was closed**

A motion was made by **Council Member Ragsdale-Cronin** to approve item 9.A. First Reading of an Ordinance to Amend Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short -Term Rentals, as presented, Seconded by **Council Member Uy**

**Motion passed unanimously 5-0**

**B. Adopt Resolution 2023-15 to Accept Trasher of Parcel E29-1(former Fort Ord) from City of Seaside to City of Del Rey Oaks**

**City Manager Guertin:** Ownership is important and it's the backbone to start development discussion, it's progress.

**Public Comment:**

**Nikki Nedoff** thanks the City for taking the formal step.

A motion was made by **Vice Mayor Shirley** to Adopt Resolution 2023-15 to Accept Trasher of Parcel E29-1(former Fort Ord) from City of Seaside to City of Del Rey Oaks, Seconded by **Council Member Uy**

**Motion passed unanimously 5-0**

**City Manager Report:** City Manager Guertin reviewed the city activities that included FEMA and Cal Fire grants.

**Public Comment: None**

**Closed Session Items:**

**CLOSED SESSION:** As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations.

**A. Public Comment on Closed Session Items:** Anyone wishing to address the City Council on an item to be discussed in closed session may do so now. 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 public comment period.

**Deputy City Clerk Minami** read a statement regarding all the positive feelings toward City Manager Guertin and staff.

**Public Comment Closed**

**B. Closed Session Items:**

1. **Claimant: Cari McCormick, Class Representative Agency claimed against:** City of Del Rey Oaks et. al. Significant exposure to litigation pursuant to § 54956.9(b): One Matter. June 28, 2023 Letter from Aiman-Smith & Marcy, on behalf of Cari McCormick to City of Del Rey Oaks Insurance Carrier
  
2. **Public Employee Performance Evaluation ( Gov't § 54957)** City Manager

**City Attorney Lorca:** No reportable action taken.

**NEXT MEETING DATE:** Tuesday, September 26, 2023 at 6:00pm

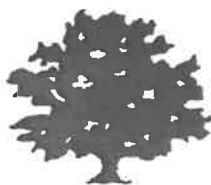
**ADJOURNMENT:** 10:05pm

**Attest:**

**Date:**

-----

-----



# CITY OF DEL REY OAKS

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

## Staff Report

**DATE:** September 26, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Receive August 2023 Financial Reports

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Consideration

Receive financial reports for the month of August 2023.

### Background

The City Council routinely receives financial reports for the previous month.

### Summary & Discussion

Attached are the August financial reports. August numbers will be adjusted due to accruals and other year-end adjustments.

- August 2023 Cash Balances – The report shows where the City’s funds are invested. The City continue to have a healthy cash balance \$12,838,187, of which \$4,177,116 are unrestricted.
- August 2023 Checks Issued Register –This is a listing of all the payments issued during the month. The total checks issued of \$386,298 includes June expenses that were paid in August, but do not appear in August’s expenditure report. The June expenses are accrued back to FY 22-23.
- August 2023 General Fund Summary – This is a one-page summary of the General Fund, the City’s main operating fund. For the month of August, the General Fund shows revenue of \$290,463. The General Fund shows an operating deficit of \$246,546. At 16.67% of the year (2 months) the expenditures are at 17.87% of the budget, which is typical because many large payments are made in August. A large part of the liability and workers comp premiums are also paid in August.
- August 2023 YTD Budget v. Actual Detail – This report shows the line-item detail for all revenues and expenditures by fund and department.

**Fiscal Impacts**

None. This is informational only.

**Recommendation**

Staff recommends receiving the reports.

**ATTACHMENTS:**

- August 2023 Cash and Investment
- August 2023 Checks Register
- August 2023 General Fund Summary
- August 2023 YTD Budget v. Actual Detail

Respectfully Submitted,

---

John Guertin  
City Manager

**City of Del Rey Oaks**  
**Summary of Cash & Investments**  
**As of 08/31/2023**

Accounts

Unrestricted

General Checking	\$ 328,627.46	
Local Agency Investment Fund		
Reserve for Economic Uncertainties	1,652,182.00	3.434%
Unappropriated Funds	2,196,306.37	3.434%
Total Unrestricted	<u>4,177,115.83</u>	

Restricted

PARS	327,027.93	
Dev - Monterey Peninsula Partner	9,062.62	
Fidelity Title Escrow Acct - GJM/SBR Intersection	1,056,168.00	
Fidelity Title Escrow Acct - SBR Construction	7,268,813.00	
Total Restricted	8,661,071.55	

Total Cash and Investments	<u><u>\$ 12,838,187.38</u></u>	
----------------------------	--------------------------------	--

**City of Del Rey Oaks**  
**Check/Voucher Register**  
**From 08/01/2023 Through 08/31/2023**

Check Number	Payee	Transaction Description	Check Amount
08312023-1	ADP	ADP fees July 2023	583.13
08312023-2	PERS	GASB 68 Reporting Services Fees	1,400.00
08312023-3	P.E.R.S.-HEALTH	CalPERS 1800 Health 08/2023	27,303.41
08312023-4	SHELL FLEET PLUS-WEX BANK	Fuel fees 07/2023	362.77
08312023-5	WEX BANK-CHEVRON	Fuel charges for 07/2023	3,020.48
21497	AT&T CAL NET 2	Acct #9391033790 Mobile Service Period 06-19-23 to 07-18-23	120.72
	AT&T CAL NET 2	Acct #9391033791 Mobile Service Period 06-19-23 to 07-18-23	247.97
21498	CALIFORNIA-AMERICAN WATER	Acct # 1015-210018869991 Service Period 06-21-23 to 07-21-23	179.05
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018796550 Service Period 06-21-23 to 07-21-23	38.83
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018799016 Service Period 06-21-23 to 07-21-23	38.83
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021092445 Service Period 06-21-23 to 07-21-23	38.83
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021255352 Service Period 06-21-23 to 07-21-23	34.82
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021327653 Service Period 06-21-23 to 07-21-23	160.69
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021396208 Service Period 06-21-23 to 07-21-23	60.83
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021397607 Service Period 06-21-23 to 07-21-23	118.51
21499	COMCAST BUSINESS	Acct #8155100230699260 Internet Service 07-18-23 to 08-17-23	284.86
21500	COMMUNITY HUMAN SERVICES	CHS JPA ALLOCATIONF FOR FY 2023-2024	4,725.00
21501	CORDIO PSYCHOLOGICAL CORP.	PEPS - RQ FY 2023	500.00
21502	CORONADO DEISEL MOBILE SERVICES	Dodge Charger #99, Lube Job, Safety Inspection	438.13
21503	DENISE DUFFY & ASSOCIATES	JUNE 2023 - #9614 LEAP Grant Consulting Task #779-A	476.00
	DENISE DUFFY & ASSOCIATES	JUNE 2023 - REAP Grant #779-B Task #1	1,237.00
	DENISE DUFFY & ASSOCIATES	JUNE 2023 - Task 776 General On-Call Consulting	6,229.00
	DENISE DUFFY & ASSOCIATES	JUNE 2023- #961, Former Ft. Ord/Developer Task #772	952.00
21504	FENTON & KELLER	JUNE 2023 - Employment Matters - George Rocha Lawsuit	183.00
	FENTON & KELLER	JUNE 2023 - CA Native Plant Society vs FT Ord Reuse Auth	91.50
	FENTON & KELLER	JUNE 2023 - City Attorney General Services	3,261.50
	FENTON & KELLER	JUNE 2023 Real Property Matters - Big Sur	91.50
21505	I.M.P.A.C.GOVERNM'T SER	US BANK VISA CHARGES 07-24-2023 STATEMENT	1,462.80
21506	JAMES DE CHALK	JULY 2023 - Janitorial Service	500.00
21507	MARTINS IRRIGATION SUPPLY, INC.	Rainbird rotor & Aquawise Pacific 25lb bag	368.29
21508	MONTEREY BAY AIR RESOURCES DISTRICT	Per Capita Assessment - FY 2023-2024	800.80
21509	MBS BUSINESS SYSTEMS	Office Supplies	50.00
21510	MONTEREY BAY AREA INSURANCE FUND	FY 23/24 PREMIUM - WC, PROPERTY LIABILITY, EAP INS	211,758.08
21511	MONTEREY BAY TECHNOLOGIES	IT Services retainer for December 2022 & January 2023	3,600.00
21512	Motorola Solutions	Supplies - Remote Speaker Microphone	2,548.26
	Motorola Solutions	Supplies - Sholders Mics for Radios	889.05
21513	Napa Auto Parts	Parts for Dodge Charger	48.02
21514	ODP Business Solutions, LLC	Supplies	202.63
21515	Pitney Bowes Bank Inc. Purchase Power	Acct #8000-9000-0346-3050 Postage	52.99
21516	PRECISION ALARMS AND AUTOMATION	JULY 2023 - Fire Alarm System Monthly Monitoring	170.00
21517	Rodriguez Tree Service	Grind Large Roots, Cypress Tree on Via Verde	400.00
	Rodriguez Tree Service	Trim Oaks Trees to Improve Street Views, Chip Brush	600.00
21518	ROGER GUZMAN	Employee Reimbursement for Smog of City Vehicle	45.75
21519	T-Mobile USA Inc. Law Enforcement Finance	Phone services- investigation.	25.00
21520	THE MAYNARD GROUP	August 2023 - Monthly Telephone Service	67.00
21521	Transunion Risk & Alternative Data Solutions,	Investigative Services for 07-01-23 to 06-30-24	900.00
21522	VALLEY SAW & GARDEN EQUIP	Supplies For FY 2023	21.84
21523	Verizon	Mobile Phone Service for 06-24-23 to 07-23-23	80.02
21524	VSP	VISION Plan August 2023	261.27
21525	YSS Builders	Service Call to Plumbing Fixtures to Public Restroom in Park	3,572.00

**City of Del Rey Oaks**  
**Check/Voucher Register**  
**From 08/01/2023 Through 08/31/2023**

Check Number	Payee	Transaction Description	Check Amount
21526	AMERICAN LOCK & KEY	Supplies	320.89
21527	AMERICAN SUPPLY COMPANY	Supplies	199.27
21528	AT&T MOBILITY	Acct#287290891231 Services 08/03 - 09/02/2023	703.01
	AT&T MOBILITY	Acct#287304221758 services 08/03 - 09/02/2023	40.24
21529	Christopher L. Bourquin	C. Bourquin travel expense reimbursement	685.86
21530	CoPower	Dental-September 2023	2,241.10
21531	COMCAST BUSINESS	Acct#8155100280008479 Comcast Services 8/10-9/9/2023	368.31
21532	CORDIO PSYCHOLOGICAL CORP.	Wellness Assessments-PD	160.00
21533	CORONADO DEISEL MOBILE SERVICES	Ford Explorer services	337.31
	CORONADO DEISEL MOBILE SERVICES	Services to City of Del Rey Oaks	1,534.97
21534	DEPT OF JUSTICE	Fingerprint Apps	32.00
21535	FENTON & KELLER	July 2023 City Attorney General Services	4,087.00
	FENTON & KELLER	July 2023 Economic Development	1,860.50
	FENTON & KELLER	July 2023 Legal Services	91.50
	FENTON & KELLER	July 2023 Public Records Act Requests	335.50
21536	G.P.S. SOLUTIONS	July Building Permits, Emergency Response	3,066.49
21537	HYDRO TURF	Rodent Control Supplies	195.75
21538	LC ACTION	Acct#2428 -Replacement holster	186.75
21539	LEHR	MDT project outfitting of unit 95 -installation charges	465.55
21540	MARTINS IRRIGATION SUPPLY, INC.	Supplies	320.14
21541	MBS BUSINESS SYSTEMS	Acct#3948511 Contract base and overage 8/7-11/6/2023	149.39
21542	MONTEREY BAY TECHNOLOGIES	IT Services retainer for August 2023	1,800.00
21543	MONTEREY COUNTY ANIMAL	Acct#4000-8442-8072-5750 4th Quarter FY 2022-23	478.00
21544	County of Monterey	FY 2023/24 Quarter 1 (dispatch/NGEN O&M/NGEN)	20,536.14
21545	MONTEREY ONE WATER	Acct#09-000306 services 7/1-8/31/23 -water	81.02
21546	MONTEREY TIRE SERVICE	Inv#1-111132, Inv# 1-FC-6187, Inv# 1-FC-6203 services	189.17
21547	M&S BUILDING SUPPLY, INC.	Supplies	48.51
21548	NEILL ENGINEERS CORP	Engineering Services -cost estimates for FEMA grant	3,900.00
	NEILL ENGINEERS CORP	Via Verde/Curb & Gutter replacement/pavement patch repair	6,168.00
21549	ODP Business Solutions, LLC	Supplies	301.08
21550	PG&E	Acct#4283033409-2 PGE services 6/22-7/23/2023	946.19
	PG&E	Acct#4283033409-2 PGE services 6/22-7/23/2023	980.64
21551	PG&E-GJM&218	PGE GJM services 7/14-8/11/2023	41.86
21552	PURE WATER	Supplies	39.25
21553	Quality Print & Copy	Police Dept Business Cards	60.94
21554	ROGER GUZMAN	Shipping-UPS	16.71
21555	Kai Drechsler	New Police ID's	110.00
21556	Shred-IT, Inc.	07/2023 Shredding Services	156.41
21557	SOFTWARE SIMPLIFIED	Software/maintenance support	8,493.75
21558	T-Mobile USA Inc. Law Enforcement Finance	Phone Ping for case report 7/1-7/24/23	25.00
21559	TERMINIX	Pest control service	102.00
21560	THE MAYNARD GROUP	July 2023 Monthly telephone service	67.00
21561	TORRES ELECTRIC	Repairs on 999 Angelus Way	385.00
21562	United Way Monterey County	Financial support for Monterey County 2023-2024	3,000.00
21563	US Bank Equipment Finance	Acct#500-0673430-000 Konica Minolta Lease	397.84
	US Bank Equipment Finance	Acct#500-0687291-000 Konica Minolta C33201 Copier lease	94.88
PERS 081423-1	PERS	CalPERS 1900 457 (7/21, 8/4) Contribution 07/31/2023	5,850.00
PERS 082023-1	PERS	CalPERS 1900 457 (08/18) Contribution 08/15/2023	3,050.00
	PERS	PERS 3100 Contribution Retirement 07/30-08/11/23 -Plan 25623	3,830.43
	PERS	PERS 3100 Contribution Retirement 07/30-08/11/23 -Plan 26934	1,808.16
	PERS	PERS 3100 Contribution Retirement 4/9-4/22/22 -Plan 1364	542.46

**City of Del Rey Oaks**  
**Check/Voucher Register**  
**From 08/01/2023 Through 08/31/2023**

Check Number	Payee	Transaction Description	Check Amount
	PERS	PERS 3100 Contribution Retirement 7/1-7/14/2023 -Plan 26934	1,775.76
	PERS	PERS 3100 Contribution Retirement 7/15-7/29/23 -Plan 1364	542.46
	PERS	PERS 3100 Contribution Retirement 7/15-7/29/23 -Plan 25623	4,085.20
	PERS	PERS 3100 Contribution Retirement 07/30-08/11/23 -Plan 1365	4,115.53
	PERS	PERS 3100 Contribution Retirement 7/15-7/29/23 -Plan 1365	4,112.18
PERS080123-1	PERS	PERS 3100 Contribution Retirement 7/1-7/14/2023 -Plan 25623	3,435.81
	PERS	PERS 3100 Contribution Retirement 7/1-7/14/2023 -Plan 26934	1,808.16
	PERS	PERS 3100 Contribution Retirement 7/1-7/14/23 -Plan 1364	585.21
	PERS	PERS 3100 Contribution Retirement 7/1-7/14/2023 -Plan 1365	4,353.99
<b>Report Total</b>			<b>386,298.43</b>

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-General Fund Summary**  
**100 - General Fund**

From 8/1/2023 Through 8/31/2023

	Current Month Actual	Year to Date Actual	YTD Budget - Revised	Percent Collected/Spent
<b>Revenue</b>				
Property Taxes	0.00	0.00	767,700.00	0.00%
Sales Tax	149,575.88	262,352.09	1,313,000.00	19.98%
Other Taxes	20,443.43	102,898.41	487,500.00	21.10%
Licenses and Permits	17,903.84	63,453.84	286,300.00	22.16%
Fines and Forfeitures	531.15	1,168.70	10,200.00	11.45%
Other Revenue	193.65	34,538.19	12,200.00	283.09%
Grants	47,644.45	58,773.05	258,700.00	22.71%
Airport Police Services	0.00	0.00	1,376,500.00	0.00%
Current Services	54,171.04	69,953.64	186,700.00	37.46%
<b>Total Revenue</b>	<b>290,463.44</b>	<b>593,137.92</b>	<b>4,698,800.00</b>	<b>12.62%</b>
<b>Expenditures</b>				
Council	1,527.94	2,586.02	32,200.00	8.03%
City Clerk	45,390.19	106,647.55	443,900.00	24.02%
City Manager	39,252.60	66,355.90	318,300.00	20.84%
Audit/Treasurer	1,400.00	2,728.30	288,100.00	0.94%
Legal	6,374.50	6,374.50	201,500.00	3.16%
Planning & Building Regulation	6,966.49	6,966.49	105,400.00	6.60%
Government Buildings	352.00	352.00	19,100.00	1.84%
Non-Departmental	16,850.71	18,253.30	42,700.00	42.74%
Police	337,231.85	581,497.04	2,662,970.00	21.83%
Fire/Animal Control	0.00	0.00	227,600.00	0.00%
Public Works/Streets	23,684.93	41,380.43	313,530.00	13.19%
Parks/Recreation	5,577.60	6,542.37	43,500.00	15.03%
<b>Total Expenditures</b>	<b>484,608.81</b>	<b>839,683.90</b>	<b>4,698,800.00</b>	<b>17.87%</b>
<b>Net Revenues</b>	<b>(194,145.37)</b>	<b>(246,545.98)</b>	<b>0.00</b>	<b>0.00%</b>
<b>Other Financing Sources and Uses</b>				
<b>Uses</b>				
Transfers Out to CIP	0.00	0.00	(193,900.00)	0.00%
<b>Total Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>(193,900.00)</b>	<b>0.00%</b>
<b>Total Other Financing Sources and Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>(193,900.00)</b>	<b>0.00%</b>
<b>Net Revenues After Other Financing Sources and Uses</b>	<b>(194,145.37)</b>	<b>(246,545.98)</b>	<b>(193,900.00)</b>	<b>127.15%</b>

**City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 8/1/2023 Through 8/31/2023

Revenue		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Non Department Specific	000				
P/T-Secured	41110	0.00	0.00	531,000.00	0.00%
P/T-Unsecured	41120	0.00	0.00	24,500.00	0.00%
P/T-Prior Secured	41130	0.00	0.00	6,100.00	0.00%
Prior Unsecured	41140	0.00	0.00	100.00	0.00%
P/T-Unitary Tax	41150	0.00	0.00	10,000.00	0.00%
P/T-Supplemental Roll (SB813)	41160	0.00	0.00	12,200.00	0.00%
Property Tax - VLF	41170	0.00	0.00	183,000.00	0.00%
Prop Tax-Interest/Penalty	41180	0.00	0.00	800.00	0.00%
Sales Tax	42210	32,138.27	71,999.44	470,000.00	15.31%
Sales Tax - 145 (Measure S-1%)	42220	117,437.61	166,086.09	562,000.00	29.55%
Sales Tax -409 (Measure R 1/2%)	42221	0.00	24,266.56	281,000.00	8.63%
Cannabis Tax	42222	9,693.29	20,700.07	99,000.00	20.90%
Transient Occupancy Tax	42230	3,641.46	48,404.38	190,000.00	25.47%
Property Transfer Tax	42250	679.25	1,207.25	5,000.00	24.14%
Sewer Impact	42290	0.00	0.00	15,000.00	0.00%
Business Licenses	42310	9,825.49	51,478.93	210,000.00	24.51%
Gas Franchises	42761	0.00	0.00	8,000.00	0.00%
Electric Franchises	42762	0.00	0.00	21,500.00	0.00%
Garbage Franchises	42763	0.00	26,157.28	100,000.00	26.15%
Cable Tv Franchises	42764	6,429.43	6,429.43	26,000.00	24.72%
Water Franchises	42765	0.00	0.00	23,000.00	0.00%
SB1186 Disability Access Fund	43311	80.00	344.00	1,000.00	34.40%
SB1473 Environmental Assessment Fee	43312	6.00	9.00	100.00	9.00%
Building Permits	43320	3,526.47	5,117.05	40,000.00	12.79%
Cannabis Business Permit	43325	4,000.00	4,000.00	10,000.00	40.00%
Plan Check Fees	43330	170.88	1,723.86	17,000.00	10.14%
Street Opening Permits Fees	43340	250.00	750.00	5,000.00	15.00%
Plumbing Permits	43350	125.00	375.00	1,600.00	23.43%
Electrical Permits	43360	0.00	0.00	1,600.00	0.00%
Other Licenses/Permits	43390	0.00	0.00	1,000.00	0.00%
Fines & Forfeitures	45000	128.15	456.70	200.00	228.35%
Vehicle Code Fines	45510	275.00	584.00	5,000.00	11.68%
Parking and Admin Fines	45512	128.00	128.00	5,000.00	2.56%
Interest Earned	46100	0.00	29,980.64	10,000.00	299.80%
Interest Earned-PARS	46101	0.00	4,099.90	0.00	0.00%
Rental Income - Garden Ctr	46815	3,000.00	6,000.00	36,000.00	16.66%
Rental Income - Airport RV	46816	3,687.50	5,987.50	35,000.00	17.10%
Rental Income - PW Bldg	46817	2,000.00	2,000.00	24,000.00	8.33%
HOPTR	47130	0.00	0.00	1,200.00	0.00%
COPS	47240	8,333.33	16,666.66	165,200.00	10.08%
AMBAG REAP Grant - Housing Element	47241	8,132.50	8,132.50	0.00	0.00%
HCD LEAP Grant - Housing Element	47242	18,226.50	18,226.50	0.00	0.00%
SB1383 Organics Recycling	47243	0.00	0.00	9,000.00	0.00%
Prop 172	47750	1,843.62	3,243.67	25,000.00	12.97%
Wellness Program	47760	7,500.00	7,500.00	7,500.00	100.00%
Police Grants & Other Reimbursements	47780	0.00	0.00	5,000.00	0.00%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
POST Reimbursements	47781	3,608.50	5,003.72	3,000.00	166.79%
DEA Reimbursements	47782	0.00	0.00	44,000.00	0.00%
Police Service Fees	48210	407.00	607.00	1,000.00	60.70%
Police Services-Special Events	48211	0.00	0.00	48,000.00	0.00%
Public Events	48212	0.00	0.00	5,000.00	0.00%
Use Permits	48805	4,350.00	8,675.89	20,000.00	43.37%
Maps/Publications	48810	0.00	0.00	100.00	0.00%
Property Inspections	48825	250.00	500.00	4,500.00	11.11%
Miscellaneous Revenue	48840	39,726.54	44,883.25	10,000.00	448.83%
Rental - Park	48910	750.00	1,300.00	3,100.00	41.93%
Miscellaneous Refunds	48930	113.65	113.65	0.00	0.00%
<b>Total Non Department Specific</b>		<u>290,463.44</u>	<u>593,137.92</u>	<u>3,322,300.00</u>	<u>17.85%</u>
Police	210				
Airport Police Services	48220	0.00	0.00	1,376,500.00	0.00%
<b>Total Police</b>		<u>0.00</u>	<u>0.00</u>	<u>1,376,500.00</u>	<u>0.00%</u>
<b>Total Revenue</b>		<u>290,463.44</u>	<u>593,137.92</u>	<u>4,698,800.00</u>	<u>12.62%</u>
<b>Expense</b>					
Council	110				
Council Member Stipend	61115	625.00	1,250.00	7,500.00	16.66%
Medicare	61130	9.06	18.12	200.00	9.06%
Social Security	61131	38.75	77.50	500.00	15.50%
Unemployment Ins-Fed & State	61132	3.75	7.50	100.00	7.50%
Dental Expense	61135	511.03	892.55	11,400.00	7.82%
Membership Dues-Professional Org	64550	340.35	340.35	4,000.00	8.50%
Strategic Planning	64570	0.00	0.00	5,000.00	0.00%
Travel Expenses	64610	0.00	0.00	3,500.00	0.00%
<b>Total Council</b>		<u>1,527.94</u>	<u>2,586.02</u>	<u>32,200.00</u>	<u>8.03%</u>
City Clerk	111				
Payroll	61105	11,592.96	22,592.71	149,600.00	15.10%
Temp Payroll	61107	0.00	0.00	10,000.00	0.00%
Overtime	61110	316.88	1,393.69	20,000.00	6.96%
PERS UAL	61124	0.00	36,879.00	36,900.00	99.94%
PERS Retirement	61125	1,338.96	1,740.25	13,800.00	12.61%
Medicare	61130	170.87	344.16	2,200.00	15.64%
Unemployment Ins-Fed & State	61132	0.00	0.00	200.00	0.00%
Dental Expense	61135	190.76	381.52	3,200.00	11.92%
Health Insurance	61140	3,689.60	7,381.99	60,500.00	12.20%
Health Insurance -Retiree	61141	0.00	0.00	1,800.00	0.00%
Vision Ins	61145	27.89	44.40	500.00	8.88%
Workers Comp and EAP	61150	4,844.48	4,844.48	9,100.00	53.23%
Wellness Program	61155	0.00	0.00	1,000.00	0.00%
Materials/Supply	62410	237.79	398.15	16,300.00	2.44%
Office Supplies	62430	261.76	261.76	11,200.00	2.33%
Repair/Maintenance	63505	149.39	597.23	3,000.00	19.90%
Other Outside Services	63508	482.84	482.84	0.00	0.00%
Shredding Services	63509	78.20	78.20	1,000.00	7.82%
Telephone	63530	227.96	687.57	7,700.00	8.92%
Website Design & Maintenance	63535	0.00	0.00	3,800.00	0.00%
Postage / Shipping	63540	68.97	68.97	4,000.00	1.72%
Training	63605	532.44	532.44	5,000.00	10.64%
Insurance-Liability	63620	8,684.57	8,684.57	17,370.00	49.99%
Insurance-Property	63621	1,264.14	1,264.14	230.00	549.62%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Contract Services - IT	63635	2,700.00	3,600.00	6,000.00	60.00%
HR Services-RGS	63652	0.00	0.00	31,500.00	0.00%
Software/Server Subscription	64310	8,529.73	8,529.73	2,000.00	426.48%
Agenda Management System	64315	0.00	4,920.00	5,000.00	98.40%
Document Management System	64316	0.00	0.00	1,500.00	0.00%
Municipal Code Service	64320	0.00	729.75	10,000.00	7.29%
Membership Dues-Professional Org	64550	0.00	210.00	3,200.00	6.56%
Membership Dues-Government Agency	64552	0.00	0.00	1,300.00	0.00%
Printing / Publications	64575	0.00	0.00	2,000.00	0.00%
Furniture & Equipment	66300	0.00	0.00	3,000.00	0.00%
<b>Total City Clerk</b>		<b>45,390.19</b>	<b>106,647.55</b>	<b>443,900.00</b>	<b>24.03%</b>
<b>City Manager</b>	<b>120</b>				
Payroll	61105	14,832.51	37,069.02	192,500.00	19.25%
PERS UAL	61124	0.00	0.00	1,000.00	0.00%
PERS Retirement	61125	1,590.69	2,106.42	14,800.00	14.23%
Medicare	61130	214.72	536.80	2,800.00	19.17%
Unemployment Ins-Fed & State	61132	0.00	0.00	100.00	0.00%
Dental Expense	61135	193.29	386.58	1,600.00	24.16%
Health Insurance	61140	3,120.31	6,240.62	30,200.00	20.66%
Vision Ins	61145	29.60	29.60	200.00	14.80%
Workers Comp and EAP	61150	6,025.74	6,025.74	11,700.00	51.50%
Wellness Program	61155	0.00	0.00	500.00	0.00%
Auto Allowance	61180	415.38	830.76	5,400.00	15.38%
Office Supplies	62430	0.00	0.00	1,500.00	0.00%
Insurance-Liability	63620	11,201.12	11,201.12	22,405.00	49.99%
Insurance-Property	63621	1,629.24	1,629.24	295.00	552.28%
Membership Dues-Professional Org	64550	0.00	300.00	0.00	0.00%
Books and Periodicals	64565	0.00	0.00	300.00	0.00%
Travel Expenses	64610	0.00	0.00	8,000.00	0.00%
Contingency	66905	0.00	0.00	25,000.00	0.00%
<b>Total City Manager</b>		<b>39,252.60</b>	<b>66,355.90</b>	<b>318,300.00</b>	<b>20.85%</b>
<b>Audit/Treasurer</b>	<b>130</b>				
ADP Payroll Fees	62310	0.00	0.00	3,500.00	0.00%
Bank Service Charges	62320	0.00	1,328.30	4,600.00	28.87%
Grant Writing Services	62327	0.00	0.00	30,000.00	0.00%
Accounting Software	62431	0.00	0.00	3,600.00	0.00%
Audit-Finance	63625	1,400.00	1,400.00	29,000.00	4.82%
Audit -Sales Tax	63626	0.00	0.00	5,000.00	0.00%
Actuarial Services	63627	0.00	0.00	4,500.00	0.00%
Accounting Services-RGS	63645	0.00	0.00	207,900.00	0.00%
<b>Total Audit/Treasurer</b>		<b>1,400.00</b>	<b>2,728.30</b>	<b>288,100.00</b>	<b>0.95%</b>
<b>Legal</b>	<b>150</b>				
Legal Services	63650	6,374.50	6,374.50	200,000.00	3.18%
Legal Advert	64560	0.00	0.00	1,500.00	0.00%
<b>Total Legal</b>		<b>6,374.50</b>	<b>6,374.50</b>	<b>201,500.00</b>	<b>3.16%</b>
<b>Planning &amp; Building Regulation</b>	<b>160</b>				
Economic Development Services	63639	0.00	0.00	20,000.00	0.00%
Planning Services	63640	3,900.00	3,900.00	40,000.00	9.75%
Building Inspections Services	63648	2,900.49	2,900.49	32,400.00	8.95%
Engineering Services	63649	0.00	0.00	5,000.00	0.00%

**City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Code Enforcement Services	63656	166.00	166.00	5,000.00	3.32%
Travel Expenses	64610	0.00	0.00	3,000.00	0.00%
<b>Total Planning &amp; Building Regulation</b>		<b>6,966.49</b>	<b>6,966.49</b>	<b>105,400.00</b>	<b>6.61%</b>
<b>Government Buildings</b>	<b>180</b>				
Repair/Maintenance	63505	102.00	102.00	16,100.00	0.63%
Janitorial Services	63660	250.00	250.00	3,000.00	8.33%
<b>Total Government Buildings</b>		<b>352.00</b>	<b>352.00</b>	<b>19,100.00</b>	<b>1.84%</b>
<b>Non-Departmental</b>	<b>190</b>				
Materials/Supply	62410	34.82	34.82	6,200.00	0.56%
Telephone	63530	0.00	0.00	1,000.00	0.00%
Insurance-Liability	63620	6,414.74	6,414.74	12,830.00	49.99%
Insurance-Property	63621	1,875.35	1,875.35	170.00	1,103.14%
Membership Dues-Professional Org	64550	3,000.00	3,000.00	4,300.00	69.76%
Membership Dues-Non Profit Agency Contrib	64551	4,725.00	4,725.00	11,800.00	40.04%
Membership Dues-Government Agency	64552	800.80	2,203.39	5,100.00	43.20%
Misc Expenses	64580	0.00	0.00	1,000.00	0.00%
S.M.I.P.	64930	0.00	0.00	200.00	0.00%
Sb 1473	64940	0.00	0.00	100.00	0.00%
<b>Total Non-Departmental</b>		<b>16,850.71</b>	<b>18,253.30</b>	<b>42,700.00</b>	<b>42.75%</b>
<b>Police</b>	<b>210</b>				
Payroll	61105	74,384.14	145,081.60	1,081,000.00	13.42%
Overtime	61110	16,153.23	39,119.28	110,000.00	35.56%
Overtime-DEA	61111	0.00	0.00	44,000.00	0.00%
Reserves Payroll	61120	10,894.13	19,224.47	80,000.00	24.03%
PERS UAL - After 06/30/18	61123	0.00	1,020.00	1,000.00	102.00%
PERS UAL	61124	0.00	101,918.00	102,000.00	99.91%
PERS Retirement	61125	14,462.72	18,707.79	136,500.00	13.70%
PERS 457 Expense	61126	3,600.00	3,900.00	32,400.00	12.03%
Medicare	61130	1,464.83	2,967.08	15,700.00	18.89%
Social Security	61131	173.55	365.65	1,600.00	22.85%
Unemployment Ins-Fed & State	61132	57.14	84.15	10,500.00	0.80%
Dental Expense	61135	1,219.04	2,440.03	17,900.00	13.63%
Health Insurance	61140	17,942.26	35,884.52	296,400.00	12.10%
Health Insurance -Retiree	61141	151.00	302.00	2,000.00	15.10%
Vision Ins	61145	187.27	415.52	2,900.00	14.32%
Workers Comp and EAP	61150	88,182.44	88,182.44	172,400.00	51.14%
Wellness Program	61155	0.00	0.00	5,300.00	0.00%
Uniform Allowance	61160	0.00	2,000.00	10,000.00	20.00%
Materials/Supply	62410	3,994.76	4,052.93	35,000.00	11.57%
Ammunition	62420	0.00	0.00	5,000.00	0.00%
Office Supplies	62430	60.94	182.82	3,000.00	6.09%
PD Safety Equip Lease - Principal	62460	0.00	0.00	24,300.00	0.00%
PD Safety Equip Lease - Interest	62461	0.00	0.00	1,000.00	0.00%
Auto Ops - Supplies / Equip	62710	0.00	0.00	2,500.00	0.00%
Auto Ops - Fuel	62720	3,020.48	5,381.63	30,000.00	17.93%
Repair/Maintenance	63505	0.00	0.00	14,000.00	0.00%
Other Outside Services	63508	179.88	179.88	0.00	0.00%
Shredding Services	63509	78.21	78.21	1,000.00	7.82%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**  
**100 - General Fund**  
 From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Telephone	63530	1,098.00	1,517.37	14,000.00	10.83%
Internet	63531	653.17	1,011.48	2,500.00	40.45%
Annual Maintenance-Records Management Software	63537	0.00	0.00	6,020.00	0.00%
Annual Maintenance	63538	0.00	0.00	3,400.00	0.00%
Annual Maintenance-MDT	63539	0.00	0.00	3,300.00	0.00%
Postage / Shipping	63540	16.71	16.71	500.00	3.34%
Training	63605	11.90	606.90	15,000.00	4.04%
Insurance-Liability	63620	62,716.40	62,716.40	125,435.00	49.99%
Insurance-Property	63621	10,065.45	10,065.45	1,665.00	604.53%
Audit-Finance	63625	0.00	0.00	4,500.00	0.00%
Contract Services - IT	63635	2,700.00	3,600.00	6,000.00	60.00%
Contract Services-Others	63637	478.00	478.00	4,200.00	11.38%
HR Services-RGS	63652	0.00	0.00	3,000.00	0.00%
Janitorial Services	63660	250.00	250.00	3,000.00	8.33%
911-Radio Dispatch	63665	13,416.10	13,416.10	58,500.00	22.93%
911-Inform MDT Terminal Service	63666	0.00	0.00	1,500.00	0.00%
911-Notification System	63667	0.00	0.00	400.00	0.00%
911-NGEN O&M	63668	1,991.72	1,991.72	8,000.00	24.89%
911-NGEN Debt	63669	5,128.32	5,128.32	5,200.00	98.62%
Auto Repair/Maintenance	63730	869.21	3,922.27	14,000.00	28.01%
Parking & Admin Citations Services	63812	0.00	0.00	5,000.00	0.00%
Animal Regulation Fire	63820	0.00	0.00	500.00	0.00%
Fund Jail & Prisoner	63830	0.00	0.00	200.00	0.00%
ACJIS System	63840	0.00	0.00	9,000.00	0.00%
Software/Server Subscription	64310	944.99	2,644.99	12,000.00	22.04%
Computer Server	64318	0.00	0.00	3,500.00	0.00%
Personnel Recruit & Pre-Employment	64545	0.00	847.26	3,000.00	28.24%
Membership Dues-Professional Org	64550	0.00	0.00	4,000.00	0.00%
Books and Periodicals	64565	0.00	0.00	900.00	0.00%
Printing / Publications	64575	0.00	0.00	3,000.00	0.00%
Travel Expenses	64610	685.86	1,796.07	13,000.00	13.81%
Principal-Motorola Lease-Cameras	65104	0.00	0.00	21,350.00	0.00%
Vehicle Replacement	66735	0.00	0.00	70,000.00	0.00%
<b>Total Police</b>		<b>337,231.85</b>	<b>581,497.04</b>	<b>2,662,970.00</b>	<b>21.84%</b>
Fire/Animal Control	220				
Fire Seaside	63810	0.00	0.00	227,600.00	0.00%
<b>Total Fire/Animal Control</b>		<b>0.00</b>	<b>0.00</b>	<b>227,600.00</b>	<b>0.00%</b>
Public Works/Streets	311				
Payroll	61105	6,453.31	12,753.82	83,600.00	15.25%
Overtime	61110	0.00	0.00	3,000.00	0.00%
PERS UAL	61124	0.00	0.00	1,000.00	0.00%
PERS Retirement	61125	740.61	969.31	6,500.00	14.91%
Medicare	61130	93.22	184.22	1,300.00	14.17%
Unemployment Ins-Fed & State	61132	0.00	0.00	100.00	0.00%
Dental Expense	61135	126.98	253.96	1,600.00	15.87%
Health Insurance	61140	2,400.24	4,800.48	30,300.00	15.84%
Vision Ins	61145	16.51	33.02	300.00	11.00%
Workers Comp and EAP	61150	2,749.74	2,749.74	5,200.00	52.87%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Wellness Program	61155	0.00	576.93	500.00	115.38%
Materials/Supply	62410	468.19	527.32	16,500.00	3.19%
Office Supplies	62430	0.00	0.00	1,500.00	0.00%
Auto Ops - Supplies / Equip	62710	0.00	0.00	2,500.00	0.00%
Auto Ops - Fuel	62720	362.77	831.34	5,000.00	16.62%
Repair/Maintenance	63505	1,042.78	4,142.78	41,000.00	10.10%
Gabilan Crew	63515	0.00	0.00	5,000.00	0.00%
Utilities - PG&E	63520	946.19	1,006.12	15,000.00	6.70%
Utilities - Water	63525	455.58	455.58	4,000.00	11.38%
Training	63605	0.00	0.00	5,000.00	0.00%
Insurance-Liability	63620	5,329.17	5,329.17	10,660.00	49.99%
Insurance-Property	63621	775.50	775.50	140.00	553.92%
Insurance-Vehicles	63622	0.00	4,267.00	4,500.00	94.82%
Organic Waste Regs Services	63654	0.00	0.00	9,000.00	0.00%
Auto Repair/Maintenance	63730	1,724.14	1,724.14	8,300.00	20.77%
Printing / Publications	64575	0.00	0.00	1,250.00	0.00%
Storm Water Project - Phase 4	64920	0.00	0.00	23,000.00	0.00%
Contingency	66905	0.00	0.00	27,780.00	0.00%
Total Public Works/Streets		23,684.93	41,380.43	313,530.00	13.20%
Parks/Recreation	411				
Materials/Supply	62410	1,324.77	1,794.54	15,500.00	11.57%
Repair/Maintenance	63505	3,957.00	4,452.00	25,000.00	17.80%
Utilities - Water	63525	295.83	295.83	3,000.00	9.86%
Total Parks/Recreation		5,577.60	6,542.37	43,500.00	15.04%
Total Expense		484,608.81	839,683.90	4,698,800.00	17.87%
Other Financing Sources and Uses					
Non Department Specific	000				
Transfers Out to CIP	81001	0.00	0.00	(193,900.00)	0.00%
Total Non Department Specific		0.00	0.00	(193,900.00)	0.00%
Total Other Financing Sources and Uses		0.00	0.00	(193,900.00)	0.00%
Excess(Deficit) of Revenue Over Expenditures		(194,145.37)	(246,545.98)	(193,900.00)	127.15%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**210 - Gas Tax Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
<b>Revenue</b>					
Non Department Specific	000				
Gas Tax 2103	47010	3,004.10	4,142.55	14,600.00	28.37%
Gas Tax 2105	47020	1,530.62	2,317.41	10,000.00	23.17%
Gas Tax 2106	47030	1,465.17	2,200.22	9,000.00	24.44%
Gas Tax 2107	47040	2,136.71	3,217.37	11,900.00	27.03%
Gas Tax 2107.5	47050	1,000.00	1,000.00	1,000.00	100.00%
Total Non Department Specific		<u>9,136.60</u>	<u>12,877.55</u>	<u>46,500.00</u>	<u>27.69%</u>
Total Revenue		<u>9,136.60</u>	<u>12,877.55</u>	<u>46,500.00</u>	<u>27.69%</u>
<b>Expense</b>					
Public Works/Streets	311				
Street Sweeping	63510	0.00	0.00	10,000.00	0.00%
Street Lighting	63910	1,022.50	1,022.50	15,000.00	6.81%
Total Public Works/Streets		<u>1,022.50</u>	<u>1,022.50</u>	<u>25,000.00</u>	<u>4.09%</u>
Total Expense		<u>1,022.50</u>	<u>1,022.50</u>	<u>25,000.00</u>	<u>4.09%</u>
Excess(Deficit) of Revenue Over Expenditures		8,114.10	11,855.05	21,500.00	55.13%

**City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**211 - SB1 Fund**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
<b>Revenue</b>					
Non Department Specific	000				
SB 1 Funds	47777	3,008.59	6,167.16	38,900.00	15.85%
Total Non Department Specific		3,008.59	6,167.16	38,900.00	15.85%
Total Revenue		3,008.59	6,167.16	38,900.00	15.85%
<b>Expense</b>					
Curb Repair	536				
Curb and Gutter Repair	66327	0.00	0.00	20,000.00	0.00%
Total Curb Repair		0.00	0.00	20,000.00	0.00%
Saucito/Work Gutter & Curb	537				
Curb and Gutter Repair	66327	0.00	0.00	40,000.00	0.00%
Total Saucito/Work Gutter & Curb		0.00	0.00	40,000.00	0.00%
Via Verde Curb & Gutter Repair	538				
Curb and Gutter Repair	66327	0.00	0.00	90,000.00	0.00%
Total Via Verde Curb & Gutter Repair		0.00	0.00	90,000.00	0.00%
Total Expense		0.00	0.00	150,000.00	0.00%
Excess(Deficit) of Revenue Over Expenditures		3,008.59	6,167.16	(111,100.00)	(5.55)%

**City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**212 - Measure X Fund**  
From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
<b>Revenue</b>					
Non Department Specific	000				
Measure X	47775	0.00	0.00	94,400.00	0.00%
Total Non Department Specific		0.00	0.00	94,400.00	0.00%
Total Revenue		0.00	0.00	94,400.00	0.00%
<b>Expense</b>					
Via Verde/Los Encinos Street Repair	524				
Street Improvements	66410	6,168.00	6,168.00	0.00	0.00%
Total Via Verde/Los Encinos Street Repair		6,168.00	6,168.00	0.00	0.00%
Debt Service - Measure X	610				
Principal - Measure X Loan	65103	0.00	0.00	80,400.00	0.00%
Interest - Measure X	65203	0.00	0.00	14,000.00	0.00%
Total Debt Service - Measure X		0.00	0.00	94,400.00	0.00%
Total Expense		6,168.00	6,168.00	94,400.00	6.53%
Excess(Deficit) of Revenue Over Expenditures		(6,168.00)	(6,168.00)	0.00	0.00%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**  
**223 - ARPA Fund**  
 From 8/1/2023 Through 8/31/2023

		<u>July 2023 Actual</u>	<u>FY 2024 Actual YTD</u>	<u>FY 2024 Budget - Revised</u>	<u>Percent of Budget Used</u>
Expense					
Police	210				
Mobile Data Terminals	66305	465.55	465.55	0.00	0.00%
Total Police		465.55	465.55	0.00	0.00%
City Hall Parking Lot Imp	527				
Parking Lot Improvements & Repairs	66425	0.00	0.00	100,000.00	0.00%
Total City Hall Parking Lot Imp		0.00	0.00	100,000.00	0.00%
Total Expense		465.55	465.55	100,000.00	0.47%
Excess(Deficit) of Revenue Over Expenditures		(465.55)	(465.55)	(100,000.00)	0.46%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**  
**231 - BSCC-Officer Wellness & Mental Health Grant**  
 From 8/1/2023 Through 8/31/2023

		<u>July 2023 Actual</u>	<u>FY 2024 Actual YTD</u>	<u>FY 2024 Budget - Revised</u>	<u>Percent of Budget Used</u>
Expense					
Police	210				
Law Enforcement Wellness App	64314	0.00	1,999.00	2,000.00	99.95%
Total Police		0.00	1,999.00	2,000.00	99.95%
Total Expense		0.00	1,999.00	2,000.00	99.95%
Excess(Deficit) of Revenue Over Expenditures		0.00	(1,999.00)	(2,000.00)	99.95%

**City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**235 - Asset Forfeitures**

From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
Revenue					
Police	210				
Police Grants & Other	47780	0.00	0.00	5,000.00	0.00%
Reimbursements					
Total Police		0.00	0.00	5,000.00	0.00%
Total Revenue		0.00	0.00	5,000.00	0.00%
Excess(Deficit) of Revenue Over Expenditures		0.00	0.00	5,000.00	0.00%

**City of Del Rey Oaks**  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**301 - Capital Projects**  
From 8/1/2023 Through 8/31/2023

		July 2023 Actual	FY 2024 Actual YTD	FY 2024 Budget - Revised	Percent of Budget Used
<b>Expense</b>					
Housing Element 6th Cycle	532				
Housing Element Cost - 6th Cycle	63638	0.00	0.00	138,900.00	0.00%
<b>Total Housing Element 6th Cycle</b>		<b>0.00</b>	<b>0.00</b>	<b>138,900.00</b>	<b>0.00%</b>
Vehicle Replacement	533				
Vehicle Replacement	66735	0.00	0.00	35,000.00	0.00%
<b>Total Vehicle Replacement</b>		<b>0.00</b>	<b>0.00</b>	<b>35,000.00</b>	<b>0.00%</b>
City Hall Facility Repairs & Upgrades	541				
Repairs and Improvements	66322	0.00	0.00	10,000.00	0.00%
<b>Total City Hall Facility Repairs &amp; Upgrades</b>		<b>0.00</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00%</b>
Council Chamber Technology Project	542				
Technology Upgrades	66323	0.00	0.00	10,000.00	0.00%
<b>Total Council Chamber Technology Project</b>		<b>0.00</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00%</b>
<b>Total Expense</b>		<b>0.00</b>	<b>0.00</b>	<b>193,900.00</b>	<b>0.00%</b>
<b>Other Financing Sources and Uses</b>					
Housing Element 6th Cycle	532				
Transfers In from GF	82001	0.00	0.00	138,900.00	0.00%
<b>Total Housing Element 6th Cycle</b>		<b>0.00</b>	<b>0.00</b>	<b>138,900.00</b>	<b>0.00%</b>
Vehicle Replacement	533				
Transfers In from GF	82001	0.00	0.00	35,000.00	0.00%
<b>Total Vehicle Replacement</b>		<b>0.00</b>	<b>0.00</b>	<b>35,000.00</b>	<b>0.00%</b>
City Hall Facility Repairs & Upgrades	541				
Transfers In from GF	82001	0.00	0.00	10,000.00	0.00%
<b>Total City Hall Facility Repairs &amp; Upgrades</b>		<b>0.00</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00%</b>
Council Chamber Technology Project	542				
Transfers In from GF	82001	0.00	0.00	10,000.00	0.00%
<b>Total Council Chamber Technology Project</b>		<b>0.00</b>	<b>0.00</b>	<b>10,000.00</b>	<b>0.00%</b>
<b>Total Other Financing Sources and Uses</b>		<b>0.00</b>	<b>0.00</b>	<b>193,900.00</b>	<b>0.00%</b>
<b>Excess(Deficit) of Revenue Over Expenditures</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>



**FIRE DEPARTMENT**

1635 Broadway Avenue  
Seaside, CA 93955

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

September 8, 2023

John Guertin, City Manager  
Del Rey Oaks City Hall  
650 Canyon Del Rey  
Del Rey Oaks, CA 93940

Dear Mr. Guertin:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of August 1, 2023 through August 31, 2023.

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

Incident #

230801-SEA01999	230808-SEA02053	230824-SEA02211
230803-SEA02016	230809-SEA02062	230824-SEA02216
230806-SEA02031	230812-SEA02088	230826-SEA02240
230807-SEA02044	230812-SEA02090	230830-SEA02288
230807-SEA02045	230822-SEA02198	230831-SEA02296

There are Fifteen (15) fire calls for the month of August. If you have any questions, please contact me.

Sincerely,

Paul Blaha  
Deputy Fire Chief  
CC: File

**SEASIDE FIRE DEPARTMENT  
City of Del Rey Oaks - Response Report**

Incident Date	Incident Number	Alarm Time	Arrival Time	Response Time (Minutes)	Incident Type Code	District	Street Or Highway Name	Priority
8/1/2023	230801-SEA01999	1:30:42 AM	1:37:53 AM	6.68	321	29	Los Encinos	Emergent
8/3/2023	230803-SEA02016	3:01:15 PM	3:05:28 PM	3.73	622	29	CANYON DEL REY	Emergent
8/6/2023	230806-SEA02031	2:03:46 PM	2:10:02 PM	5.43	321	29	Los Encinos	Emergent
8/7/2023	230807-SEA02044	3:09:28 PM	3:17:41 PM	6.97	321	29	Los Encinos	Emergent
8/7/2023	230807-SEA02045	4:12:39 PM	4:19:32 PM	6.23	622	29	Rosita	Emergent
8/8/2023	230808-SEA02053	12:35:13 AM	12:43:38 AM	7.70	622	29	Rosita	Emergent
8/9/2023	230809-SEA02062	4:56:59 PM	5:05:23 PM	7.97	6111	29	Canyon Del Rey	Emergent
8/12/2023	230812-SEA02088	11:34:00 AM	11:42:13 AM	6.65	522	29	Rosita	Emergent
8/12/2023	230812-SEA02090	12:22:33 PM	12:28:19 PM	5.08	321	29	Pheasant Ridge	Emergent
8/22/2023	230822-SEA02198	2:17:28 PM	2:23:02 PM	4.60	622	29	CANYON DEL REY	Emergent
8/24/2023	230824-SEA02211	12:02:14 AM	12:10:35 AM	8.35	622	29	Carlton	Non-Emergent
8/24/2023	230824-SEA02216	3:22:53 PM	3:28:56 PM	5.35	554	29	Rosita	Emergent
8/26/2023	230826-SEA02240	5:09:28 PM	5:15:03 PM	5.58	321	29	MTY SNS	Emergent
8/30/2023	230830-SEA02288	7:43:32 PM	7:49:01 PM	4.48	622	29	Canyon Del Rey	Emergent Downgraded to Non-Emergent
8/31/2023	230831-SEA02296	1:00:56 PM	1:07:32 PM	6.60	6111	29	Los Encinos	Emergent

Total Calls 15

LEGEND CODE:	INCIDENT TYPE:
100-173	FIRE
200-251	OVERPRESSURE
300-381	MEDICAL RESPONSE
400-482	HAZARDOUS CONDITION
500-571	SERVICE CALL
600-672	GOOD INTENT CALL
700-751	FALSE ALARM/FALSE CALL
800-810	SEVERE WEATHER
900-911	SPECIAL/CITIZEN COMPLAINT



# POLICE

## DEL REY OAKS

# City Council Report

## Aug 2023

### Chris Bourquin - Chief

Case #	Date	Offense Code 1	Offense Code Description	DRO	MPAD	OJ	Residential	Commercial
23-214	08/03/2023	Strike Violation			X			X
23-215	08/04/2023	484G(A) PC	Theft via Access Card	X				X
23-216	08/04/2023	Information Only			X			X
23-217	08/05/2023	Information Only			X			X
23-218	08/06/2023	Information Only		X				X
23-219	08/07/2023	602 PC	Trespass	X			X	
23-220	08/09/2023	415(1) PC	Peace Disturbance	X				X
23-221	08/11/2023	484(A) PC	Petty Theft (Shoplifting)	X				X
23-222	08/12/2023	Animal Bite Report		X			X	
23-223	08/14/2023	Information Only		X				X
23-224	08/16/2023	Lost Property		X			X	
23-225	08/16/2023	459 PC	Burglary (Attempt)	X			X	
23-226	08/17/2023	368(D)(1) PC	Theft (Elder Dependent Adult)	X				X
23-227	08/18/2023	12500(A) VC	Unlicensed Driver	X				X
23-228	08/17/2023	484(A) PC	Petty Theft (Shoplifting)	X				X
23-229	08/18/2023	Missing Person		X			X	
23-230	08/19/2023	12500(A) VC	Unlicensed Driver	X				X
23-231	08/20/2023	459 PC	Burglary	X				X
23-232	08/22/2023	647(F) PC	Drunk in Public (Arrest)	X				X
23-233	08/24/2023	Information Only		X			X	
23-234	08/26/2023	Information Only			X			X
23-235	08/27/2023	12500(A) VC	Unlicensed Driver	X				X
23-236	08/27/2023	Information Only			X			X
23-237	08/28/2023	Information Only		X			X	
24 CASES								

Calls for Service	
Month	YTD
435	2629

Case Reports	
Month	YTD
24	237

Alarms					
Residential		Commercial		MPAD	
Mo.	YTD	Mo.	YTD	Mo.	YTD
4	14	4	25	4	47

Citations					
Moving		Parking		Warning	
Mo.	YTD	Mo.	YTD	Mo.	YTD
20	88	41	167	33	161



# Group A Offense Report

Printed On: 09/08/2023

Beginning Date: 08/01/2023

Ending Date: 08/31/2023

Page 1 of 1

Item 3.

Agency: All

Offense	Reported in 2023	Reported in 2022	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	0	0	NA	0	0.00%	0.00%	NA
Sodomy	0	0	NA	0	0.00%	0.00%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	0	NA	0	0.00%	0.00%	NA
Aggravated Assault	0	0	NA	0	0.00%	0.00%	NA
Simple Assault	0	2	-100.00%	0	0.00%	0.00%	NA
Intimidation	0	0	NA	0	0.00%	0.00%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Persons Total</b>	<b>0</b>	<b>2</b>	<b>-100%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>NA</b>
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	1	0	NA	0	0.00%	12.50%	NA
Larceny/Theft Offenses	4	6	-33.33%	1	25.00%	50.00%	NA
Motor Vehicle Theft	0	0	NA	0	0.00%	0.00%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	1	0	NA	1	100.00%	12.50%	NA
Counterfeiting/Forgery	0	0	NA	0	0.00%	0.00%	NA
Fraud Offense	1	1	0.00%	0	0.00%	12.50%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	1	0	NA	1	100.00%	12.50%	NA
<b>Crimes Against Property Total</b>	<b>8</b>	<b>7</b>	<b>14.29%</b>	<b>3</b>	<b>37.5%</b>	<b>80%</b>	<b>NA</b>
Drug/Narcotic Violations	1	0	NA	1	100.00%	50.00%	NA
Drug Equipment Violations	1	0	NA	1	100.00%	50.00%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	0	0	NA	0	0.00%	0.00%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	0	0	NA	0	0.00%	0.00%	NA
Animal Cruelty	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Society Total</b>	<b>2</b>	<b>0</b>	<b>NA</b>	<b>2</b>	<b>100%</b>	<b>20%</b>	<b>NA</b>
<b>Total Group "A" Offenses</b>	<b>10</b>	<b>9</b>	<b>11.11%</b>	<b>5</b>	<b>50%</b>	<b>100%</b>	<b>NA</b>

Note: The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



# Group A Offense Report

Printed On: 09/08/2023

Page 1 of 1

Item 3.

Beginning Date: 01/01/2023

Ending Date: 08/31/2023

Agency: All

Offense	Reported in 2023	Reported in 2022	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	1	0	NA	0	0.00%	8.33%	NA
Sodomy	1	0	NA	0	0.00%	8.33%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	0	NA	0	0.00%	0.00%	NA
Aggravated Assault	3	4	-25.00%	0	0.00%	25.00%	NA
Simple Assault	3	6	-50.00%	0	0.00%	25.00%	NA
Intimidation	4	1	300.00%	3	75.00%	33.33%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Persons Total</b>	<b>12</b>	<b>11</b>	<b>9.09%</b>	<b>3</b>	<b>25%</b>	<b>15.19%</b>	<b>NA</b>
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	4	1	300.00%	0	0.00%	7.27%	NA
Larceny/Theft Offenses	31	62	-50.00%	8	25.81%	56.36%	NA
Motor Vehicle Theft	1	3	-66.67%	0	0.00%	1.82%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	8	10	-20.00%	1	12.50%	14.55%	NA
Counterfeiting/Forgery	0	2	-100.00%	0	0.00%	0.00%	NA
Fraud Offense	9	11	-18.18%	0	0.00%	16.36%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	2	1	100.00%	2	100.00%	3.64%	NA
<b>Crimes Against Property Total</b>	<b>55</b>	<b>90</b>	<b>-38.89%</b>	<b>11</b>	<b>20%</b>	<b>69.62%</b>	<b>NA</b>
Drug/Narcotic Violations	5	3	66.67%	4	80.00%	41.67%	NA
Drug Equipment Violations	4	4	0.00%	4	100.00%	33.33%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	1	0	NA	1	100.00%	8.33%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	1	4	-75.00%	0	0.00%	8.33%	NA
Animal Cruelty	1	0	NA	0	0.00%	8.33%	NA
<b>Crimes Against Society Total</b>	<b>12</b>	<b>11</b>	<b>9.09%</b>	<b>9</b>	<b>75%</b>	<b>15.19%</b>	<b>NA</b>
<b>Total Group "A" Offenses</b>	<b>79</b>	<b>112</b>	<b>-29.46%</b>	<b>23</b>	<b>29.11%</b>	<b>100%</b>	<b>NA</b>

Note: The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



## Staff Report

**DATE:** September 26, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** John Guertin, City Manager

**SUBJECT:** Revised Salary Schedule

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Consideration

Approval of the revised salary schedule.

### Background

The salary schedule is approved annually as part of the budget approvals. On August 23, 2022 Council approved a salary increase for the City Manager.

California Code of Regulations section 570.5 requires that reportable compensation for CalPERS retirement purposes be limited to the amount listed on a Publicly Available Pay Schedule that is approved by the governing body at a public meeting.

### Summary & Discussion

The revised salary schedule includes the City Manager's recently approved salary increase. That is the only change to the previously approved salary schedule. The attached salary schedule meets all the requirements of section 570.5.

### Fiscal Impacts

None. The salary increase is included in the FY 2023-24 adopted budget.

### Recommendation

Staff recommends approving the Revised Salary Schedule.

### ATTACHMENTS:

- FY 2023-24 Salary Schedule revised

Respectfully Submitted,

---

John Guertin  
City Manager

CITY OF DEL REY OAKS  
SALARY SCHEDULE FOR FISCAL YEAR 2023-2024

Revise 9/26/2023

Title	Step 1	Step 2	Step 3	Step 4	Step 5	Contract
<b>City Manager</b>	Per Contract					
Monthly						16,844.50
Bi-weekly						7,774.40
Hourly Rate						97.18
Annual						202,134.00
<b>Chief of Police</b>	Per Contract					
Monthly						13,333.33
Bi-weekly						6,154.00
Hourly Rate						76.93
Annual						160,000.00
<b>City Clerk</b>						
Monthly	6,974.92	7,323.33	7,689.08	8,073.83	8,477.75	
Bi-weekly	3,219.20	3,380.00	3,548.80	3,726.40	3,912.80	
Hourly Rate	40.24	42.25	44.36	46.58	48.91	
Annual	83,699.00	87,880.00	92,269.00	96,886.00	101,733.00	
<b>Administrative Assistant</b>						
Monthly	4,550.00	4,777.08	5,016.25	5,267.58	5,531.08	
Bi-weekly	2,100.00	2,204.80	2,315.20	2,431.20	2,552.80	
Hourly Rate	26.25	27.56	28.94	30.39	31.91	
Annual	54,600.00	57,325.00	60,195.00	63,211.00	66,373.00	
<b>Police Commander</b>						
Monthly	8,526.67	8,952.58	9,400.33	9,869.83	10,363.08	
Bi-weekly	3,935.40	4,131.96	4,338.60	4,555.32	4,782.96	
Hourly Rate	46.85	49.19	51.65	54.23	56.94	
Annual	102,320.00	107,431.00	112,804.00	118,438.00	124,357.00	
<b>Police Sergeant</b>						
Monthly	7,525.67	7,902.42	8,297.42	8,712.33	9,147.33	
Bi-weekly	3,473.40	3,647.28	3,829.56	4,021.08	4,221.84	
Hourly Rate	41.35	43.42	45.59	47.87	50.26	
Annual	90,308.00	94,829.00	99,569.00	104,548.00	109,768.00	
<b>Police Officer</b>						
Monthly	6,490.08	6,814.08	7,154.42	7,513.00	7,887.92	
Bi-weekly	2,995.44	3,144.96	3,302.04	3,467.52	3,640.56	
Hourly Rate	35.66	37.44	39.31	41.28	43.34	
Annual	77,881.00	81,769.00	85,853.00	90,156.00	94,655.00	
<b>Public Works Supervisor</b>						
Monthly	5,655.83	5,938.42	6,234.83	6,546.83	6,964.50	
Bi-weekly	2,610.40	2,740.80	2,877.60	3,021.60	3,214.40	
Hourly Rate	32.63	34.26	35.97	37.77	40.18	
Annual	67,870.00	71,261.00	74,818.00	78,562.00	83,574.00	
<b>Temporary/Part Time EE</b>						
Hourly Rate	At the discretion of the City Manager				50.00	



# CITY OF DEL REY OAKS

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

**DATE:** September 26, 2023

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Adoption of an Ordinance Amending Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 Pertaining to Short-term Rentals

## RECOMMENDATION:

Adoption of Ordinance No. 314 to amend Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 Pertaining to Short-term Rentals;

## BACKGROUND:

In 2018, the Council adopted an ordinance to add Chapter 5.24 to the Del Rey Oaks Municipal Code and to amend Chapters 17.08, 17.12, and 17.28 of the Del Rey Oaks Municipal Code to regulate and tax short-term rentals in the city. The ordinance regulates “hosted” and “un-hosted” short-term rentals within the City of Del Rey Oaks and imposes and provides for the collection and payment of fees and a transient occupancy tax. “Hosted” and “Un-Hosted” are defined in the ordinance as follows:

- *Hosted* rentals shall mean a home-sharing activity whereby a portion of a primary residence (typically a bedroom) is rented. Hosted rentals are also known as "home-sharing." (Also referred to as “home share” rentals.)
- *Un-hosted* rentals shall mean a home-sharing activity whereby the Host remains off-site during the guest's stay. Un-hosted rentals are also known as "vacation rentals." (Also known as “whole home” rentals.)

Currently, the City has seven (7) hosted and twenty-two (22) un-hosted short-term rental licensees. It should be noted that two (2) of the un-hosted rentals are listed as the primary residence of the licensee and are only rented when the owners are on vacation.

## DISCUSSION:

In September 2022, the Planning Commission received an update on the Short-term Rental Program and directed staff to monitor the increase in un-hosted licenses, research surrounding city ordinances/programs, and return with recommendations for amendments to the Del Rey Oaks ordinance. City staff conducted research on other regional STR programs to evaluate how they compare to our program and to develop recommended changes that are effective, practical, fair, and consistent with best practices.

At the August 9<sup>th</sup> Planning Commission meeting the Commission considered recommendations for amendments to the existing short-term rental ordinance and received public input. On August 22, 2023, the Council heard the recommended changes. The table below provides a summary of the recommended changes:

Issue	Current Regulations	Proposed Changes
STR License Cap	None	<ul style="list-style-type: none"> <li>• Un-hosted STR Licenses capped at 25 (≈3% available City housing units).</li> <li>• Hosted STR Licenses remain unlimited.</li> <li>• Whole home rentals of primary residences are not included in the cap.</li> </ul>
Vehicle Limits	None	Maximum numbers of vehicles allowed (both on- and off-street) cannot exceed total number of bedrooms
Amplified Sound Prohibition	None	No amplified sound beyond property boundary.

In addition to the above changes, staff has also made other non-substantive changes for additional clarity. Additional changes include proper capitalization and usage of standard definitions for consistency purposes. The proposed ordinance changes will address resident concerns about the number of STRs in the community and provide better “tools” to the City’s code enforcement effort, while making program requirements straightforward to the public.

Following the Planning Commission meeting the Ordinance will go to the City Council for review and adoption. The Ordinance will go into effect 30 days following the final adoption by the Council.

**CEQA:**

In May 2018, the City Council found that the establishment of the Short-Term Rental Ordinance would not have a significant effect upon the environment. The proposed amendment would make minor revisions to STR regulations and will not result in any significant impacts.

**ATTACHMENTS:**

1. Del Rey Oaks Municipal Code, Chapter 5.24 with Redlines
2. Proposed STR Ordinance No. 314

Respectfully Submitted,

---

John Guertin  
City Manager

Title 5 - BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.24 SHORT-TERM RENTALS, HOME SHARING

## CHAPTER 5.24 SHORT-TERM RENTALS, HOME SHARING

### 5.24.010 Purpose and intent.

It is the purpose and intent of this chapter to regulate hosted and un-hosted short-term rentals within the City of Del Rey Oaks and impose and provide for the collection and payment of fees and a transient occupancy tax. Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance.

(Ord. No. 293, § 2, 6-26-2018)

### 5.24.020 Definitions.

For the purposes of this Chapter, the following words or phrases shall have the following meanings:

*City Manager* shall mean the City Manager of the City of Del Rey Oaks, or his or her designee.

*Guest shall mean the overnight occupant(s) renting a Short-term Rental for 30 or fewer consecutive days for remuneration and the visitors of the overnight occupants.*

*Host* shall mean an owner or tenant who rents their residence for Short-Term Rental use.

*Hosted rentals shall mean a home-sharing activity whereby a portion of a primary residence (typically a bedroom) is rented dwelling unit where the owner or tenant occupies a dwelling unit as his or her primary residence and offers a habitable portion thereof for transient occupancy by others, and is present during the occupancy of the hosted Short-term Rental.* Hosted rentals are also known as "home-sharing."

*Hosting platform* shall mean a marketplace in whatever form or format that facilitates the Short-Term Rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

*Person* shall mean any natural person, firm, association, organization, partnership, business trust, corporation, or company.

*Primary residence* shall mean a Host's permanent residence or usual place of return for housing as documented by at least two of the following and in the Host's name: motor vehicle registration; driver's license; voter registration; tax documents showing the residential unit as the Host's residence; or a utility or cellular phone bill.

*Short-Term Rental* shall mean a privately owned residential dwelling, such as, but not limited to, a single family detached or multiple family attached dwelling, apartment house, condominium, cooperative apartment, duplex, mobile home on permanent foundations or a manufactured home on permanent foundations, or any portion of such dwellings, rented for occupancy for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. Short-Term Rentals include Hosted and Un-hosted rentals.

*Un-hosted rentals shall mean a home-sharing activity whereby the Host remains off-site during the guest's stay dwelling unit that is offered for transient occupancy where the owner does not occupy the dwelling offered for transient occupancy as his or her principal residence. Second units, Accessory Dwelling Units and Junior Accessory Dwelling Units lawfully established pursuant to Chapter 17 shall not be permitted for transient use.* Un-hosted rentals are also known as "vacation rentals."

(Ord. No. 293, § 2, 6-26-2018)

#### 5.24.030 Short-term rental regulations.

- A. Short-Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her residence.
- B. No person shall advertise, undertake, maintain, authorize, book, or facilitate any renting to transient guests - on a Hosting Platform or otherwise - in a manner that does not comply with this chapter.
- C. No person shall advertise any Short-Term Rental without a City issued Short-Term Rental license number depicted in a visible location on the advertisement, including any listing on a Hosting Platform.
- D. Short-Term Rentals shall not be used by more than two guests per bedroom plus a total of two additional guests at one time.
- E. All Short-Term Rentals shall have bathroom facilities accessible to guests.
- F. Events, parties, or group gatherings, including but not limited to weddings, banquets, and corporate events, are prohibited from occurring as part of any Short-Term Rental use.
- G. No signs shall be posted on the exterior of the dwelling advertising the presence of the Short-Term Rental use.
- H. No person shall offer or engage in a Short-Term Rental in any part of the property not approved for residential use, including but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, or similar temporary structure such as a tent or yurt.
- I. Each designated on-site parking space at the Short-term Rental site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guest of the site. Each private contract or tenancy shall specify that the maximum number of tenant vehicles to be parked at or in proximity to a Short-term Rental (whether on-street or off-street) shall not exceed the number of bedrooms included in the contract or tenancy.
- J. Amplified sound that is audible beyond the property boundaries of the Short-term Rental site is prohibited.

(Ord. No. 293, § 2, 6-26-2018)

#### 5.24.040 Additional regulations for un-hosted rentals.

- A. Nuisance Response Plan. Each Un-hosted Rental shall have on file with the City a Nuisance Response Plan accompanying an application for a license required by this Chapter, which shall contain the following information and otherwise be in a form required by the City Manager:
1. The name, mailing address, email address and telephone number of the property owner(s) and Host.
  2. The name, address, email address and telephone number of at least two contact persons available 24 hours per day who will be responsible for responding to and remediating any complaints regarding the Un-hosted Rental.
  3. The manner of responding to or causing a response to a nuisance complaint, including, but not limited to, the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.

(Supp. No. 2, Update 1)

Created: 2022-05-13 10:05:07 [EST]

- 
4. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint within 30 minutes.
  5. A placard shall be placed in every Un-hosted Rental identifying the 24 hour contact person(s), as well as at a location readily visible from public property outside the Short-Term Rental during Short-Term Rental use.
- B. Each Un-hosted Rental shall be inspected annually by the City to ensure proper smoke and carbon monoxide alarms are installed and fire extinguishers are in accessible locations.
  - C. Any complaint regarding a nuisance at an Un-hosted Rental shall be remediated within 30 minutes.

D. Un-hosted Short-term Rental License Cap:

1. The maximum number of Un-hosted Short-term Rental Licenses allowed throughout the City shall be 25.
2. If the number of existing Un-hosted Short-term Rental Licenses exceeds 25, new applications shall be placed on a waiting list and licenses awarded in order of receipt as available.
3. Un-hosted licenses for primary residences that are only rented on occasion when the owner is away are not included in the Un-hosted Short-term Rental License Cap.
4. Hosted short-term rental licenses are not subject to the cap.

(Ord. No. 293, § 2, 6-26-2018)

Formatted: Indent: Left: 0.31", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

#### **5.24.050 Host requirements.**

- A. The Host shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities.
- B. The Host shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of any such tax as they may have been liable for the collection of and payment to the City, including the number and length of each Short-Term Rental stay, and the price paid for each stay.
- C. The City shall have the right to inspect such records at all reasonable times.

(Ord. No. 293, § 2, 6-26-2018)

#### **5.24.060 Short-term rental; license required.**

- A. No person shall operate a Short-Term Rental unless a Short-Term Rental license is in effect for the dwelling unit pursuant to the provisions of this Chapter.
- B. A Short-Term Rental license shall expire one year from the date of issuance.
- C. A Short-Term Rental license shall be non-transferrable, shall not run with the land, and shall be valid only at the original Short-Term Rental site.
- D. Each Short-Term Rental license application shall include the following information:
  1. Address of the Short-Term Rental unit.
  2. Name, address, phone, and email contact information of the owner of the Short-Term Rental. A tenant of the Short-Term Rental shall have written permission to use the property for Short-Term Rental use from the property owner.

---

(Supp. No. 2, Update 1)

Created: 2022-05-13 10:05:07 [EST]

- 
3. Name and phone number of the person(s) whose contact information is to be placed on a placard to be posted within the Short-Term Rental. This contact number and person must be reachable at all times during day or night and able to physically respond to the Short-Term Rental location within 30 minutes of telephone notification.
  4. A floor plan and site plan which shows the proposed use of each room, in each building, the street name, and parking.
  5. For Un-hosted Rentals, proof the City has verified smoke and carbon monoxide alarms are installed and fire extinguishers are in accessible locations.
  6. Any other information or documentation consistent with the provisions of this chapter requested by the City Manager.
- E. Every application for a Short-Term Rental license, including renewal applications, shall be accompanied by the Short-Term Rental license application fee in the amount established by resolution of the City Council.
- F. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a Short-Term Rental license.
- G. The City Manager may deny an application for a Short-Term Rental license for any of the following reasons:
1. The application is incomplete;
  2. The application contains a false or misleading statement or omission of a material fact;
  3. The dwelling is subject to an enforcement action pursuant to any provision of the Del Rey Oaks Municipal Code;
  4. The applicant or the property owner is delinquent on any payment to the City of any fees, penalties, taxes, or any other monies related to the property;
  5. Within 12 months of the date of application, a Short-Term Rental license for the dwelling was revoked; or
  6. The operation of a Short-Term Rental by the applicant or at the dwelling is a threat to the public health, safety, or welfare.
- H. A Short-Term Rental license may be renewed if the Host meets the renewal requirements including: (1) payment of the renewal fee; (2) is deemed to have been in substantial conformance with the provisions of this Chapter for the past year; and (3) documents and provides any changes that have occurred to the information on the current Short-Term Rental application or license.

(Ord. No. 293, § 2, 6-26-2018)

#### **5.24.070 Advertising short-term rentals without a license.**

- A. No person or party shall post, publish, circulate, broadcast or maintain any advertisement or notice of a Short-Term Rentals within the City without having a valid Short-Term Rental license in place.
- B. Each day that an advertisement is posted, published, circulated, broadcast or maintained by a responsible party in violation of this section is a separate offense.

(Ord. No. 293, § 2, 6-26-2018)

**5.24.080 Fees established.**

A. The following fees are established and imposed pursuant to the provisions of this chapter:

1. Short-Term Rental license application fee; and
2. Short-Term Rental license appeal fee.

B. The City Council shall establish by resolution the amounts of the foregoing fees.

(Ord. No. 293, § 2, 6-26-2018)

**5.24.090 Transient occupancy tax.**

The Host shall comply with all the requirements of Del Rey Oaks Uniform Transient Occupancy Tax Ordinance. For the purposes of Del Rey Oaks Uniform Transient Occupancy Tax Ordinance, a Short-Term Rental shall qualify as a "hotel."

**5.24.100 Enforcement, violations, fines and penalties.**

A. In addition to any other remedies provided by law, the provisions of this Chapter may be enforced pursuant to Chapter 1.16 and Chapter 1.19 of the Del Rey Oaks Municipal Code. The administrative process set forth in Chapter 1.19 may be imposed for failure to comply with the provisions of this Chapter. Each day a violation is committed or permitted to continue shall constitute a separate offense. Violations of this Chapter shall be treated as a public nuisance, which shall be subject to a civil action for abatement by the City Attorney.

- B. Violation of any provision of this Chapter by any Host, guest, owner, or operator shall constitute grounds to suspend or revoke a Short-Term Rental license.
- C. Any Short-Term Rental Host, owner, permittee, or person who transacts or carries on any activity relating to Short-Term Rentals in the City without first having procured and complied with a Short-Term Rental license from the City and paying all applicable license fees shall be subject to administrative penalties as set forth in Del Rey Oaks Municipal Code Chapter 1.19, including administrative penalties imposed by a hearing officer for violation of any provision of this chapter in an amount not to exceed a maximum of \$2,500.00 per day for each continuing violation, in addition to administrative costs, interest and restitution for compliance re-inspections, for any related series of violations, and/or forfeiture of all rents received during the period Short-Term Rental use was allowed without a Short-Term Rental license, whichever amount is greater.

(Ord. No. 293, § 2, 6-26-2018)

**5.24.110 Appeal of denial, revocation or suspension.**

A. Any person who has been denied a license or to whom notice of revocation or suspension of a Short-term license has been mailed may appeal such determination pursuant to Chapter 1.19 of the Del Rey Oaks Municipal Code.

- B. Any applicant or license holder whose license is denied or revoked shall be ineligible for a one-year period from applying for a new license. No person whose license has been revoked shall continue to engage in or carry on the activity for which the license was granted, unless and until such license has been reinstated or reissued.
- C. Notwithstanding subsection A, a license issued pursuant to this Chapter may be suspended, revoked, or conditioned immediately upon the City Manager's determination that the immediate suspension of the

---

license is necessary to protect the public health, safety, or welfare. In such case the permittee subsequently shall be provided a notice of hearing and an opportunity to be heard by the city manager.

(Ord. No. 293, § 2, 6-26-2018)

**5.24.120 Liens/special assessments.**

Whenever the amount of any penalty, forfeiture, or administrative cost imposed by a hearing officer pursuant to this Chapter or Del Rey Oaks Municipal Code Chapter 1.19 has not been satisfied in full within 90 days or has not been successfully challenged by a timely writ of mandate, the obligation shall constitute a debt against the real property on which the violation occurred, and shall be subject to the processes set forth in Del Rey Oaks Municipal Code Chapter 1.19 for liens and special assessments.

(Ord. No. 293, § 2, 6-26-2018)

**5.24.130 Administrative policy.**

The City Manager shall have the authority to develop administrative policies and procedures consistent with this Chapter to implement the intent of this Chapter.

(Ord. No. 293, § 2, 6-26-2018)

**ORDINANCE NO. 314**

**AN ORDINANCE OF THE CITY OF DEL REY OAKS  
AMENDING DEL REY OAKS MUNICIPAL CODE SECTIONS 5.24.020, 5.24.030 AND  
5.24.040 PERTAINING TO SHORT-TERM RENTALS**

**WHEREAS**, In 2018, the City Council of the City of Del Rey Oaks adopted Ordinance 293 to regulate short-term rentals (STR); and

**WHEREAS**, In 2022, the Planning Commission received an update on the STR program and directed staff to proposed amendments to the STR Ordinance; and

**WHEREAS**, The establishment of an appropriate City regulatory program coupled with quantitative cap and other limits can best address negative impacts on the quality and character of the City's residential neighborhoods and on the availability and affordability of housing; and

**WHEREAS**, The City Council finds adoption of a comprehensive code to regulate issuance of and conditions attached to short-term rental licenses is necessary to protect the public health, safety, and welfare; and

**WHEREAS**, The City Council deems the establishment of an appropriate City regulatory program necessary to regulate this sector; and

**WHEREAS**, On August 9, 2023, the Planning Commission received an update on the program, considered staff recommended changes and recommended that the City Council adopt the proposed amendments to the STR Ordinance; and

**WHEREAS**, After a duly noticed public hearing on August 22, 2023, the City Council and approved the first reading of Ordinance 314; and

**WHEREAS**, After a duly noticed public hearing on September 26, 2023, the City Council approved a second reading of Ordinance 314; and

**WHEREAS**, Ordinance 314 shall not authorize any STR owner the right or privilege to violate any private condition, covenant or restriction applicable to the owner's property that may limit or prohibit use of such owner's residential property for short-term rental purposes; and

**WHEREAS**, Upon its effective date, Ordinance 314 shall supersede the amended sections of Ordinance 293.

**NOW, THEREFORE**, The City Council of the City of Del Rey Oaks does hereby ordain as follows:

**SECTION 1.** The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION 2.** SECTIONS 5.24.020, 5.24.030 and 5.24.040 of the Del Rey Oaks Municipal Code are hereby amended in their entirety to read as provided in Exhibit A.

**SECTION 3.** The City Council hereby finds the draft ordinance does not involve the approval of a project because the ordinance and its implementation do not result in a direct or indirect physical change in the environment or in a reasonably foreseeable indirect physical change in the environment. It is therefore exempt from the California Environmental Quality Act (CEQA) review. (Pub. Resources Code §21065; CEQA Guidelines §§15357, 15377, 15378).

**SECTION 4.** If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption on second reading.

**INTRODUCED, PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Del Rey Oaks, State of California, held on the 26<sup>th</sup> day of September, 2023 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

**APPROVED:**

\_\_\_\_\_  
Scott Donaldson, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Minami, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alex Lorca, City Attorney

## EXHIBIT A

## TEXT AMENDMENTS TO DEL REY OAKS MUNICIPAL CODE SECTIONS 5.24.020, 5.24.030 and 5.24.040

**5.24.020 Definitions.**

For the purposes of this Chapter, the following words or phrases shall have the following meanings:

*City Manager* shall mean the City Manager of the City of Del Rey Oaks, or his or her designee.

*Guest* shall mean the overnight occupant(s) renting a Short-term Rental for 30 or fewer consecutive days for remuneration and the visitors of the overnight occupants.

*Host* shall mean an owner or tenant who rents their residence for Short-Term Rental use.

*Hosted rentals* shall mean a dwelling unit where the owner or tenant occupies a dwelling unit as his or her primary residence and offers a habitable portion thereof for transient occupancy by others, and is present during the occupancy of the hosted Short-term Rental. Hosted rentals are also known as "home-sharing."

*Hosting platform* shall mean a marketplace in whatever form or format that facilitates the Short-Term Rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

*Person* shall mean any natural person, firm, association, organization, partnership, business trust, corporation, or company.

*Primary residence* shall mean a Host's permanent residence or usual place of return for housing as documented by at least two of the following and in the Host's name: motor vehicle registration; driver's license; voter registration; tax documents showing the residential unit as the Host's residence; or a utility or cellular phone bill.

*Short-Term Rental* shall mean a privately owned residential dwelling, such as, but not limited to, a single family detached or multiple family attached dwelling, apartment house, condominium, cooperative apartment, duplex, mobile home on permanent foundations or a manufactured home on permanent foundations, or any portion of such dwellings, rented for occupancy for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. Short-Term Rentals include Hosted and Un-hosted rentals.

*Un-hosted rentals* shall mean a dwelling unit that is offered for transient occupancy where the owner does not occupy the dwelling offered for transient occupancy as his or her principal residence. Second units, Accessory Dwelling Units and Junior Accessory Dwelling Units lawfully established pursuant to Chapter 17 shall not be permitted for transient use. Un-hosted rentals are also known as "vacation rentals."

**5.24.030 Short-term rental regulations.**

- A. Short-Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her residence.
- B. No person shall advertise, undertake, maintain, authorize, book, or facilitate any renting to transient guests - on a Hosting Platform or otherwise - in a manner that does not comply with this chapter.
- C. No person shall advertise any Short-Term Rental without a City issued Short-Term Rental license number depicted in a visible location on the advertisement, including any listing on a Hosting Platform.
- D. Short-Term Rentals shall not be used by more than two guests per bedroom plus a total of two additional guests at one time.
- E. All Short-Term Rentals shall have bathroom facilities accessible to guests.
- F. Events, parties, or group gatherings, including but not limited to weddings, banquets, and corporate events, are prohibited from occurring as part of any Short-Term Rental use.

- G. No signs shall be posted on the exterior of the dwelling advertising the presence of the Short-Term Rental use.
- H. No person shall offer or engage in a Short-Term Rental in any part of the property not approved for residential use, including but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, or similar temporary structure such as a tent or yurt.
- I. Each designated on-site parking space at the Short-term Rental site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guest of the site. Each private contract or tenancy shall specify that the maximum number of tenant vehicles to be parked at or in proximity to a Short-term Rental (whether on-street or off-street) shall not exceed the number of bedrooms included in the contract or tenancy.
- J. Amplified sound that is audible beyond the property boundaries of the Short-term Rental site is prohibited.

#### **5.24.040 Additional regulations for un-hosted rentals.**

A. Nuisance Response Plan. Each Un-hosted Rental shall have on file with the City a Nuisance Response Plan accompanying an application for a license required by this Chapter, which shall contain the following information and otherwise be in a form required by the City Manager:

1. The name, mailing address, email address and telephone number of the property owner(s) and Host.
  2. The name, address, email address and telephone number of at least two contact persons available 24 hours per day who will be responsible for responding to and remediating any complaints regarding the Un-hosted Rental.
  3. The manner of responding to or causing a response to a nuisance complaint, including, but not limited to, the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
  4. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint within 30 minutes.
  5. A placard shall be placed in every Un-hosted Rental identifying the 24 hour contact person(s), as well as at a location readily visible from public property outside the Short-Term Rental during Short-Term Rental use.
- B. Each Un-hosted Rental shall be inspected annually by the City to ensure proper smoke and carbon monoxide alarms are installed and fire extinguishers are in accessible locations.
  - C. Any complaint regarding a nuisance at an Un-hosted Rental shall be remediated within 30 minutes.
  - D. Un-hosted Short-term Rental License Cap:
    1. The maximum number of Un-hosted Short-term Rental Licenses allowed throughout the City shall be 25.
    2. If the number of existing Un-hosted Short-term Rental Licenses exceeds 25, new applications shall be placed on a waiting list and licenses awarded in order of receipt as available.
    3. Un-hosted licenses for primary residences that are only rented on occasion when the owner is away are not included in the Un-hosted Short-term Rental License Cap.
    4. Hosted short-term rental licenses are not subject to the cap.

**RESOLUTION NO. 2023-17****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS TO APPROVE ENTERING INTO AGREEMENTS FOR THE REGIONAL EARLY ACTION PLANNING GRANT 2.0 PROGRAM**

**WHEREAS**, the California Department of Housing and Community Development (HCD) is authorized to provide up to \$510,000,000 to Metropolitan Planning Organizations and Councils of Government listed in Health and Safety Code Section 50515.08, subdivisions (a)(1)-(6) under the Regional Early Action Planning Grants Program (REAP 2.0), as detailed in Health and Safety Code Section 50515.08-10.

**WHEREAS** the State of California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability on July 26, 2022 for REAP 2.0 grants available to Metropolitan Planning Organizations and Councils of Government;

**WHEREAS** the Association of Monterey Bay Area Governments (AMBAG) requested funds from HCD pursuant to Health and Safety Code Section 50515.08(c) to develop and accelerate the implementation of the requirements described in Health and Safety Code section 50515.08(c)(1).

**WHEREAS** HCD approved AMBAG's Request for Funds, subject to the terms and conditions of Eligibility, Guidelines, NOFAs, Program requirements, and the Standard Agreement by and between HCD and AMBAG;

**WHEREAS** AMBAG is authorized to suballocate REAP 2.0 funds to eligible applicants in the AMBAG region and will administer the REAP 2.0 grant program and provide oversight of the grant program in the AMBAG region;

**WHEREAS** AMBAG developed a suballocation program in cooperation with HCD and eligible applicants in the AMBAG region,

**WHEREAS** the AMBAG issued a Notice of Funding Availability for a REAP 2.0 suballocation program for eligible applicants in the AMBAG region on June 15, 2023;

**WHEREAS**, the City of Del Rey Oaks is eligible to submit a request for allocation for a portion of REAP 2.0 funds from AMBAG; and

**WHEREAS**, the amounts allocated to the City of Del Rey Oaks will be based on the allocation method approved by HCD and AMBAG; and

**WHEREAS**, AMBAG shall approve allocation requests subject to the terms and conditions of eligibility, guidelines, Notices of Funding Availability, and program requirements.

THEREFORE, BE IT RESOLVED:

- 1. The City of Del Rey Oaks is hereby authorized to accept an allocation not to exceed **\$85,000** from the Association of Monterey Bay Area Governments for REAP 2.0 grant funding, and
- 2. The City of Del Rey Oaks is hereby authorized to enter into agreements and take further actions as may be necessary to give effect to this resolution, such as executing amendments, memorandums of understanding, and approving funding applications with the Association of Monterey Bay Area Governments for REAP 2.0 grant funding.

PASSED AND ADOPTED by the City of Del Rey Oaks this 26<sup>th</sup> day of September 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

---

Scott Donaldson, Mayor

ATTEST:

---

Karen Minami, City Clerk



## Staff Report

**DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Authorize City Manager to Purchase Electric Lawn Mower and Mulch Kit for Public Works Department

**CEQA:** This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Recommendation

Authorize City Manager to Purchase \$20,462.50 for an Electric Mower and Mulch Kit

### Background

The Public Works department is systematically going green, by replacing the gas operated tools and machinery with electric versions. By the year 2025, the State of California will require all landscaping equipment to be battery operated.

### Summary & Discussion

The savings in fuel costs of \$1,800.00 annually will compensate for the cost of the equipment to maintain the City land and park. With this purchase the city will be closer to becoming 100% electric by the year 2025.

### Fiscal Impacts

The cost of the Electric Mower and Mulch Kit is \$20,462.50, and the funds are already allocated in the Public Works budget.

### ATTACHMENTS:

- Hydro Turf Quote

Respectfully Submitted,

---

John Guertin  
City Manager

**Hydro Turf, Inc.**  
 14B John Street  
 Salinas, California 93901  
 831-975-5022  
 831-975-5062 (FAX)  
 www.hydroturfonline.com



**QUOTE**

Item 4.

Quote Date	Quote#
09/21/23	783449

Bill to: CITY OF DEL REY OAKS  
 650 CANYON DEL REY  
 DEL REY OAKS, CA 93940

Ship to: CITY OF DEL REY OAKS  
 650 CANYON DEL REY  
 DEL REY OAKS, CA 93940

**THIS QUOTE IS GOOD FOR 30 DAYS FROM QUOTE DATE**

Customer#	P.O. Number	Sales Code	Terms of Sale	Require Date	Expire Date	Shipping Method
110606-1		58 Dan Banuelos	2% 10 DAYS, NET 30	09/21/23	10/21/23	1 WILL CALL

Special Instructions:

Qty Ord	Qty Shp	Qty B/O	U/M	Product Code / Description	List Prc	Price/PU	PU	Extention	Tx
1			EA	GW8260MC / GREENWORKS MULCH KIT 60" ZERO TURN	329.99	329.99	EA	329.99	Y
1			EA	GWZ60R18 / GREENWORKS 60" ZERO TURN 82V 18KW (EM)	22999.99	18399.99	EA	18399.99	Y

Comments: Pricing and quantities on this quote are for quoting purposes only. HTI is not responsible for the accuracy contained in this quote. It is the sole responsibility of the customer to confirm all material types and counts before ordering. Information on this quote is subject to change without notice.	NONTAX TOTAL:	
	TAXABLE TOTAL:	18729.98
	FREIGHT CHARGE:	0.00
	LABOR CHARGE:	0.00
	SALESTAX:	1732.52
	TOTAL INVOICE:	20462.50



## Staff Report

**DATE:** September 26, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** John Guertin, City Manager

**SUBJECT:** Resolution No. 2023-18 Approving a Professional Services Agreement with EcoGreen Solutions to Install Lighting Upgrades in City Hall

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Consideration

Approval of Resolution No. 2023-18 approving a Professional Services Agreement with EcoGreen Solutions to install lighting upgrades in City Hall utilizing the PG&E On-Bill Financing Loan Program to implement energy efficiencies.

### Background

The City has been working with EcoGreen Solutions to determine if the energy efficiency upgrades at City Hall would qualify for the On-Bill Financing Energy Efficiency Retrofit Loan Program. The loan program basically covers the cost of lighting improvements through energy savings. The EcoGreen analysis indicates that the upgrades would qualify for the program.

### Summary & Discussion

Converting to LED lighting and new fixtures at City Hall will cost approximately \$18,602, which would be financed through energy savings via a monthly loan payment over an estimated payback period of 9.56 years. The monthly loan payments Once the loan has been paid off, the City will then experience the utility bill savings.

In addition to the energy savings, the new LED light fixtures last significantly longer than the current florescent and incandescent lighting and are projected to be maintenance free for approximately 15 years. As a result, costs associated with maintenance and bulb replacement will drop substantially, which is an added benefit for a small team.

### Fiscal Impacts

There is no direct budget impact through the agreement as the loans to cover the improvements are financed through utility billing savings.

### Recommendation

Adopt Resolution No. 2023-18:

1. approving professional services agreement with EcoGreen Solutions to install lighting upgrades at City Hall utilizing the PG&E On-Bill Financing Loan Program to implement energy efficiencies; and
2. authorizing the City Manager to execute the agreement in a form approved by the City Attorney and complete any necessary documentation to finance the projects through the use of PG&E's On-Bill Financing Loan Agreement on behalf of the City.

**ATTACHMENTS:**

- Resolution 2023-18
- EcoGreen Statement of Work, Energy Audit, and Quote
- PG&E On-bill Financing Loan Agreement

Respectfully Submitted,

---

John Guertin  
City Manager

**RESOLUTION NO. 2023-18**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ECOGREEN SOLUTIONS TO INSTALL LIGHTING UPGRADES AT CITY HALL UTILIZING THE PG&E ON-BILL FINANCING LOAN PROGRAM TO IMPLEMENT ENERGY EFFICIENCIES**

WHEREAS, Pacific Gas & Electric Company (“PG&E”) provides an On-Bill Financing Loan Program for its customers to finance energy efficiency projects; and

WHEREAS, EcoGreen Solutions has put together a project on City property to utilize this program and maximize energy cost savings; and

WHEREAS, the project includes the installation of lighting upgrades at City Hall; and

WHEREAS, the City has received an estimate for the net cost of the installation of new LED lighting and new fixtures in the amount of \$18,601.55; and

WHEREAS, PG&E offers an interest-free On-Bill Financing Loan Agreement (OBF Agreement), to assist participants in financing the cost of such light fixture replacement work; and

WHEREAS, by electing to finance the projects through the use of the OBF Agreement, the projects can be completed and paid for through the City’s monthly utility bill payment, with loan repayment being made for the energy savings resulting from the light fixture conversion; and

WHEREAS, PG&E’s program requires that the City enter into an agreement with EcoGreen Solutions; and

WHEREAS, the terms and conditions for the services that EcoGreen Solutions will provide to the City for completion of the projects can be found on the professional services agreements.

NOW, THEREFORE, the City Council of the City of Del Rey Oaks proclaims, and orders as follows:

1. The foregoing recitals are true and correct and incorporated by reference.
2. The City Council approves a professional services agreement with EcoGreen Solutions to install lighting upgrades at City Hall utilizing the PG&E On-Bill Financing Loan Program to implement energy efficiencies.
3. The City Council authorizes the City Manager to execute the agreement in a form approved by the City Attorney and complete any necessary documentation to finance the projects through the use of PG&E’s OBF Agreement on behalf of the City of Del Rey Oaks.

Passed and Adopted by City of Del Rey Oaks, this 26<sup>th</sup> day of September, 2023 by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Approved:

\_\_\_\_\_  
Scott Donaldson, Mayor

Attest:

\_\_\_\_\_  
Karen Minami, City Clerk



### Statement of Work

1. SCOPE OF WORK: EcoGreen Solutions shall furnish all the materials and perform all of the work shown and/or described in the Energy Audit and Quote. EcoGreen Solutions is not responsible for touch up work i.e. – paint where replacement fixtures don't exactly match existing fixtures, ceiling tiles, etc...

a. VFD/VSD installation: If the project includes a VFD/VSD, standard installation costs include – VFD, startup, card, programming, installation of any conduit, running power, concrete footing (if needed), VFD mounting and interconnect to SCADA panel. Installation costs that are not included and would be an additional cost – wiring diagrams, fencing, gates, enclosures, relay box, controls.

2. PROJECT COST: The amount due for material and labor to be performed is \$18,601.55, subject to additions and deductions pursuant to authorized change orders/adjustment letters.

3. PAYMENT & UTILITY FINANCING: EcoGreen Solutions has worked with Customer to secure Utility financing on behalf of the Customer to fund payment of this project, of which, terms and payback periods are detailed in the Utility On-Bill Financing (OBF) documentation – PGE Project #/TIF # 14652.

Payment of the project shall be paid in the manner following:

<b>Project Cost</b>	\$18,601.55
Estimated Tax Benefit	\$0
Estimated Utility OBF	\$18,601.55
<b>SUBTOTAL</b>	\$0
<b>Estimated Customer Out of Pocket Contribution</b>	\$0

a. Customer understands that final utility rebate and OBF amounts issued may vary based on final installation counts and subject to additions and deductions pursuant to authorized change orders/adjustment letters.

b. Customer understands that should utility determine that OBF loan proceeds shall not be

issued due to customer's credit standing or has otherwise placed customer's repayment of the loan at risk, Customer shall be liable for payment of any product, labor, and installation due. This includes any product demos that aren't returned to EcoGreen Solutions.

c. Notice to Proceed: Once Utility On-Bill Financing is approved, if required, EcoGreen Solutions will provide LED demo fixture/lamps to assure proper light levels, color and aesthetics. Written confirmation from the Customer that demos are approved and approval to move forward with the ordering of product and installation will serve as formal Notice To Proceed.

### 4. GENERAL TERMS AND CONDITIONS

a. All work shall be completed in a workmanlike manner and in compliance with all building codes and other applicable laws.

b. To the extent required by law all work shall be performed by individuals duly licensed and authorized by law to perform the work.

c. EcoGreen Solutions may at its discretion engage subcontractors to perform work hereunder, provided EcoGreen Solutions shall fully pay said subcontractor and in all instances remain responsible for the proper completion of the project.

d. EcoGreen Solutions warrants it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of EcoGreen Solutions or its employees and subcontractors.

e. Customer shall at its own expense obtain all permits necessary for the work to be performed.

f. EcoGreen Solutions agrees to remove all debris and leave the premises in clean condition unless instructed by Customer to do otherwise.

g. EcoGreen Solutions shall dispose of all hazardous lamps and tubes utilizing a proper recycling program unless instructed by Customer to do otherwise.

h. EcoGreen Solutions shall not be liable for any delay due to circumstances beyond its control including strikes, casualty or general unavailability of materials.

i. Customer is responsible for verification of fixture counts and hours of operation reflected in the Energy Audit.

5. HAZARDOUS CONDITIONS: In the event that EcoGreen Solutions discovers existing or developing spore or mold growth, asbestos or other potentially hazardous conditions at the Project location, EcoGreen Solutions will stop work and will not attempt to test, repair or remediate such conditions. At Customer's sole expense, Customer must arrange to have the hazardous condition removed by a third party in compliance with applicable laws within a reasonable period of time, or EcoGreen Solutions may cancel this project. If the project is canceled, Customer agrees to pay EcoGreen Solutions the costs of materials, labor and services provided through the date of cancellation.

#### 6. WARRANTIES:

a. MANUFACTURER WARRANTIES. Products installed as part of the scope of work are covered by separate manufacturers' warranties (hereinafter, "Manufacturer Warranties"). EcoGreen Solutions will assign to Customer any Manufacturer Warranties in effect upon installation. EcoGreen Solutions will also provide Customer reasonable assistance in contacting manufacturers. If manufacturer files for bankruptcy or goes out of business, EcoGreen Solutions is not liable or responsible for continued warranty support.

b. LIMITED WARRANTY. EcoGreen Solutions provides a limited warranty of 90 days (the "Limited Warranty Period"), after the date of invoice. For the avoidance of doubt, this Limited Warranty does not cover parts already covered by the Manufacturer Warranties set forth in above. During the Limited Warranty Period, EcoGreen Solutions will at its expense repair or replace any parts or labor covered by the Limited Warranty.

c. OBTAIN WARRANTY SERVICE. To obtain warranty service, you must notify EcoGreen Solutions in writing or via email at [repairs@ecogreen-solutions.net](mailto:repairs@ecogreen-solutions.net) of any defect. Provided that the Warranty has not expired, has otherwise voided, or is subject to an exclusion, EcoGreen Solutions will repair or replace the defect within a reasonable time after you notify EcoGreen Solutions.

If a fixture fails, please take a photo and send it to [repairs@ecogreen-solutions.net](mailto:repairs@ecogreen-solutions.net), and include location information in your email. The photo should be close up so we can properly match the product with the replacement. We will order replacement products and schedule the installation. If a product is in stock, EcoGreen Solutions will ship the replacement immediately. If the product is not in stock EcoGreen Solutions will order the replacement parts from the factory. Please be aware that some of our suppliers require 6-8 weeks lead time. EcoGreen Solutions does not cover shipping and handling for fixtures.

If a fixture has failed and is past our 3 months parts and labor period, EcoGreen Solutions will work with the factory to get the replacement material for you. We do not cover the cost of shipping and handling from the factory to our warehouse or to your location. If you do not have a qualified electrician to install the replacement product, please contact us at the email address above. A quote for the labor to install the product will be provided in 1-2 business days.

If a lamp fails, please follow the same procedure as for fixtures. EcoGreen Solutions will send Customer the replacement lamp. Labor is not covered for lamps. Shipping and handling also is not covered on warranty claims for lamps.

Warranty claims will not apply for:

- Product that has been modified by the customer.
- Product that was subject to misuse, vandalism or negligence.

\*IMPORTANT\* EcoGreen Solutions must receive the fixture/lamp/driver back once your product has been replaced. We can receive credit for the replacement product only if the factory receives the failed unit back. Failure to return the failed product to EcoGreen Solutions within 30 days will result in an invoice for the full retail price of the product.

If the failed product has been discontinued by the manufacturer and is no longer supported by a factory, EcoGreen Solutions will suggest a similar replacement LED fixture or lamp. EcoGreen Solutions cannot be held responsible for product lines that have been discontinued; however, we will make every effort to find a similarly performing product.

7. MAINTENANCE AND REPAIR: If the products require maintenance or repair that is not covered by the warranties set forth above, EcoGreen Solutions will not perform this work unless you enter into a separate agreement to perform these services at your expense.



**Pacific Gas and  
Electric Company**<sup>®</sup>

## LOCAL AGENCY AND DISTRICT CUSTOMERS ON-BILL FINANCING LOAN AGREEMENT

The undersigned Local Agency or District<sup>1</sup> Customer ("Customer") has contracted for the provision of energy efficiency/demand response equipment and services (the "Work") which qualify for one or more of PG&E's applicable rebate or incentive programs. Subject to the conditions (including the process for Adjustment and preconditions to funding) set forth below, Pacific Gas and Electric Company ("PG&E") shall extend a loan (the "Loan") to Customer in the amount of the loan balance (the "Loan Balance") pursuant to the terms of this On-Bill Financing Loan Agreement ("Loan Agreement") and PG&E's rate schedules E-OBF and/or G-OBF, as applicable (the "Schedule").

To request the Loan, Customer has submitted a completed On-Bill Financing Application and associated documentation as required by PG&E (the "Application"). Collectively the Application and this Loan Agreement (including any Adjustment hereunder) comprise the "Agreement".

1. Customer shall arrange for its Contractor, as identified at the end of this Agreement ("Contractor"), to provide the Work as described in the Application.
2. The estimated Loan Balance is set forth below. The total cost of the Work as installed, rebate/incentive for qualifying energy efficiency measures, Loan Balance, monthly payment, and loan term specified in this Loan Agreement may be adjusted, if necessary, after the Work and the post-installation inspection described in the Application and/or herein are completed (the "Adjustment"). The Adjustment will be calculated using the actual total cost of the Work, as installed, and the estimated energy savings (as described in the Application) of such Work. In no event will the Loan Balance be increased without Customer's written consent, even if Customer is eligible for such increased Loan Balance. Moreover, in no event will the Loan Balance exceed the maximum loan amount stipulated in the Application. Customer understands that in order to be eligible for the Loan, the initial Loan Balance for Work may not fall below the minimum loan amount, nor may the payback period exceed the maximum payback period. **Accordingly, if after the Adjustment, the Loan Balance falls below the minimum loan amount or if the simple payback period exceeds the program maximum payback period, each as described in the Application, PG&E shall have no obligation to extend the Loan, as the Work would not meet program requirements.** The Adjustment described in this paragraph will be communicated to the Customer in writing and will automatically become part of this Loan Agreement, except that any proposed increase in the Loan Balance will only become part of this Loan Agreement upon Customer's written consent to such increase.
3. **PG&E shall have no liability in connection with, and makes no warranties, expressed or implied, regarding the Work.** The Parties acknowledge and agree that PG&E is only providing the Local Agency or District cited here with financing. The Customer has independently hired contractors ("Local Agency or District Contractors") to perform the work on behalf of the Customer to qualify for financing. The Customer acknowledges and agrees that the Local Agency or District Contractors are not third party beneficiaries to this agreement between the Customer and PG&E. To the extent authorized by law and subject to appropriation of the Legislature, the Customer agrees that it will look only to Local Agency or District Contractors for any claims related to the installed equipment or its performance and that PG&E shall have no responsibility or liability, except for the payment of the loan proceeds, and the Customer shall indemnify PG&E for any claims made by the Local Agency or District Contractors against PG&E.
4. Customer represents and warrants that (a) Customer is receiving this Loan solely for Work obtained in connection with Customer's business, and not for personal, family or household purposes; (b) Customer, if not an individual or a government agency, is duly organized, validly existing and in good standing under the laws of its state of formation, and has full power and authority to enter into this Agreement and to carry out the provisions of this Agreement. Customer is duly qualified and in good standing to do business in all jurisdictions where such qualification is required; (c) this Loan Agreement has been duly authorized by all necessary proceedings, has been duly executed and delivered by Customer and is a valid and legally binding agreement of Customer duly enforceable in accordance with its terms; (d) no consent, approval, authorization, order, registration or qualification of or with any court or regulatory authority or other governmental body having jurisdiction over Customer is required for, and the absence of which would adversely affect, the legal and valid execution and delivery of this Loan Agreement, and the performance of the transactions contemplated by this Loan Agreement; (e) the execution and delivery of this Loan Agreement by Customer hereunder and the compliance by Customer with all provisions of this Loan Agreement: (i) will not conflict with or violate any Applicable Law; and (ii) will not conflict with or result in a breach of or default under any of the terms or provisions of any loan agreement or other contract or agreement under which Customer is an obligor or by which its property is bound; and (f) all factual information furnished by Customer to PG&E in the Application and pursuant to this Agreement is true and accurate.
5. The Application must include the Federal Tax Identification Number or Social Security Number of the party who will be the recipient of the checks for the rebate/incentive or any Loan proceeds. Checks may be issued directly to the Customer or its designated Contractor or both, for the benefit of the Customer, as specified below. Customer acknowledges that PG&E will not be responsible for any tax liability imposed on the Customer or its contractor in connection with the transactions contemplated under the Agreement, whether by virtue of the Loan contemplated under the Agreement, or otherwise, and Customer shall indemnify PG&E for any tax liability imposed upon PG&E as a result of the transactions contemplated under the Agreement.

<sup>1</sup> Local Agency or District as defined in California Government Code §50001 and §58004.

6. Upon completion of the Work, Customer shall send a written confirmation of completion to PG&E's On-Bill Financing Program Administrator at the address listed in Section 15. Within 60 days after receiving the confirmation, PG&E (a) will conduct a post installation inspection and project verification, including review of invoices, receipts and other documents as required by PG&E to verify the correctness of any amounts claimed by Customer; and (b) will adjust, if necessary, the total cost, incentive, Loan Balance, monthly payment, and loan term as stated above. Customer shall give PG&E reasonable access to its premises and the Work. If the Work conforms to all requirements of the Agreement and all amounts claimed by Customer as Work costs are substantiated to PG&E's reasonable satisfaction, PG&E will issue a check ("Check") to Customer or Contractor (as designated by Customer in Section 15) for all amounts PG&E approves for payment in accordance with the Agreement. The date of such issuance is the "Issuance Date". If the Check is issued to Customer, Customer shall be responsible for paying any outstanding fees due to Contractor for the Work. If the Check is less than the amount due from Customer to Contractor, Customer shall be responsible for the excess due to the Contractor.
7. Customer shall repay the Loan Balance to PG&E as provided in this Loan Agreement irrespective of whether or when the Work is completed, or whether the Work is in any way defective or deficient, and whether or not the Work delivers energy efficiency savings to Customer.
8. The monthly payments will be included by PG&E on the Account's regular energy service bills, or by separate bill, in PG&E's discretion. Regardless whether the monthly payments are included in the regular utility bill or a separate loan installment bill, the following repayment terms will apply:
- The Customer agrees to repay to PG&E the Loan Balance in the number of payments listed below and in equal installments (with the final installment adjusted to account for rounding), by the due date set forth in each PG&E utility bill or loan installment bill rendered in connection with Customer's account (identified by the number set forth below ("Account")), commencing with the bill which has a due date falling at least 30 days after the Issuance Date.
  - If separate energy service bills and loan installment bills are provided, amounts due under this Loan Agreement as shown in the loan installment bill shall be deemed to be amounts due under each energy services bill to the Account, and a default under this Loan Agreement shall be treated as a default under the Account.
  - If the Customer is unable to make a full utility bill payment in a given month, payment arrangements may be made at PG&E's discretion.
  - Any partial bill payments received for a month will be applied in equal proportion to the energy charges and the loan obligation for that month, and the Customer may be considered in default of both the energy bill and the loan installment bill.
  - Further payment details are set forth below.
9. Any notice from PG&E to Customer regarding the Program or the transactions contemplated under the Loan Agreement may be provided within a PG&E utility bill or loan installment bill, and any such notices may also be provided to Customer at the address below or to the Customer's billing address of record in PG&E's customer billing system from time to time, and in each case shall be effective five (5) days after they have been mailed.
10. The Loan Balance shall not bear interest.
11. Customer may, without prepayment penalty, pay the entire outstanding loan balance in one lump sum payment provided the customer first notifies PG&E by telephoning the toll free phone number (1-800-468-4743), and by sending written notice to PG&E On-Bill Financing Program Administrator at the address listed below, in advance of making the lump sum payment. Accelerated payments that are received from Customer without PG&E's prior approval may, at PG&E's sole discretion, be applied proportionally to subsequent energy charges and Loan repayments and PG&E shall have no obligation to apply accelerated payments exclusively to reduction of the outstanding Loan.
12. The entire outstanding Loan Balance will become immediately due and payable, and shall be paid by Customer within 30 days if: (i) the Account is closed or terminated for any reason; (ii) Customer defaults under the Agreement; (iii) Customer sells the equipment forming part of the Work to any third party; or (iv) Customer becomes Insolvent. Customer becomes "Insolvent" if: (i) Customer is unable to pay its debts as they become due or otherwise becomes insolvent, makes a general assignment for the benefit of its creditors, or suffers or permits the appointment of a receiver for its business or assets or otherwise ceases to conduct business in the normal course; or (ii) any proceeding is commenced by or against Customer under any bankruptcy or insolvency law that is not dismissed or stayed within 45 days.
13. Customer understands that without limiting any other remedy available to PG&E against Contractor or Customer, **failure to repay the Loan Balance in accordance with the terms of the Agreement could result in shut-off of utility energy service, adverse credit reporting, and collection procedures, including, without limitation, legal action.**
14. If there is any conflict among the documents comprising the Agreement, the following order of priority shall apply: 1. this Loan Agreement; 2. the Application; 3. any documents attached to the Application.

## 15. LOCAL AGENCY OR DISTRICT REQUIREMENT

## a. All Payment Obligations Subject to Appropriation

The Customer acknowledges that the cost incurred pursuant to this Loan Agreement will be part of the monthly bill for electric use. All payment obligations and the Work replacement obligations of the Customer under this Loan Agreement or any related agreement or application is subject to appropriation by the Legislative body belonging to Local Agency or District cited in this loan agreement.

## b. No Lien or Encumbrance; Subordination:

(1) Notwithstanding any other provision in this Loan Agreement – , PG&E acknowledges that nothing in this Loan Agreement shall constitute a mortgage, charge, assignment, transfer, pledge, lien or encumbrance upon either the Work or any part of the buildings, structures or related facilities in which the Work is constructed, installed or situated (collectively, the "Related Facilities"). Accordingly, PG&E agrees it will not record or file any instrument that would indicate or imply it has a security interest in the Related Facilities, including but not limited to a UCC-1.

(2) In addition to the preceding paragraph (a), if this Loan Agreement were ever construed or deemed to create any such encumbrance, then: (i) this Loan Agreement shall be junior and subordinate and subject in all respects to the terms and conditions of any and all leases, and indentures related to lease revenue bonds issued by the Local Agency or District cited here or any other issuer of bonds on behalf of the Local Agency or District concerning the Related Facilities entered into in the past, the present or the future (the "Senior Security Documents"); and (ii) any term or condition of this Loan Agreement relating to any right, title or interest in the Related Facilities or other benefits derived there from shall be in all respects junior and subordinate to, and subject to the terms of, the Senior Security Documents.

16. Loan Particulars.

*This table is to be completed by PG&E*

Total Cost	Incentive	Customer Buy- Down (if applicable)	Loan Balance <sup>1</sup>	Monthly Payment	Term <sup>2</sup> (months)	Number of Payments
\$ 18,601.55	\$ -	\$ -	\$ 18,601.55	\$ 160.36	116	116

**Check Made Payable to Customer  or Contractor**   
 [customer to select payment method. Note that only one check can be issued]

17. This agreement at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction.

Federal Tax ID or Social Security #, Customer	Federal Tax ID or Social Security #, Contractor
94-6019186	80-0196823

PG&E Account # / Service Agreement #
4283033409 / 4283033021

Account Name, Customer	Name, Contractor
Primary Customer Name: CITY OF DEL REY OAKS - 650 CANYON DEL REY BLVD Project ID: City of Del Rey Oaks - City Hall	ECOGREEN SOLUTIONS, COREY BROPHY

Customer Address (For OBF Check Delivery)	Contractor Address (For OBF Check Delivery)
	27671 LA PAZ RD STE 100
	LAGUNA NIGUEL CA 92677

Name and Title of Authorized Representative of Customer	Name and Title of Authorized Representative of Contractor
	COREY BROPHY, ECOGREEN SOLUTIONS

Full Name & Title →

Signature of Authorized Representative of Customer

Full Signature →

Date

Date Signed →

ACCEPTED: Pacific Gas and Electric Company

By	Date
PG&E On-Bill Financing Authorized Representative	

<sup>1</sup> The Loan Balance shall not exceed two-hundred fifty thousand dollars (\$250,000), except where, in PG&E's sole opinion, the opportunity for uniquely large energy savings exist, in which case the Loan Balance may exceed two-hundred fifty thousand dollars (\$250,000) but shall not exceed four million dollars (\$4,000,000).

<sup>2</sup> The loan term in months will be established by PG&E at the time of the OBF Loan Agreement initiation. The maximum loan term shall be one hundred and twenty (120) months.

**On-Bill Financing Program (OBF)  
Loan Calculation Summary Sheet  
Simple project payback per meter**

**Customer Name:** CITY OF DEL REY OAKS - 650 CANYON DEL REY BLVD

**Project Number:** FA ID 014652

**Calculations from:** Original

(A) PROJECT COST FOR MEASURES	(B) REBATES or INCENTIVES	Customer Down Payment or Buy-Down	CUSTOMER TOTAL LOAN AMOUNT	(C) CUSTOMER AVERAGE RATE PER kWh	(D) CUSTOMER AVERAGE RATE PER Therm	(E) ESTIMATED ANNUAL ENERGY SAVINGS (kWh)	(F) ESTIMATED ANNUAL GAS SAVINGS (Therm)	ESTIMATED ANNUAL ENERGY COST SAVINGS	SIMPLE PAYBACK IN YEARS
\$ 18,601.55	\$ -	\$ -	\$ 18,601.55	\$ 0.28	\$ -	6,898.70	-	\$ 1,944.88	9.56

PAYBACK IN MONTHS BASED ON EXPECTED ENERGY SAVINGS	LOAN TERM (MONTHS) (1 month added for bill neutrality)	CUSTOMER FIXED MONTHLY LOAN PAYMENT	ESTIMATED MONTHLY ENERGY COST SAVINGS
115	116	\$ 160.38	\$ 162.07

(C) = (From utility bill) Total \$ amount (12-month) / Total kWh (same 12-month)

(D) = (From utility bill) Total \$ amount (12-month) / Total therm (same 12-month)



# CITY OF DEL REY OAKS

## Staff Report

**DATE:** September 26, 2023

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Appeal of Building Official Determination Regarding 121 Calle Del Oaks

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Recommendation

Conduct an appeal hearing of City Building Official Joe Headley’s determination regarding 121 Calle Del Oaks, and uphold the appeal or deny it.

### Summary & Discussion

#### Authority for Appeal

The California Building Code, at Section 1.8.8.1 provides, in relevant part, “[e]very city... shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance and change of occupancy. The governing body of any city... may establish a local appeals board and a housing appeals board to serve this purpose.” And that, “[w]here no such appeals boards or agencies have been established, the governing body of the city... shall serve as the local appeals board...”

#### Factual and Procedural Background

In May of 2023, the new owners (Owner) of 121 Calle Del Oaks (Property) applied for a business license from the City to operate an automotive restoration facility. Shortly thereafter, the Owner submitted plans to modify the existing structure at the Property (Building).

On June 9, 2023, the City’s Building Official, Joe Headley, provided Plan Review Comments that included, in relevant part, a determination that the plans incorrectly stated the Building’s square footage. The June 9, 2023, Plan Review Comment document is attached hereto as Exhibit A.

Shortly thereafter, the Owner’s counsel submitted a letter dated June 16, 2023, to the City arguing that Mr. Headley’s determination regarding the Building’s square footage was incorrect for a variety of reasons. The letter is attached hereto as Exhibit B.

In response, Mr. Headley issued another Plan Review Comment document dated July 11, 2023, which clarified and augmented the June 9, 2023 Plan Review Comment document. The July 11, 2023, Plan Review Comment document is attached hereto as Exhibit C.

After meeting with Mr. Headley and City Manager Guertin, the City Attorney sent a letter dated July 13, 2023, to the Owner's counsel. In the response letter, the City Attorney stated the City disputed the contention made by the Owner's counsel, and outlined the reasons for its decision. The July 13, 2023, City Attorney's letter is attached hereto as Exhibit D.

Thereafter, the Owner filed an appeal of Mr. Headley's determination.

### Appeal

In many jurisdictions, a separate hearing board is established to hear appeals of building decisions and interpretations. Here, the City has no such hearing board and therefore, as noted above, the Council is the appropriate body to hear this appeal.

This appeal hearing before the City Council is *de novo*, meaning the Council does not defer to Mr. Headley's determination. Rather, the Council must hear the Owner's appeal, the City's response, and consider the evidence presented by both parties at the hearing. From there, the Council has the authority to deny the appeal (and therefore uphold Mr. Headley's determination), or grant the appeal (and therefore reverse Mr. Headley's determination).

Whether the Council upholds the appeal or denies it, it must make specific findings on the record at the hearing to support its decision.

### **Fiscal Impacts**

There will be no direct financial impact as a result of this action.

### **ATTACHMENTS:**

- As noted.

Respectfully Submitted,

---

John Guertin  
City Manager

# Exhibit A

# City of *Del Rey Oaks*

## Plan Review comments

Address: 121 Calle Del Oaks  
APN: 012-601-015-000  
Tennant: Finaldi  
Scope of work: T.I.

Date: 6-9-23  
Plan checker: Joe Headley  
Phone: 920-1815

- 
- 1) Records provided on sheet T2 for “square footage validation” are not records of the AHJ (Authority Having Jurisdiction). For this project the City of Del Rey Oaks records are the AHJ, along with “Water Management district”, with overlay authority per State of California legislation. Water management district is a validating regulator for all development within the jurisdiction.  
Commentary A) Non-jurisdictional records provided include unpermitted square footage, as these kinds of errors are common in non-AHJ records, this is why they are not acceptable validating records.  
Commentary B) AHJ records are clear, previous unpermitted work was removed in accordance with plan submitted by architect of record Al Saroyan for permit #B16-38. The records clearly identify stairs to the area were removed, and subsequent pages clearly show the roof of the offices labeled as a mezzanine with a Large X crossing out that square footage. A ships ladder was installed as a typical roof top access for equipment to non-occupied space  
Commentary C) Subsequent plans by Architect of record “WRD” shows occupied space totaling 9604 square feet. The plans submitted on sheet A-3 also show the existing unoccupied space with access to this by ships ladder only
  - 2) Should water credit be made available through regulatory action, proper plans would be required showing compliance with the California building Code. Current plans do not provide analysis for compliance with building area limitations or occupancy separation walls.
  - 3) Per ALL previous communication, project plans are required to be prepared by a California licensed professional per CBC section 107.1
  - 4) Complete attached ADA compliance form for resubmittal

# Exhibit B

**ANTHONY LOMBARDO & ASSOCIATES**  
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
JOSEPH M. FENECH  
CODY J. PHILLIPS

144 W. GABILAN STREET  
SALINAS, CA 93901  
(831) 751-2330  
FAX (831) 751-2331

June 16, 2023

**VIA HAND DELIVERY AND EMAIL**

Our File No: 5568.000

John Guertin, City Manager  
City of Del Rey Oaks  
650 Canyon Del Rey Blvd.  
Del Rey Oaks, CA 93940  
[jguertin@delreyoaks.org](mailto:jguertin@delreyoaks.org)

***Re: 121 Calle Del Oaks, Del Rey Oaks, CA 93940: Tenant Improvements/Plan Review; Notice of Claim for Damages and Declaratory Relief.***

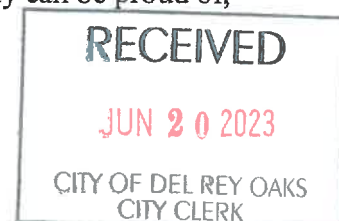
Dear John:

I represent Mr. Vince William Finaldi, Esq., and Cairati Monterey, Inc., who is purchasing property in the City of Del Rey Oaks ("City") located at: 121 Calle Del Oaks, Del Rey Oaks, California, 93940 (the "Premises"). My client, Mr. Finaldi, is purchasing the Premises from the Davi Family Trust, who has owned and managed it for several decades, for the price of \$4,200,000.00. Mr. Finaldi's company, Cairati Monterey, Inc., is currently leasing the premises and will be the sole tenant upon completion of the real estate transaction.

**Background Regarding the Premises**

The building on this site was constructed in 1978. It was first operated as an ice cream distribution warehouse (from 1978-1985 as McDonald Refrigeration; from 1986-1987 as New Produce Development; and from 1988-2002 as Frank Dreyer's, Ben & Jerry's, and Frank Enea's Dairies). Then, it was operated as a tile and countertop manufacturing business and automotive storage facility (until 2017), and most recently, from 2019 to the present, it operated as a cannabis extraction facility.

As the City knows, the cannabis extraction facility on the premises has had financial difficulties for several years. The building has fallen into disrepair and its exterior appearance is in considerable need of attention. Mr. Finaldi intends to use the Premises for an automotive restoration business and plans to renovate the building into a facility that the City can be proud of, and which would bring substantial tax revenue to the City.



John Guertin, City Manager  
City of Del Rey Oaks  
June 16, 2023  
Page 2

### **Dispute Regarding Tenant Improvements on the Premises**

In May of 2023, my clients applied for and received a business license from the City of Del Rey Oaks (for Cairati Monterey, Inc.), License Number CAI001, to run a low-volume, high-end automotive restoration facility. Since March my clients have been in communication with the City regarding a building permit for tenant improvements to the Premises, which are required for the intended business use. Currently, the footprint of the building on the Premises is 9,600 square feet. There is also a 1,600 square foot mezzanine atop the internal office in the southwest corner of the building that was constructed when the building was first built in 1978, and which has been in continual usage since then, which brings the total square footage of the building to 11,200 square feet.

We have consulted with the Monterey County Tax Assessor's Office, and their records confirm that the Premises is assessed as a 11,200 square foot building. The owners of the building have been paying property taxes on the building, predicated on this building size, since 1978—for over 40 years. We also consulted with the Monterey Peninsula Water Management District, who confirms they list the building size as 11,200 square feet with applicable water credits and rights for a building that size. We also consulted with the City's records on the building. The sole document in the City's file that lists the size of the Premises is a MetroScan printout, which also states the building size is 11,200 square feet. *The City's file is devoid of the original 1978 building permits or plans for the building.* Lastly, we have consulted with the current and prior owners of the Premises, all of who confirm that the mezzanine above the office has been in continual usage since 1978.

Not only do the records of multiple municipalities and the testimony of prior owners and tenants support our position regarding the true buildable square footage of the building—the building *itself* also yields important clues as to its square footage and usage since 1978. First, the second-floor mezzanine area above the office is built using 2 x 12 inch floor joists spaced at 16 inches on center. This evidences the fact that it was not merely built as a ceiling to the offices below, it was constructed as usable square footage. It was also finished with thick plywood for this very purpose. Otherwise, the office would have simply had a drop ceiling, not structural flooring based on simple economics. Second, the mezzanine area was constructed with six windows and a door (which are clearly original construction, evident from their age, material, condition, and the original framing which are all consistent with the remaining portions and fixtures of the building) to the exterior, which provide light and ingress/egress to/from the mezzanine area and which are not present, and have never been present, on any other area of the building. Also, the building had a set of stairs to this mezzanine space, for access (see more about these stairs below). This construction is clear evidence that this area was intended to be and used as a part of the building they weren't windows, doors and stairs to nowhere. Additionally, the plywood floor on the mezzanine area shows clear signs of its age, usage and wear, evidencing that it has been in continual use for many decades.

### **Mr. Headley's June 9, 2023, Plan Review Comments and Denial of Permit**

On June 9, 2023, Mr. Headley, the City's outside Plan Checker/consultant, produced a one-page set of Plan Review Comments with 4 separate comments regarding the project. (6/9/23 Plan

John Guertin, City Manager  
 City of Del Rey Oaks  
 June 16, 2023  
 Page 3

Review Comments attached hereto as Exhibit “A”). Comments 2-4 have been addressed and incorporated into the current revised plan set that are being submitted concurrently with this letter. (See 6/16/23 Letter from Bradley Green, Hastings Construction, Regarding Plan Changes and Statement of Access Compliance dated 6/16/23 attached hereto collectively as Exhibit “B”). As we read Comment 1, Mr. Headley appears to effectively deny the permit application to improve the 1,600 square foot mezzanine.

Mr. Headley takes issue with the square footage validation records (of the Monterey County Tax Assessor’s Office, Water Management District, and MetroScan from *the City’s own file*), stating they are not records of the Authority Having Jurisdiction (“AHJ”), apparently ignoring the fact that the CityScan records are contained *within the AHJ’s (City of Del Rey Oaks) own file*. He further concedes that the “[w]ater management district is a validating regulator for all development within the jurisdiction,” *but he ignores the fact that the WMD’s records list the building is indeed 11,200 square feet.*

In the comments under Commentary A, Headley states: *“non-jurisdictional records provided include unpermitted square footage, as these kinds of errors are common in non-AHJ records, this is why they are not acceptable validating records.”* First, Mr. Headley leads with the assumption that the mezzanine was *“unpermitted”* when first built, but in fact he has no authority nor evidence to support his position because the City is not in possession of any of the original building permits or plans for the Premises. Following his logic to its reasonable conclusion should lead him to deny the permit for the *entire* building, because there is no original permit in the City’s records for the remainder of the building either. And further, it stands to reason that if this mezzanine was constructed when the building was first built in 1978—which it indeed was—then the mezzanine must have been part of the original building permit. Second, Mr. Headley concludes that these non-AHJ records must be incorrect because *“these kinds of errors are common.”* However, he has presented no evidence that, in fact, these non-AHJ records are in error, and importantly, the fact that multiple municipal sources *dating back several decades all list the building as 11,200 square feet* stands as considerable, strong evidence that they are, in fact, correct.

In the comments under Commentary B, Headley states:

*“AHJ records are clear, previous unpermitted work was removed in accordance with plan submitted by architect of record Al Saroyan for permit #B16-38. The records clearly identify stairs to the area were removed, and subsequent pages clearly show the roof of the offices labeled as mezzanine with a Large X crossing out that square footage. A ships ladder was installed as a typical roof top access for equipment to non-occupied space.”*

What Mr. Headley fails to include in this comment is that it was he—as the plan checker—who directed that the changes be made to the plans and building by the former tenant in order to deny them the use of the mezzanine. It was Mr. Headley who required the removal of the stairs (which had been in place and used for decades) and allowed what he calls a “ship’s ladder” to be installed. Thus, Mr. Headley is relying upon *his own prior actions* with respect to the premises to *justify his current actions* with respect to the project—Mr. Headley is, thus, attempting to create his own foundation for his current position through his prior decision. That does not mean,

John Guertin, City Manager  
City of Del Rey Oaks  
June 16, 2023  
Page 4

however, that his prior actions (in denying the permit for the mezzanine and requiring removal of the stairs) were proper or legal.

There was no factual or legal basis for Mr. Headley's prior demand to remove access to the mezzanine which the prior tenant did without knowing that the demand was improper. What also makes no sense is that Mr. Headley directed that a ladder be installed to provide access to the mezzanine in lieu of stairs. There is no mechanical system or roof access from the mezzanine area. Mr. Headley's comment that the "ship's ladder" is there for "typical roof top access" is incorrect because the roof is not accessible from the mezzanine area. Why allow the installation of a permanent ladder to access that area when it was not proper usable space? The double doors to the mezzanine are still there, and in use, as are the ladder and the entire floor—the mezzanine has been in continual use since the building was constructed in 1978.

Early this year, when my client's general contractor engaged Mr. Headley in exploratory discussions, prior to submission of the plans, explaining to Mr. Headley that my client intended to submit plans that included buildout of the mezzanine, Mr. Headley became irate raising his voice and cursing at Mr. Hastings, telling him not to submit plans for the mezzanine because doing so would "throw [Headley] under the bus." At the time, Mr. Hastings did understand why it was that Mr. Headley was so passionate about his denial, or why he was so irate, or what he meant by being "thrown under the bus," but now, it is clear that what Mr. Headley meant was that applying for a permit to build the mezzanine would "throw him under the bus" *because it would expose the fact that Mr. Headley improperly denied the prior permit applications to build out that area without any factual or legal support.* The problem is Mr. Headley continues to insist that the mezzanine is not useable space, relying on his own prior rulings to support this position, because to do otherwise would be to admit that his prior rulings were incorrect—that he ordered the stairs removed and denied the prior permits without proper justification.

Under Comment C, Mr. Headley goes on to state, "*Subsequent plans by Architect of record 'WRD' shows occupied space totaling 9604 square feet. The plans submitted on sheet A-3 also show the existing unoccupied space with access to this by ships ladder only.*" These plans are not evidence of the correct building square footage, they are evidence of what Mr. Headley made the prior tenant do. Nor are these not AHJ records. Mr. Headley is attempting to support his current position based on his prior decisions and that does not mean that his prior instructions were correct or legal.

In sum, there is no evidence, other than Mr. Headley's belief and prior action that the 1,600 square foot mezzanine is not original and usable/buildable space. Effectively an "unlawful taking" of the use of a part of this building without adequate compensation. My clients have engaged in several conversations with Mr. Headley and he continues to be steadfast in his unjustified position. Interestingly, the company through which Mr. Headley provides his outside consultant plan checking work for the City, "Government Private Solutions, LLC aka GPS Solutions," is currently suspended from conducting business by the Franchise Tax Board and California Secretary of State. (California Secretary of State Certificate of Status for Government Private Sector Solutions, LLC, a true and correct copy of which is attached hereto as Exhibit "C"). So, we actually question whether *any* of Mr. Headley's work on behalf of this defunct business, for the City, is in fact legal.

John Guertin, City Manager  
City of Del Rey Oaks  
June 16, 2023  
Page 5

Several of the prior discussions with Mr. Headley can only be described as “strained”. From day one, before a single document was prepared or submitted to the City, while my clients were doing their due diligence regarding the Premises, Mr. Headley lambasted my client’s contractor Mr. Hastings, and Hastings’ employee Bodhi Kvenild, using profane language. Then, Mr. Headley took it upon himself to go to the Monterey Peninsula Water Management District to inquire about the Premises and its water allotment and building square footage *even though my clients had not even submitted plans or a permit yet!* It is clear that the only reason Mr. Headley would have gone to the Water District to inquire about this project was in hopes of discovering that their records supported his position on square footage which they did not.

It is my understanding that after their attempts to discuss the mezzanine with Mr. Headley were unsuccessful, my clients and their contractor met with you on April 18, 2023, to discuss the project and the prospective tenant improvements. After meeting for 30 minutes, at which they showed you a Powerpoint presentation that laid out the above-noted chain of events and authority, you urged my clients to file a permit application along with a preliminary set of plans, for consideration by the City, noting that you saw no reason why the permit for the mezzanine should be denied. At your request, they emailed a copy of that presentation to you the same day. (121 Calle Del Oaks Powerpoint Presentation, a true and correct copy of which is attached hereto as Exhibit “D”).

My clients prepared, filed and paid for a permit application with the City on April 20, 2023. They submitted an initial set of preliminary plans the next day, which were summarily rejected by Mr. Headley on March 28, 2023, because he would not review any plans that were not stamped by an engineer and/or architect. Our clients then submitted plans stamped by a California-licensed structural engineer (Yutaka Uyeda), and re-submitted them on May 30, 2023. On June 9, 2023, we received Mr. Headley’s Plan Review Comments, essentially denying the permit because the plans included the improvement of the mezzanine area.

#### **Current Submission of Updated Plans**

Along with this correspondence we are submitting a revised plan set that addresses and corrects the issues noted in Plan Review Comments 2-4, dated June 9, 2023. My clients request that, in light of this evidence, you direct Mr. Headley to plan check the plans with the mezzanine space so that my client can obtain a building permit to improve the mezzanine so that they can utilize all of the building’s 11,200 square feet that is listed in every agency’s record and upon which taxes have been paid since 1978.

#### **Notice of Intent to File Notice of Claim Upon Denial of Permit**

Although my client does not wish to do so, if the plans are rejected by the City because of the mezzanine issue, they would be left with no choice but to file a Claim with the City of Del Rey Oaks and thereafter proceed to litigation. My clients are buying an 11,200 square foot building and if the City refuses to allow my client to use the 1,600 square foot mezzanine area, the City would effectively be “taking” \$600,000.00 of the value of the building, in addition to the damage my client’s business would suffer.

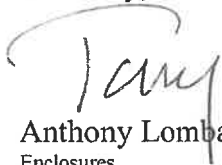
John Guertin, City Manager  
City of Del Rey Oaks  
June 16, 2023  
Page 6

I have been informed by the project architect and engineer that there is nothing about the improvement of the mezzanine space that would violate any City zoning or use regulations, nor any building code. The Water Management District has stated that the building is listed as 11,200 square feet and it has adequate water rights/credits for the planned renovations, so there are no issues with the Water District. Mr. Headley's prior instructions to remove the mezzanine stairs, and his denial of prior permits to build out this area, were improper, and we are seeking your assistance in correcting this error. I must add that refusing to approve a building permit, without proper legal basis and under the conditions noted above, would also subject the building official to personal liability as well as the City.

My clients should be well underway in the construction phase of their project by now, working towards their goal of opening for business in Spring of 2024. These unjustified delays and denials by the City will result in the business not opening on time, and in turn will also injure the City who is losing out on valuable tax revenue while the building sits empty. In addition to the losses suffered by my client as they have parts, equipment and tools that are currently on their way to the U.S. from Italy, which will result in additional business losses.

If you feel a meeting is necessary to resolve this issue, my client, his contractor, architect and I would be happy to do so in the next week. My clients' sole desire is to improve the entire 11,200 square foot of space that was purchased (at a considerable sum I must add) so that they can carry on with developing their business. If the City would like to take us up on this offer, feel free to call me at: (831) 751-2330 or email me at: [tony@alombardolaw.com](mailto:tony@alombardolaw.com).

Sincerely,



Anthony Lombardo  
Enclosures

cc: client  
Anthony Davi Sr.

# Exhibit C

# City of *Del Rey Oaks*

## Plan Review comments

Address: 121 Calle Del Oaks  
APN: 012-601-015-000  
Tennant: Finaldi/Davi  
Scope of work: T.I.

Date: 7-11-23  
Plan checker: Joe Headley  
Phone: 920-1815

---

- 1) Water permit required. City of Del Rey Oaks and water management records recognize this as a 9,600 square foot building
- 2) Sewer permit/waiver required
- 3) Provide elevation drawings showing all exterior changes (planning commission review may be required)
- 4) Deferred submittal for paint spray booth is not allowed. Provide specifications for unit.
- 5) Mechanical engineering required for air handling for paint booth. Specify air intake and exhaust locations
- 6) Identify all caustic, corrosive and volatile chemical used and stored on site. Specify quantities
- 7) Provide letter from architect of record that the plans have been prepared by, or under their supervision. The access compliance form shall be signed by architect of record

# Exhibit D

## FENTON &amp; KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

TELEPHONE (831) 373-1241

FACSIMILE (831) 373-7219

www.FentonKeller.com

LEWIS L. FENTON  
1925-2005OF COUNSEL  
CHARLES R. KELLERCHRISTOPHER E. PANETTA  
SARA B. BOYNS  
BRIAN D. CALL  
TROY A. KINGSHAVEN  
JOHN E. KESECKER  
ELIZABETH R. LEITZINGER  
ANDREW B. KREEFT  
KENNETH S. KLEINKOPF  
ALEX J. LORCA  
DERRIC G. OLIVERCAROL S. HILBURN  
MARCO A. LUCIDO  
GLADYS RODRIGUEZ-MORALES  
BRADLEY J. LEVANG  
ASHLEY E. CAMERON  
CHRISTOPHER M. LONG  
CHRISTOPHER J. NANNINI  
TARA L. CLEMENS  
MATTHEW D. FERRY

ALEX J. LORCA

July 13, 2023

ALorca@fentonkeller.com  
ext. 258

VIA US MAIL AND EMAIL (TONY@LOMBARDOLAW.COM)

Anthony Lombardo  
144 W. Gabilan Street  
Salinas, CA 93901Re: 121 Calle De Oaks  
Our File: 34837.33652

Dear Tony:

This letter is in response to your June 16, 2023 letter to City Manager John Guertin regarding 121 Calle Del Oaks in the City of Del Rey Oaks (Premises). I recently met with Mr. Guertin and City Building Official Joe Headly regarding the issues you presented in your letter.

The City disputes the contention in your letter that the County of Monterey Assessor's Office determination regarding the Premises' square footage is binding on the City for the purpose of the Mr. Headley's determination of the same. Likewise, the data from MetroScan/CoreLogic is not binding on the City. Indeed, the MetroScan/CoreLogic report included with your client's application explicitly states, "Information compiled from various sources. CoreLogic makes representations or warranties as to accuracy or completeness of information contained in this report." The City welcomes a legal citation to support the contention that the Assessor's data or that of MetroScan/CoreLogic is binding on the City Building Official.

The City also disputes the assertion in your letter that the Monterey Peninsula Water Management District (District) "confirms they list the building size as 11,200 square feet..." Assuming, *arguendo*, the District's square footage calculations were binding on the City, the enclosed Commercial Water Inspection (enclosed herein as Exhibit A) obtained by Jeff Davi on February 21<sup>st</sup> of this year, clearly shows the District's determination that the Premises contains 9,500 square feet. Indeed, the Premises has long been marketed as a 9,500 square foot building. See enclosed advertisement (enclosed herein as Exhibit B) from the Premises' former owner clearly listing it as 9,500 square feet.

Anthony Lombardo  
July 11, 2023  
Page 2

Mr. Headley confirms the mezzanine area was used for equipment such as heating, ventilation, and air conditioning units, as well as other mechanical units. This is why the District, the City, and the former owner all list the Premises' square footage as 9,500.

Neither the April 3, 1978 nor the April 29, 1985 plans submitted on behalf of Mc Donald Refrigeration contain any language suggesting the mezzanine area was a second floor. Indeed, these plans show the Premises' having 9,600 square feet. Likewise, the plans submitted on June 20, 2019 by Seaweed, LLC also show the Premises as having 9,600 square feet.

With respect to the purported suspension of Mr. Headley's corporation, I am not aware of the details of as much. Regardless of the status of Mr. Headley's corporation, at no relevant time were Mr. Headley's credentials as the City Building Official suspended or otherwise compromised, nor was any licensure Mr. Headley has from the State of California.

Please note that Mr. Headley's determination regarding the square footage may be appealed to the City Council within thirty (30) days of this letter.

Very truly yours,

FENTON & KELLER  
A Professional Corporation



Alex J. Lorca,  
City Attorney,  
City of Del Rey Oaks

AJL:kmc

Enclosure: as noted

cc: J. Guertin (email)  
J. Headley (email)

# Exhibit A

# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G · P.O. BOX 85 · MONTEREY, CA 93942 · (831) 658-5601 · FAX (831) 644-9558 · [www.mpwmd.net](http://www.mpwmd.net)

## COMMERCIAL INSPECTION REPORT

CII    Change of Title    Pre-Inspection/Credits    New Construction    Remodel/Addition    Re-Inspection

BUSINESS NAME(S): SEAWEED, VACANT E-mail: \_\_\_\_\_

PROPERTY ADDRESS: 121/120 CALLE DEL OAKS

CITY: DEL REY OAKS ASSESSOR'S PARCEL NUMBER: 012-601-015

OWNER'S NAME: DAVI PERSON CONTACTED: JEFF DAVI /

TYPE OF USE(S): GRP. 1, GRP. 4 NO. OF BLDGS: 1 CHANDLER

This form certifies that an inspection was conducted at the above address to verify Water Efficiency Standards as listed in Regulation XIV District Rules and Regulations. At the time of the inspection, the property  WAS  WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit: \_\_\_\_\_.

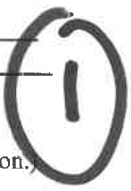
Types of use / Inspector Notes: A: SEAWEED, CANNABIS EXTRACTION, MFG. 3,200  
B: VACANT, ROUGHLY 6,200

### WATER EFFICIENCY INVENTORY:

Y	N	N/A		Remarks:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Showerheads 2.0 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toilet 1.3 gpf unless 1.6 gpf prior to 2013.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Washbasins 0.5 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Sink 2.2 gpm.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Washbasins (Sensor/Metered) auto 0.25 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Washbasins (private) 1.5 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	High Efficiency Urinals .....	-1.25-1.0 GAL, 0.5 LITERS
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	High Efficiency Clothes Washer.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Efficiency Ice Machine.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pre-Rinse Spray Valve 1.6 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conservation Signage.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping (Refer to Cal Am).....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pressure (PSI).....	

### ACTION REQUIRED:

- Items not in compliance **must be corrected** within thirty (30) days.
- Re-inspection required.** Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
- Provide itemized receipts/photos for \_\_\_\_\_
- Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. **(Contact the District.)**



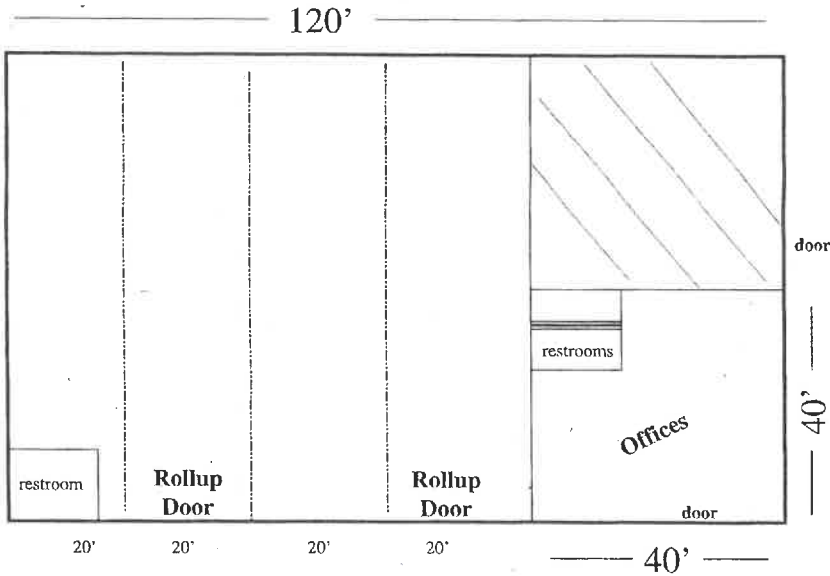
EMAILED TO AGENT 2/21/23  
Acknowledgment of Receipt      Date

MPWMD Representative

2/21/23  
Date

See Important Terms and Conditions on back of form.

## Exhibit B



**121 Calle De Oaks in Del Rey Oaks**

- 8000 square feet available for Lease at affordable rents
- Divisible into areas of 1600, 3200, 4800, or 8000 square feet.
- 22' ceiling height
- 1400 square feet +/- office space
- 3 Phase Electrical Service

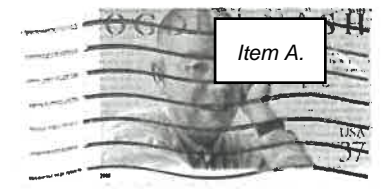
**A.G. DAVI**  
REAL ESTATE

**Also available for Lease:**

- 3,500 Square Feet**  
at Laguna Seca Office Park
- 10,000 Square Feet.**  
Lighthouse Ave. in Monterey  
Near Aquarium
- 325-3,324 Square Feet**  
Carmel Rancho Blvd - Divisible
- 650-1,008 Square Feet**  
Downtown Carmel Retail or Office
- Up to 15,000 Square Feet**  
Greenfield shopping center - Divisible
- 490-1,322 Square Feet**  
Seaside Office on Hilby

Several small affordable offices in Monterey and P.G. between **300-700 Square Feet**

**A.G. DAVI**  
REAL ESTATE  
P.O. Box 2350  
Monterey, CA 93942  
831.373.2222



2003

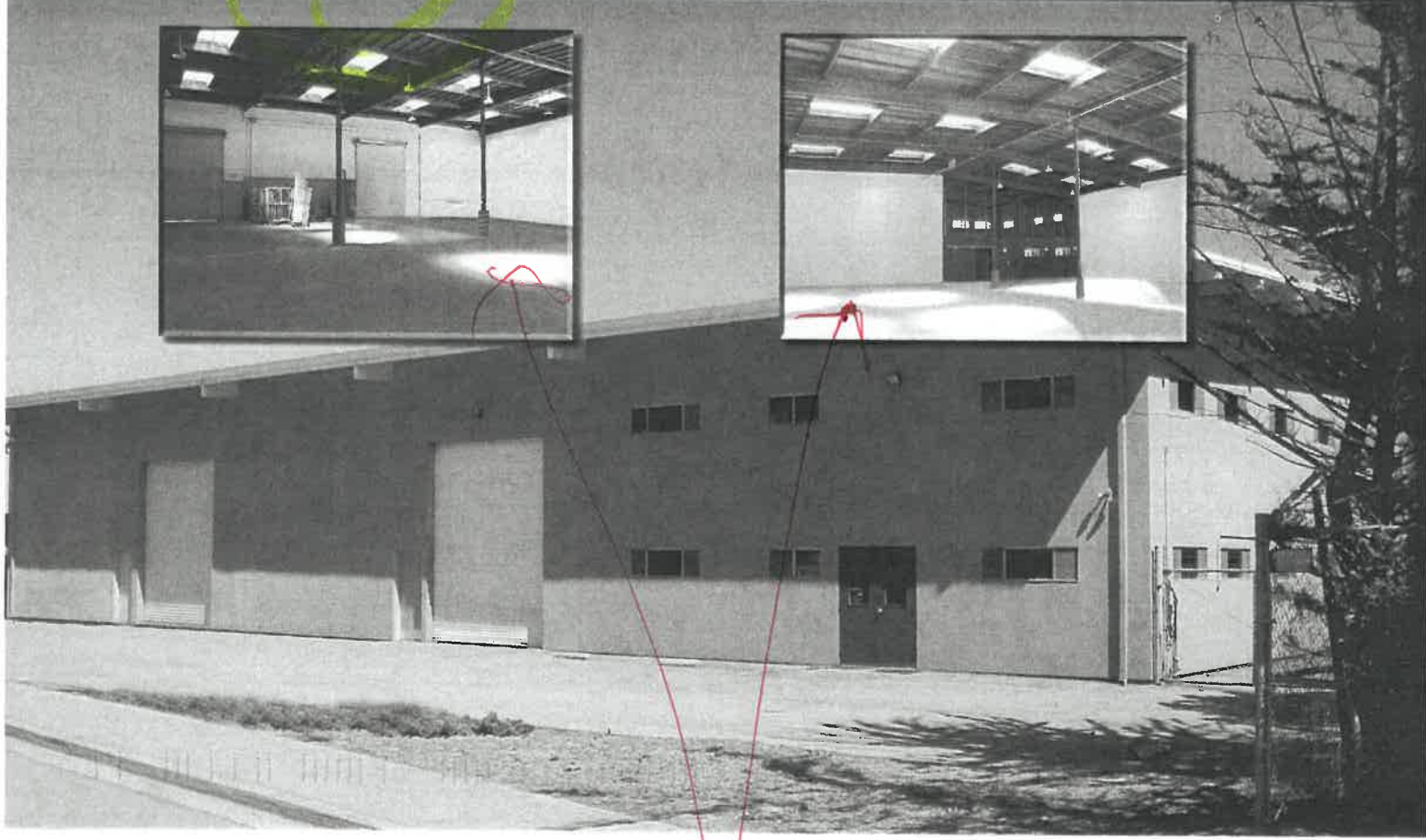
Ron Langford  
City Of Del Rey Oaks  
650 Canyon Del Rey Boulevard  
Del Rey Oaks, CA 93940-5505

8,000  
1,400  

---

9,400

*For Lease:*  
**Warehouse, Office, Retail, or Industrial**  
**1600-8000 Square Feet, Del Rey Oaks**



**A.G. DALL** Item A.  
**REAL ESTATE**

**Also For Lease:**  
**1200 Square Feet • Pacific Grove**



**831.373.2222**  
**831.229.3284**

no stairs ~~of~~ to  
second floor

# Appellant's Presentation

# 121 Calle Del Oaks Del Rey Oaks, CA 93923

Office Mezzanine Historical Timeline and Etiology



# 121 Calle Del Oaks

Photos of Building and Mezzanine Evidence Original Construction and Use of Mezzanine  
March 9, 2023



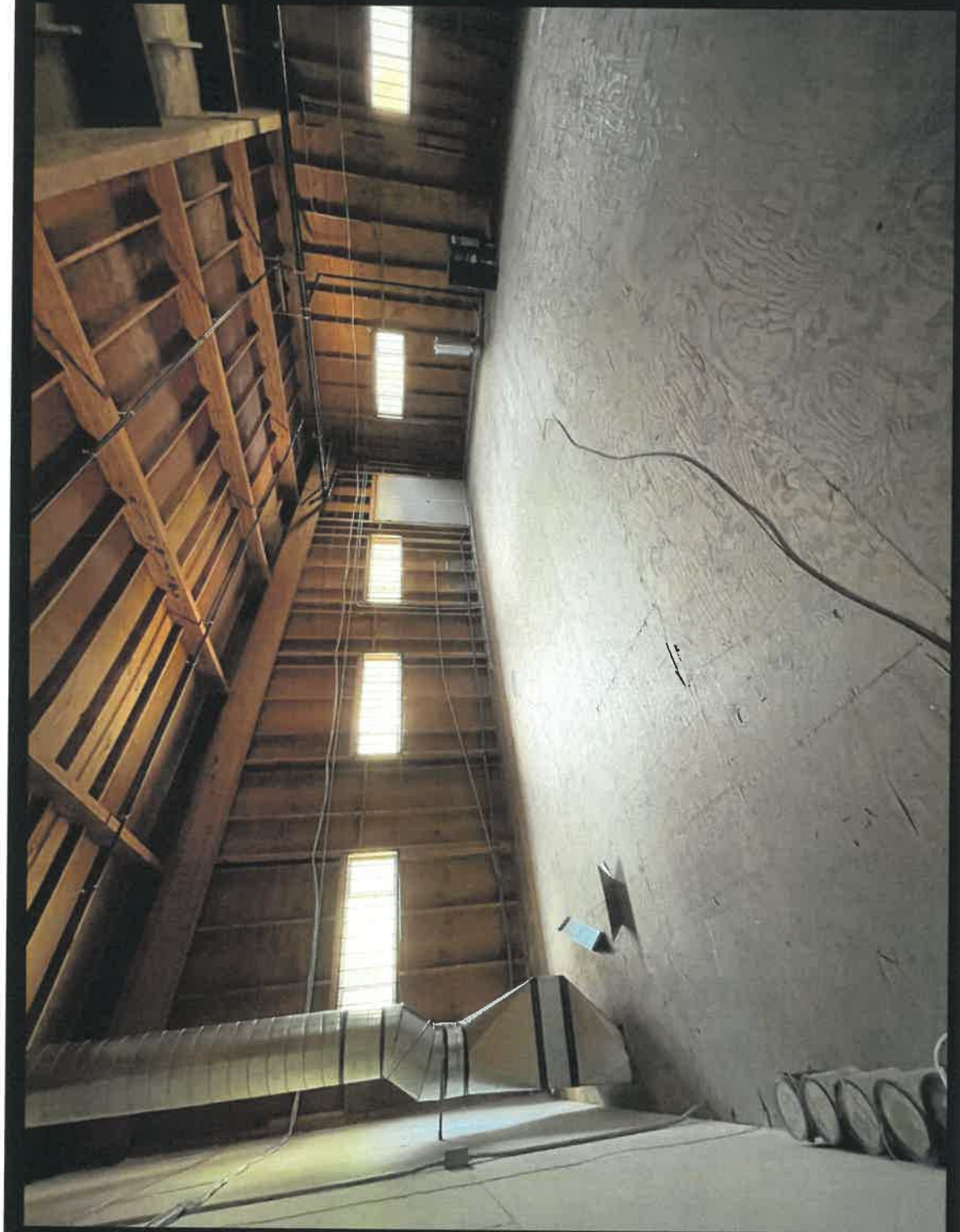


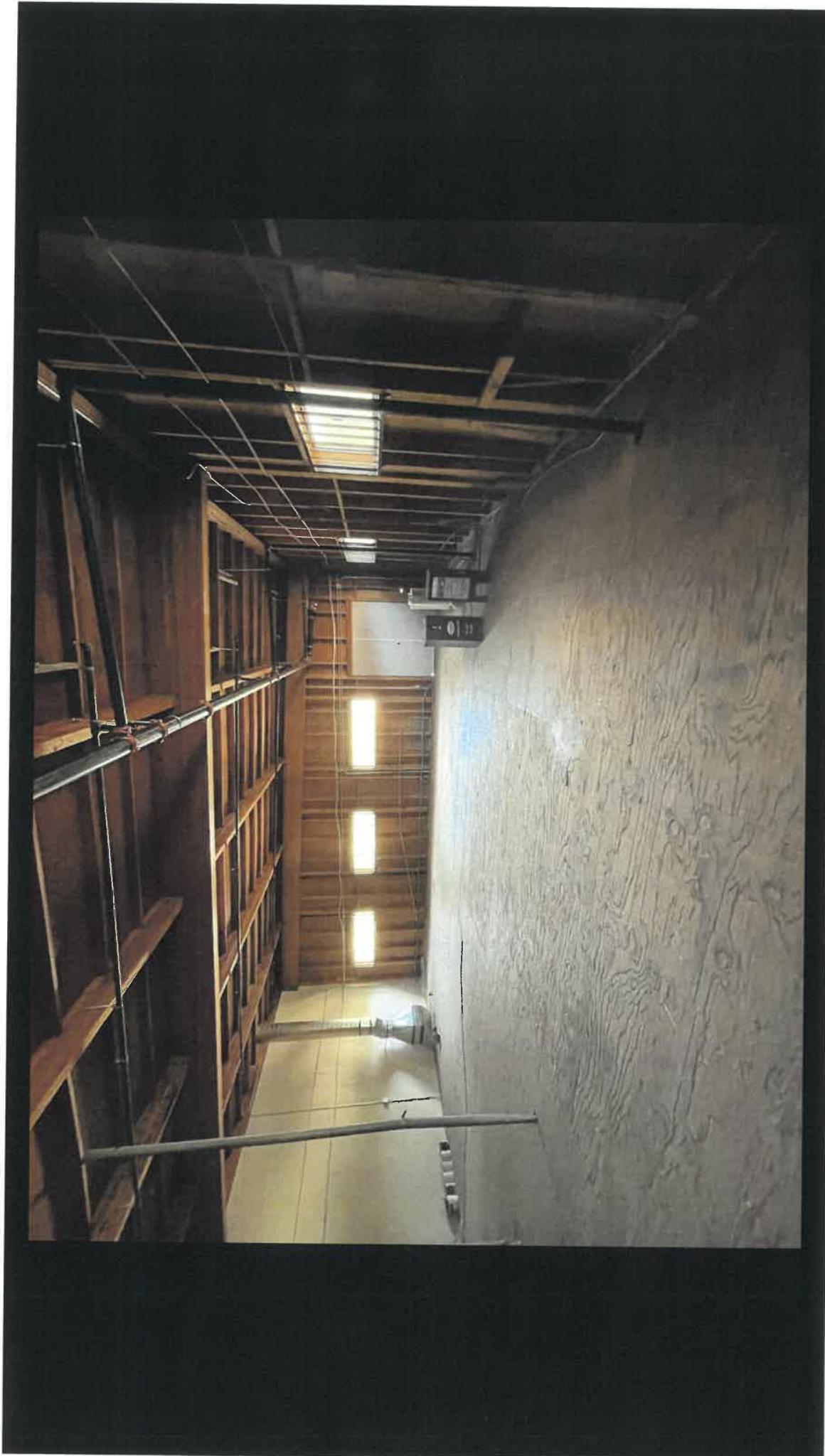


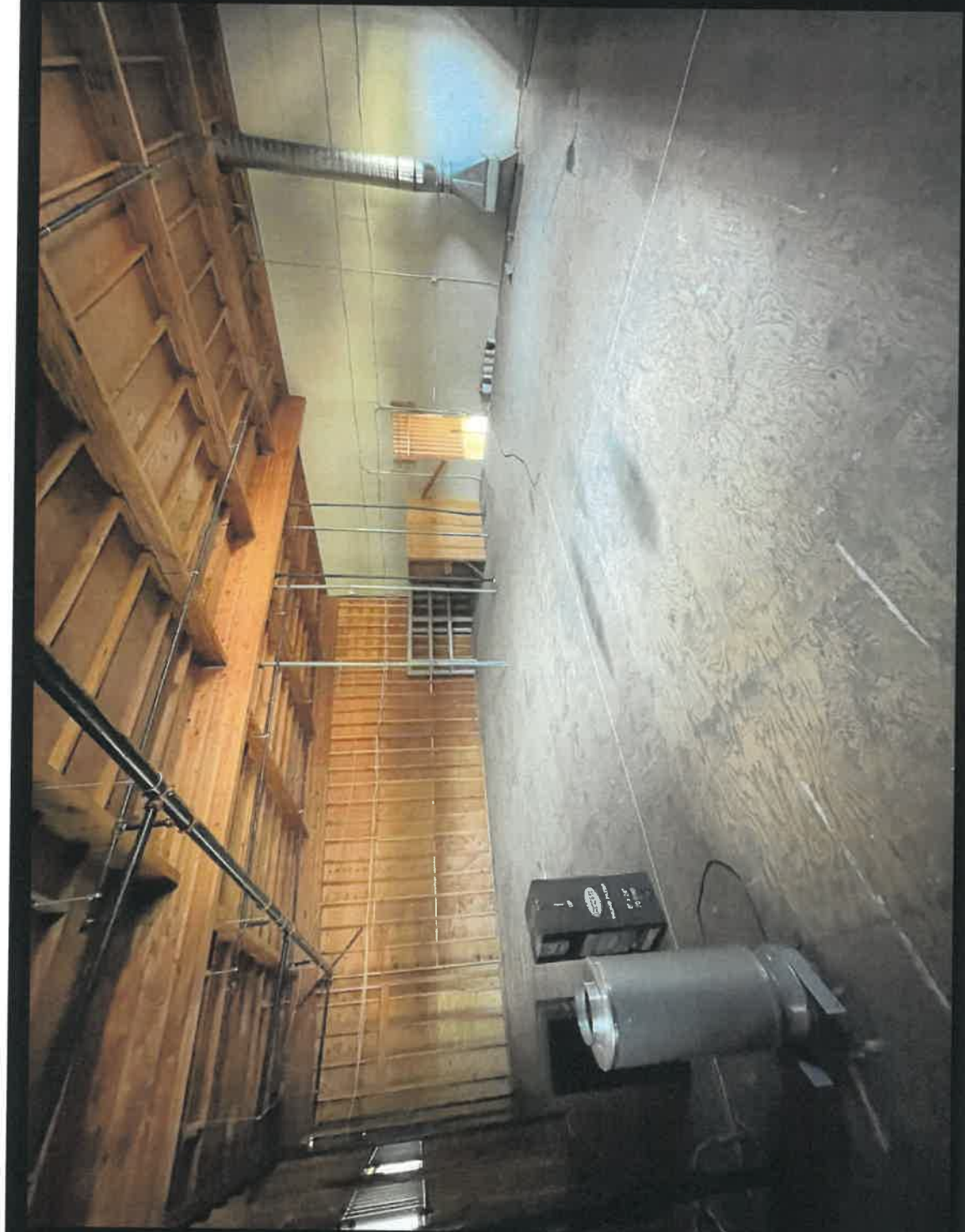




























# 121 Calle Del Oaks

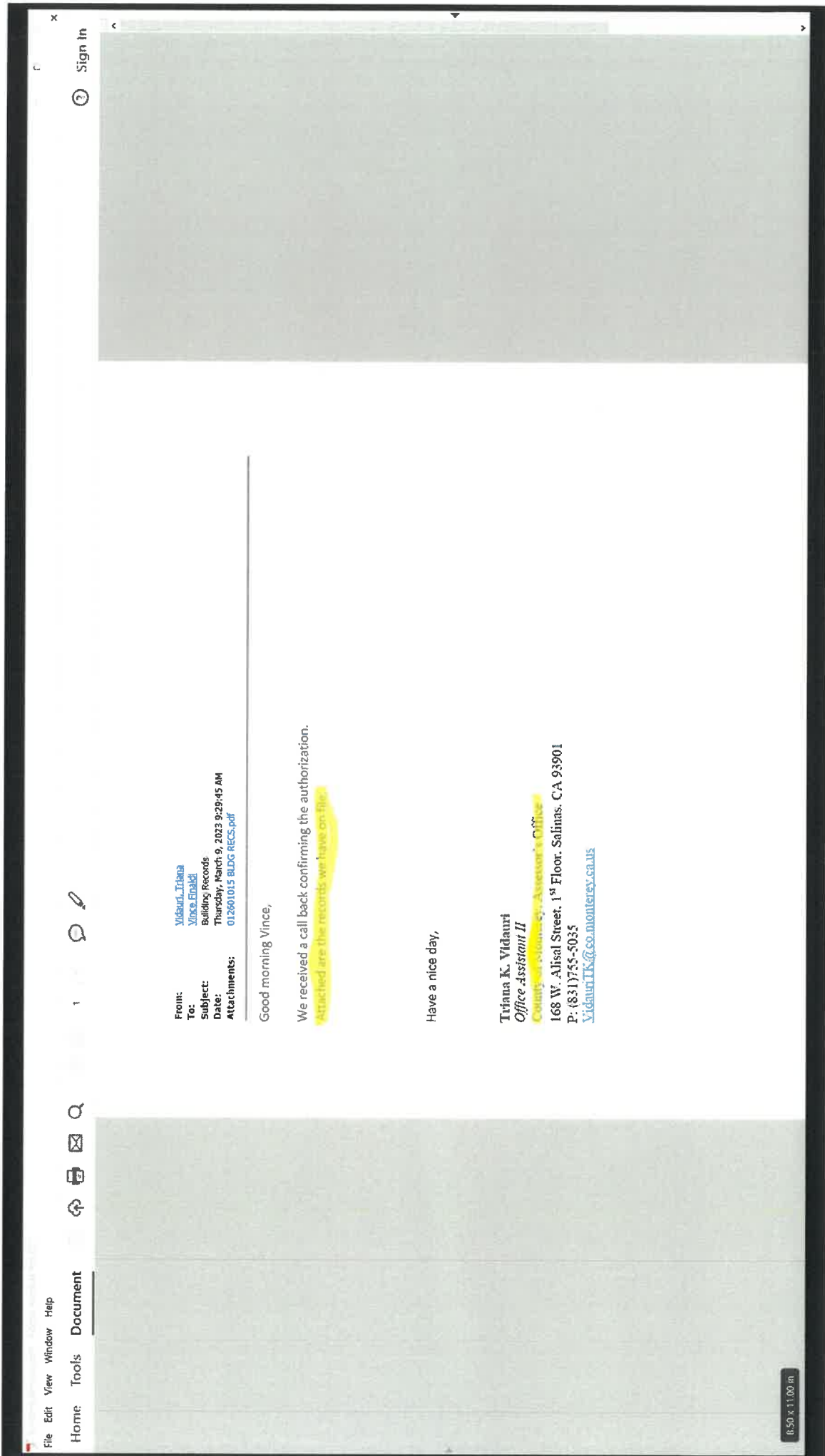
## Construction Details Evidencing Original Construction of Mezzanine and Use

- Exterior doors (same framing as building)
- Exterior windows (same type, age and framing as lower windows)
- Ladder
- No skylights
- Floor is finished (no exposed rafters, HVAC, electrical)
- Floor built with 2 x 12 floor joists
- Framing and windows are original construction
- Plywood is original and worn

# 121 Calle Del Oaks

Records Received from Monterey County Assessor's Office Confirm 11,200 sq. ft.

March 9, 2023



AS14020092.5.0.34: Land-Building Mar 09, 2023 9:15:32 AM (-08:00)

Doc # [012-601-015-000] Status [ACTIVE] Owner [DAVI ANTHONY G TR] Latitude [36.5855720000] [View Aerial Photo of Property](#)

Use Type [3-INDUSTRIAL] Situs Address [121 CALLE DEL OAKS PL DEL RE...] Longitude [-121.8305560000] Multi Situs

### Physical Characteristics - Industrial

**Land Details**

Land Use1 [6E-WAREHOUSING,MITI...]

Land Use2 [R7-2ND USE;PROP8;YR-X2]

Land Size [21,730.00]

Acres [0.00]

Neigh. Code [F1ZA]

Excess Land SF [0.00]

Zoning [ ]

Topography [ ]

View Code [ ]

Water Source [ ]

Subdtk. Name [ ]

Multi Parcel Econ [ ]

Sewer Code [ ]

Utilities Code [ ]

Site Coverage [0]

Landscape [ ]

Problem Code [ ]

Frontage [ ]

Location [ ]

Parking Spaces [ ]

LandField7 [ ]

LandField8 [ ]

Land Shape [ ]

### Building Details

Building No [1] Primary [ ] Building Type [20-Comm-Shell] Building Used For [ ] Condition [ ] Quality Class [XD070X]

Year Built [1978] Effective Year [1988] Building Size [11200] Stones Cnt [1] Units Cnt [1] Perimeter LF [ ]

Net Leasable SF [ ] Bldg Footprint SF [ ] Office Space SF [10000] Non-Conditioned SF [ ] Mezzanine SF [ ] Attach Garage SF [ ] Attach Carport SF [ ]

Construction [ ] Structural Frame [ ] Building Designed For [ ] Roof Cover [ ] Cooling [ ]

Exterior Type [ ] Structural Floor [ ] Solar [ ] Heating [ ] Central AC [ ] Room/Wall [ ]

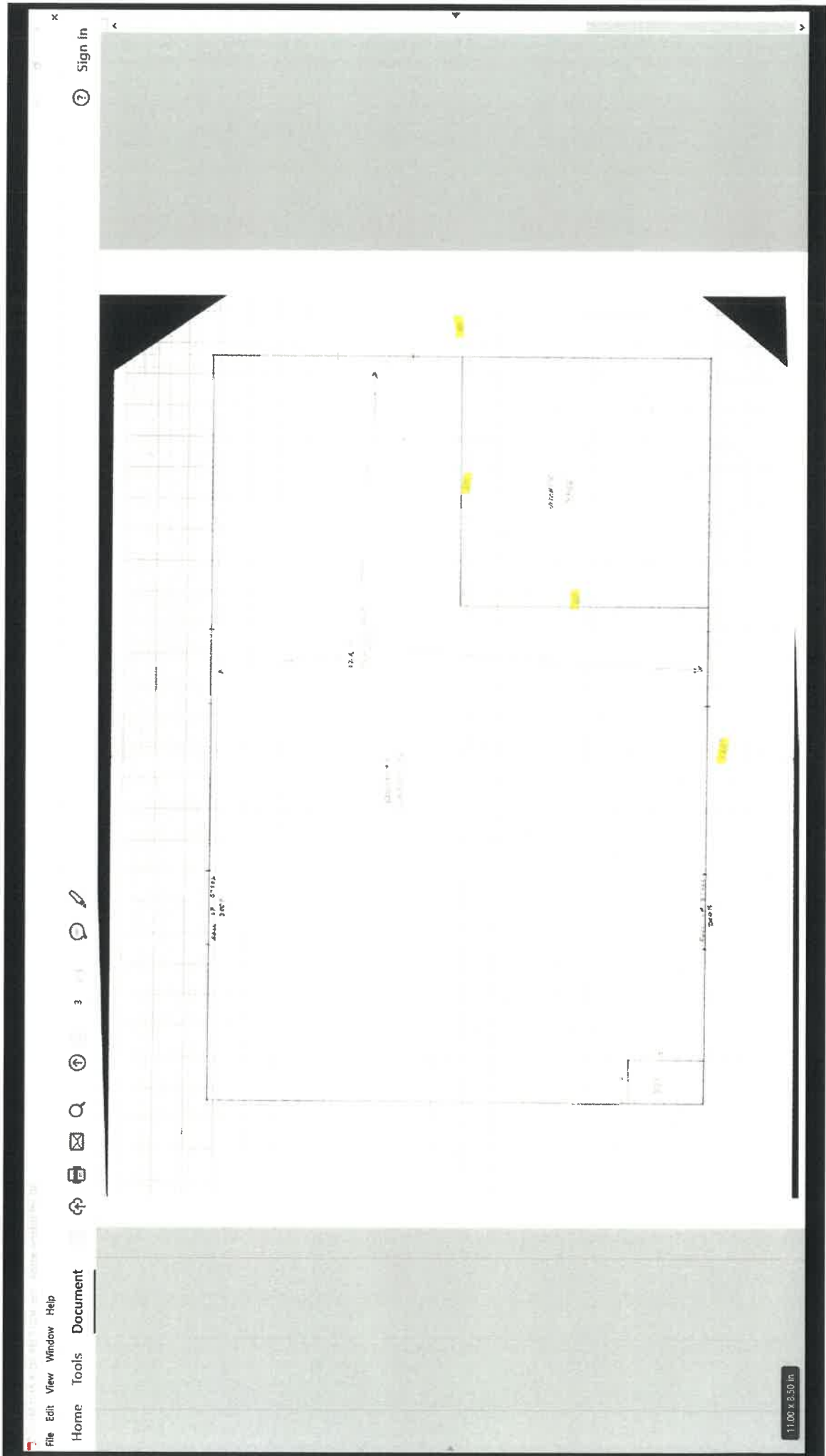
Avg Wall Height [ ] Elevator [ ] Escalator [ ] Bathrooms [ ] Roll Up Door [ ] Dock [ ] Bay [ ] Refrigeration [ ]

**Building other details**

Field16 [ ] Field17 [ ] Field18 [ ] Field19 [ ] Field20 [ ]

« Building 1/1 » [New] [Save] [Cancel] [Delete] **Total Units for All Buildings: 1** MPTS\_Conv, 12/31/13 03:21:30 PM





# 121 Calle Del Oaks

Records Contained in Del Rey Oaks File for Property Confirm 11,200 sq. ft.

March 9, 2023



# 121 Calle Del Oaks

MPWMD Records for Property Confirm 11,200 Sq. Ft.

March 9, 2023

FW: 121 Calle Del Oaks 012-601-015 - Message (HTML)

File Message Help Acrobat

Delete Archive Move Reply Reply All Forward Move to? Categorize Follow Up Find Search Read Aloud Immersive Reader Zoom

012601015\_20200212\_Permit\_40595.pdf 287 KB

012601015\_20230221\_Inspection.pdf 237 KB

012601015\_20191223\_FPlan2.pdf 5 MB

012601015\_20190516\_Permit\_36357.pdf 169 KB

012601015\_20190516\_Permit\_36357.pdf 279 KB

Reply Reply All Forward

Mon 4/10/2023 3:18 PM

**FW: 121 Calle Del Oaks 012-601-015**

Justin Hastings <[justin@hastingsconstruction.com](mailto:justin@hastingsconstruction.com)>  
To: Vince Finaldi

**From:** Stephanie Kister <[skister@mpwmd.net](mailto:skister@mpwmd.net)>  
**Date:** Monday, April 10, 2023 at 3:10 PM  
**To:** Justin Hastings <[justin@hastingsconstruction.com](mailto:justin@hastingsconstruction.com)>  
**Subject:** RE: 121 Calle Del Oaks 012-601-015

Hi Justin,

Water Permit 36357 was issued for 6,245 sqft (units B & C). Water Permit 40595 was issued for unit A at 3,242 sqft. Those spaces total 9,487 sqft. Plans dated 4/30/21 submitted by WR&D list the building as 9,604 sqft. County file lists the building as 11,200 sqft. Copies of each are attached.

Thanks,  
Stephanie Kister Campbell  
658-5601

**From:** Carrie Osborn <[carrie@mpwmd.net](mailto:carrie@mpwmd.net)>  
**Sent:** Monday, April 10, 2023 2:40 PM  
**To:** Stephanie Kister <[skister@mpwmd.net](mailto:skister@mpwmd.net)>  
**Subject:** FW: 121 Calle Del Oaks

**Carrie Osborn**  
Permitting Technician  
Office: 831.658.5601  
[carrie@mpwmd.net](mailto:carrie@mpwmd.net)

**WATER**  
MANAGEMENT DISTRICT

**From:** Justin Hastings <[justin@hastingsconstruction.com](mailto:justin@hastingsconstruction.com)>  
**Sent:** Monday, April 10, 2023 2:40 PM  
**To:** Conserve Email <[conserve@mpwmd.net](mailto:conserve@mpwmd.net)>  
**Subject:** 121 Calle Del Oaks

### Property Detail Report For Property Located At: 181 CALLE DEL OAKS, DEL REY OAKS, CA 95540-6444



**Owner Information**  
Owner Name: DARI ANTHONY G  
Mailing Address: PO BOX 2350, MONTEREY CA 97942-2350 B021  
Mailing Code: //TR

**Location Information**  
Legal Description: TRACT 712 DEL REY GARDENS SUBD NO 2 LOT 2 BLK 1  
County: MONTEREY, CA  
Census Tract / Block: 134.00 / 1  
Township-Range-Section: /  
Legal Book/Page: /  
Legal Lot: /  
Legal Block: /  
Assessor's Parcel No: /  
Neighbor Code: FTZA

**Owner Transfer Information**  
Recording/Sale Date: 01/24/2003 10/11/14/2003  
Sale Price: 9129  
Document #:

**Last Market Sale Information**  
Recording/Sale Date: 02/28/1988 /  
Sale Price: 2219710  
Document #: DEED (REG)  
Title Company:

**Property Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Site Information**  
Zoning: /  
Lot Area: 21,730  
Land Use: WAREHOUSE  
Sale Information: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

**Ownership Characteristics**  
Year Built Est: 1972 / 1988  
Gross Area: 11,230  
Tot Adj Area: /  
Above Grade: /  
# of Stories: /  
Other Improvements: /

# 121 Calle Del Oaks

## Multiple Record Sources All Confirm 11,200 Sq. Ft. Building Size

- Historical record of building condition confirms original construction of mezzanine
  - Historical condition of building confirms continual usage of mezzanine
- Assessor's records confirm 11,200 square foot building
  - Assessor's records also confirm payment of property taxes on 11,200 square foot building since 1978
- Del Rey Oaks file for 121 Calle Del Oaks confirms 11,200 square foot building
- MCWMD records confirm 11,200 sq. ft.

HOME ABOUT US CONTACT

RESTORATIONS GALLERY LINKS



# Specializing in Ferrari Restoration and Lamborghini Miura Restoration

Opening Spring 2024 in Monterey, California!

JOIN OUR CONTACT LIST

About Us

# 121 Calle Del Oaks

## Net Effect to Del Rey Oaks by Allowing Renovation to Proceed

- Removal of mezzanines in center and left unit
- Creation of a world-class restoration facility that the City can be proud of
- Renovation of a building that is unattractive and has fallen into disrepair
- Removal of non-performing cannabis distribution facility from City
- Purchase/remodel of building, creating a re-assessment and new tax revenues for City
- Operation of restoration facility bringing tax revenues to the City



STATEMENT OF ACCESS COMPLIANCE  
Based on the 2022 California Building Code  
Required to be submitted for all nonresidential  
alterations or additions to existing buildings.

Project Information:

Project Address: 121 Calle Del Oaks, Unit B Permit No. \_\_\_\_\_

Scope of Work: Tenant Improvement on the 1st and 2nd floor of an industrial building.

Conversion of an existing 2 story office with showroom.

Project Designer: Bradley Green | Hastings Construction Inc.

In accordance with California Building Code Section 11B-202.1, all new and altered elements in existing nonresidential buildings under this permit application shall comply with the accessibility requirements of Chapter 11B.

In addition to accessibility for new and altered elements, existing elements of the path of travel to the area of alteration are required to be accessible as outlined in Section 11B-202.4, including Exceptions 1 through 10.

For the subject project, select one of the following four (4) paths to compliance. This form shall be completed and signed by the Project Designer. This form must be reviewed and approved by the Authority Having Jurisdiction prior to obtaining a building permit.

\_\_\_\_ I am the responsible designer for this project. I have visited the site and can confirm that all elements of the path of travel specified in Section 11B-202.4 are existing and in compliance with the requirements of Chapter 11B. Elements of the path of travel shall be verified by the contractor and are subject to inspection by the city inspector. Any discrepancies shall be submitted as a revision for review and, upon approval, be constructed prior to final inspection.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I am the responsible designer for this project. All elements of the path of travel specified in 11B202.4 are compliant or are to be brought into compliance with work proposed under this permit. There is no request for Unreasonable Hardship determination.

Signature: Bradley Green Date: June 16, 2023

\_\_\_\_ I am the responsible designer for this project. The scope of work for this project does not require improvements to the path of travel. This determination is based on application of the following exception(s) to Section 11B-202.4 (Circle All That Apply): Exception 2 3 4 5 6 7 10

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_ I am the responsible designer for this project. The Adjusted Construction Cost for this project is below the Current Valuation Threshold (\$195,358.00). Improvements to the path of travel are being proposed which will constitute no less than 20% of the total Adjusted Construction Cost. See the tabulation on the following sheet. 11B-202.4, Exception 8.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PLEASE CONTACT THE BUILDING OFFICIAL REGARDING REQUESTS FOR TECHNICAL INFEASIBILITY DETERMINATION OR HARDSHIP BEYOND THE SCOPE OF THIS FORM. ADDITIONAL DOCUMENTATION WILL BE REQUIRED.

CBC 11B-202.4, Exception 8

The following calculation justifies that at least 20% of the total adjusted construction costs is being dedicated to improvements to the path of travel. Priority should be given to those elements that will provide the greatest access in the order listed below.

Adjusted Construction Cost for this Project: \_\_\_\_\_ (A)

Total Adjusted Construction Cost of all work performed in this area in the past three (3) years \_\_\_\_\_ (B) Sum of A and B (A + B):

\_\_\_\_\_ (C)

20% of C (0.20 x C): \_\_\_\_\_ (D)

Element	Currently Complies? (Yes/No)	If no, is work included in this project? (Yes/No)	Cost of work proposed
Accessible Entrance			
Accessible route to altered area (including accessible parking)			
At least one accessible restroom for each sex or one accessible single-user restroom			
Accessible telephones (if provided)			
Accessible drinking fountains (if provided)			
Additional accessible items			
		<b>Total: (equal to or greater than D)</b>	

Note that the Adjusted Construction Cost (A) includes the cost of improvements to the path of travel listed here.

Additional notes regarding the information in this worksheet:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

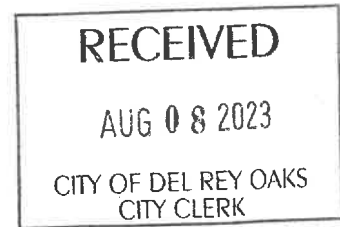
I \_\_\_ have/\_\_\_ have not attached additional sheets to justify the information in this worksheet.

**BUILDING DEPARTMENT USE ONLY:**

Rec'd by: \_\_\_\_\_ Date: \_\_\_\_\_ Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name: \_\_\_\_\_

**Cairati Monterey, Inc.**

121 Calle del Oaks  
Monterey, California 93940  
[www.cairatimonterey.com](http://www.cairatimonterey.com)  
(831) 402-5432



August 8, 2023

**VIA HAND DELIVERY AND EMAIL**

**City of Del Rey Oaks**  
650 Canyon Del Rey Blvd.  
Del Rey Oaks, CA 93940  
[jguertin@delreyoaks.org](mailto:jguertin@delreyoaks.org)  
[joe@joegps.com](mailto:joe@joegps.com)  
[alorca@fentonkeller.com](mailto:alorca@fentonkeller.com)

**Re: 121 Calle Del Oaks: Notice of Appeal Regarding Plan Review Comment 1  
Dated 7/11/23.**

City of Del Rey Oaks,

Cairati Monterey, Inc. ("Cairati") hereby submits this Notice of Appeal as to Mr. Joseph Headley's Plan Review Comments dated July 11, 2023, regarding the tenant improvement building plans submitted for 121 Calle del Oaks, APN: 012-601-015-000. Specifically, Cairati disagrees with Mr. Headley's conclusion that 121 Calle del Oaks is a 9,600 square foot building based upon the history, facts and evidence regarding this property which have been provided to the City thus far. Cairati will prepare appeal materials for the September 26, 2023, regular meeting and provide them to the City no later than the September 8, 2023, deadline.

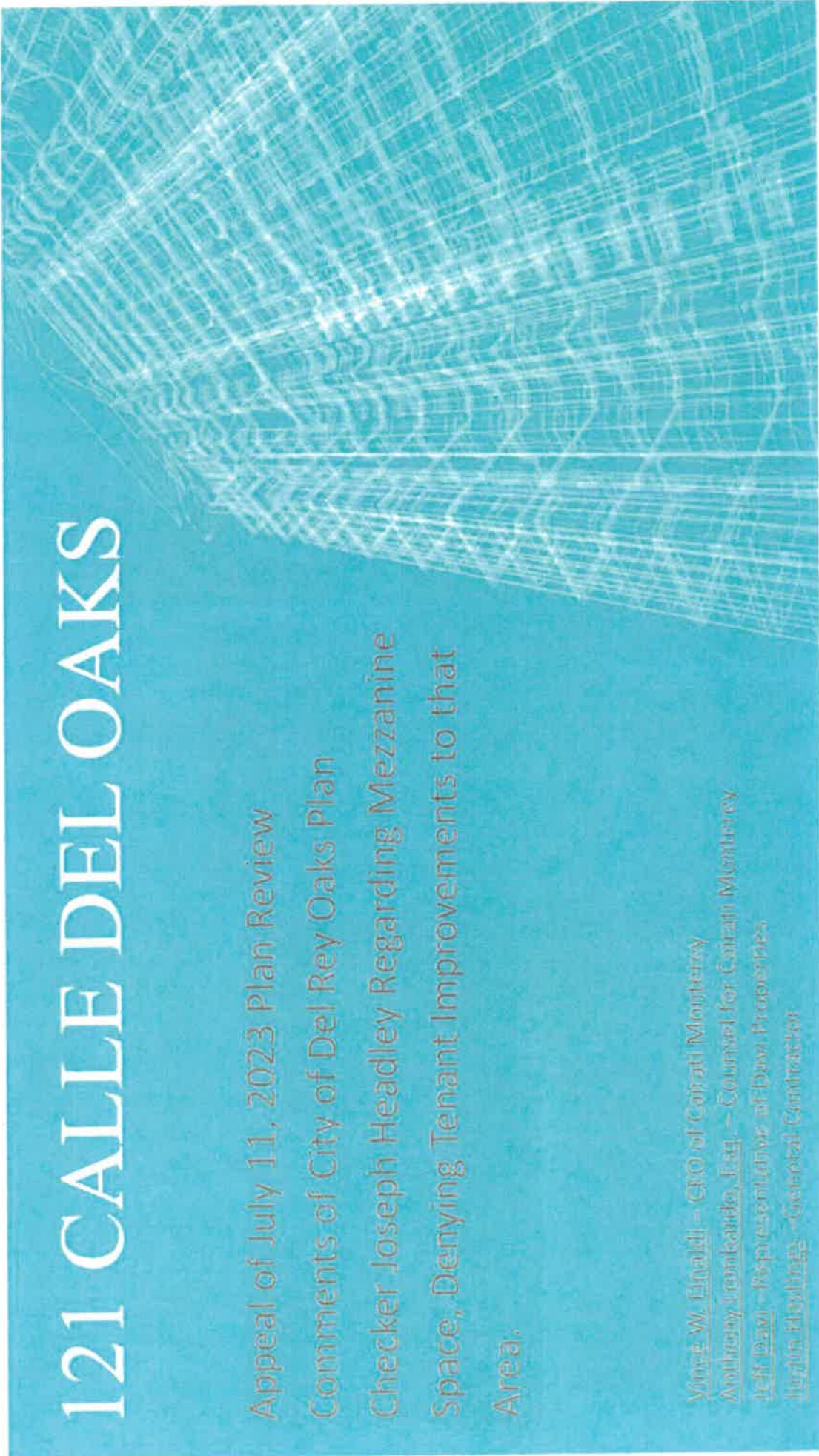
Delivered with this letter is a check in the amount of \$170.00 for the requisite appeal fee.

Feel free to contact me at your convenience with any questions or comments you may have that are related hereto by emailing [vwf@manlystewart.com](mailto:vwf@manlystewart.com).

Very Truly Yours,

  
VINCE WILLIAM FINALDI, Esq.  
CAIRATI MONTEREY, INC.

Cc: Anthony Lombardo, Esq.



# 121 CALLE DEL OAKS

Appeal of July 11, 2023 Plan Review

Comments of City of Del Rey Oaks Plan

Checker Joseph Headley Regarding Mezzanine Space, Denying Tenant Improvements to that Area.

Vincent W. Enaldi – CEO of Cairati Monterey

Anthony Lombardo, Esq. – Counsel for Cairati Monterey

Jeff Pavi – Representative of Bova Properties.

Hugh Hobbins – General Contractor

# 121 CALLE DEL OAKS



## Reasons Cairati Monterey Selected Del Rey Oaks

- Quiet, family-oriented city.
- Business-friendly environment.
- Proximity to significant automotive events including: Pebble Beach Concours d'Elegance, Monterey Motorsports Reunion, Porsche Rennsport Reunion, Numerous world-renowned auctions, and Automobile manufacturer product shoots and launches.
- Proximity to San Francisco International Airport.



# 121 CALLE DEL OAKS

## Subject Commercial Building

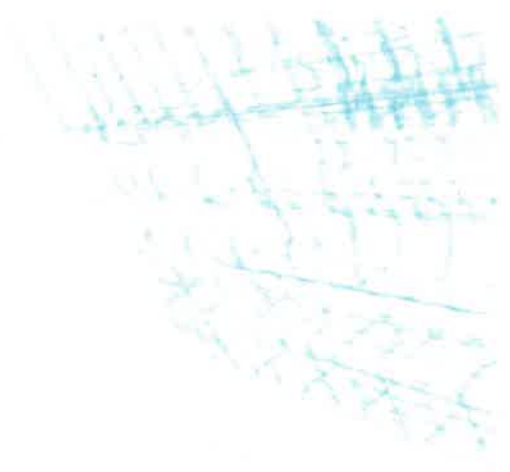
- Commercial building converted for cannabis extraction in 2016 and non-performing for several years.
- Building has fallen into disrepair and is in need of significant and expensive investment and improvement.
- Current appearance does not align with City's aspirations.



# 121 CALLE DEL OAKS

-Built in 1978 by McDonald Refrigeration, Inc. as its company headquarters.

-McDonald was established in the 1930's in Cannery Row.

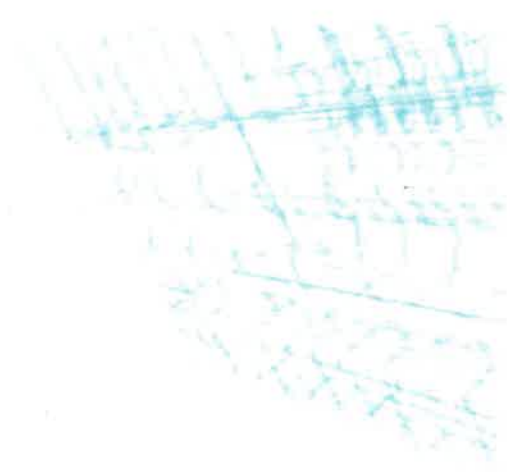




## 121 CALLE DEL OAKS

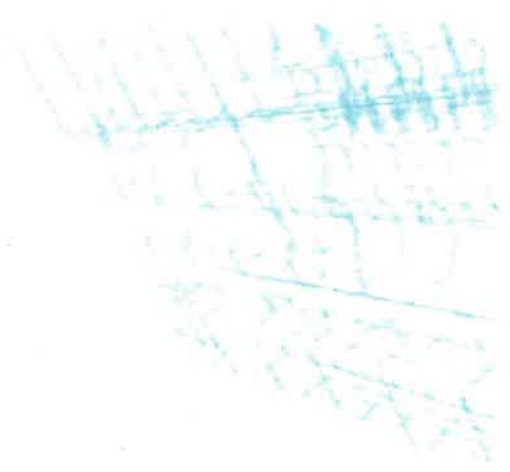
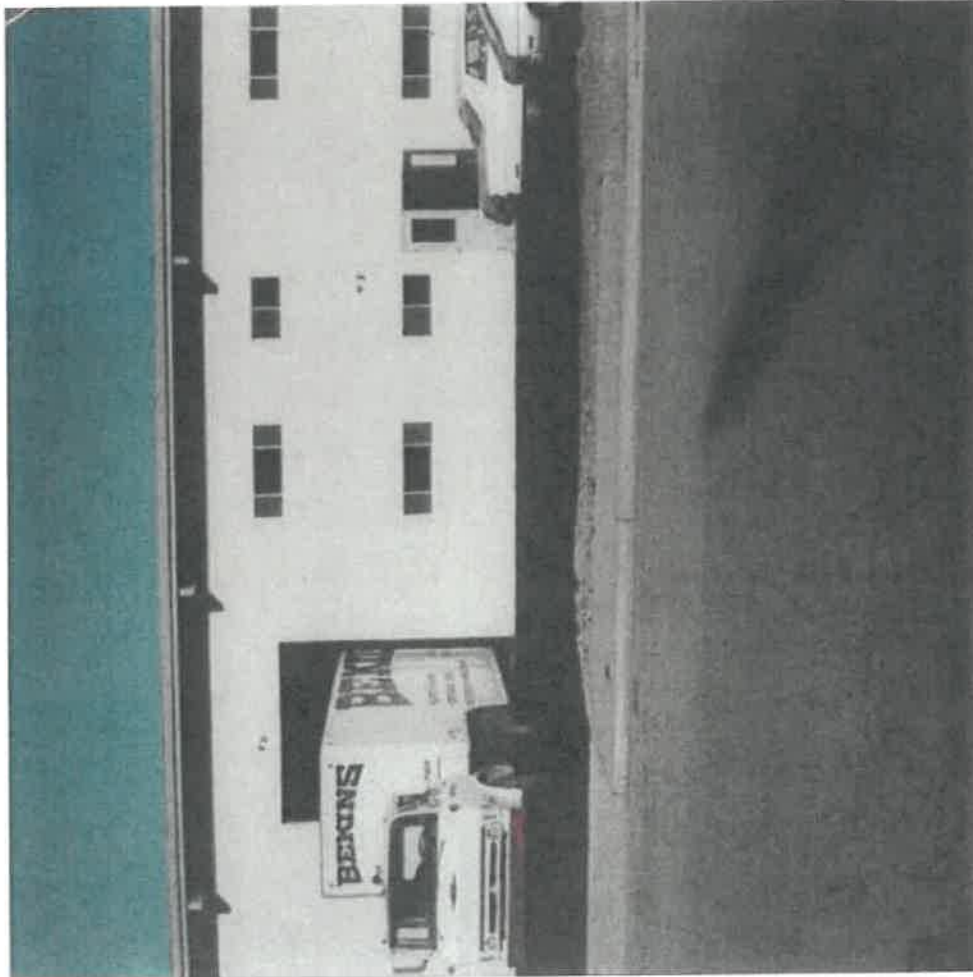
-McDonald built commercial refrigerators.

-McDonald also performed refrigeration repairs on-site.



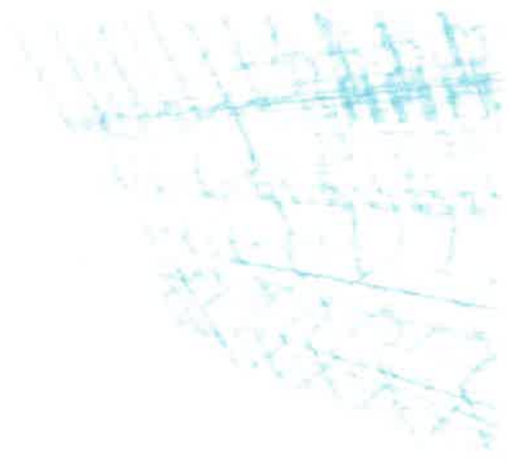
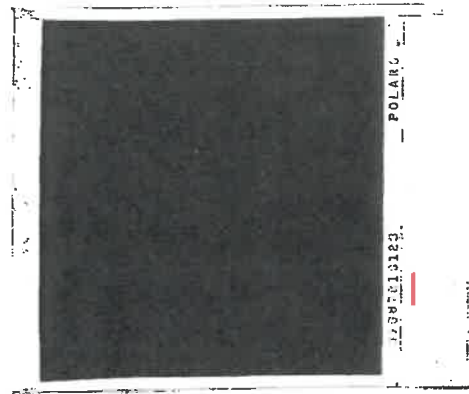
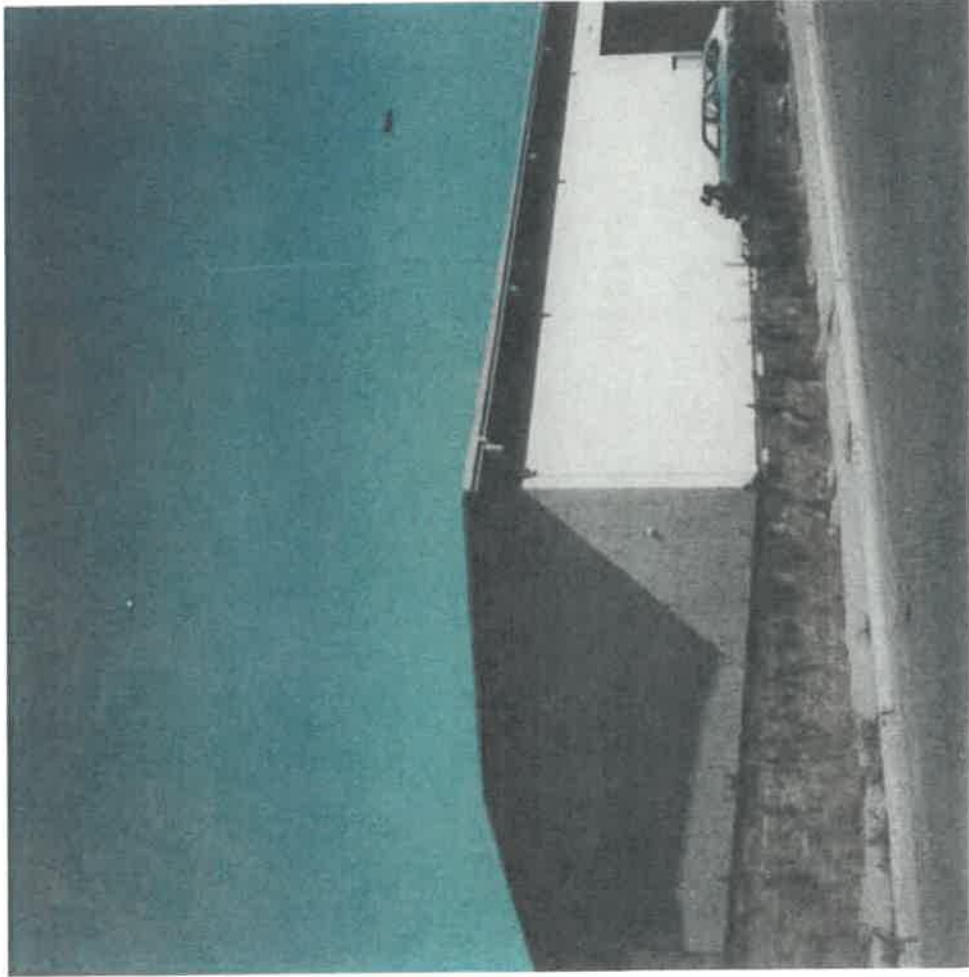
# 121 CALLE DEL OAKS

-McDonald is still in existence, now based in Seaside, California.



# 121 CALLE DEL OAKS

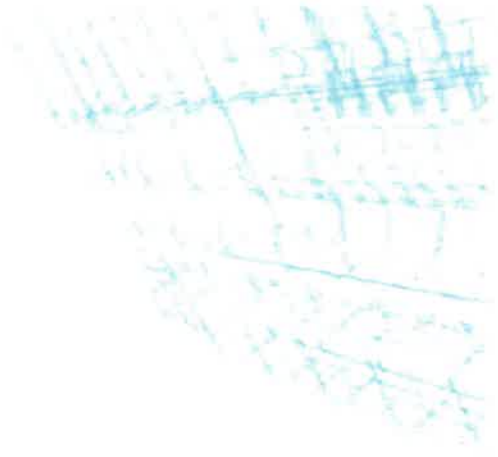
-These photos are from McDonald Company's archives, and were taken by company officers in 1981 after construction was completed.



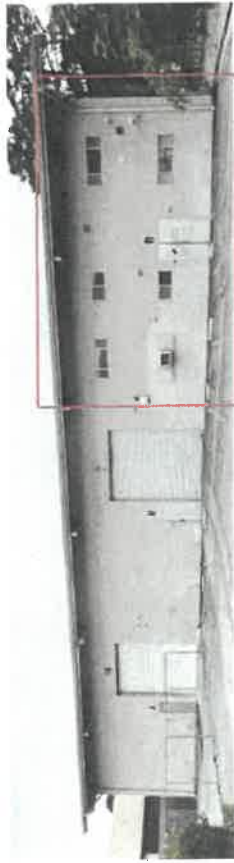
# 121 CALLE DEL OAKS

-The front and side doors and windows are original to the 1978 building construction.

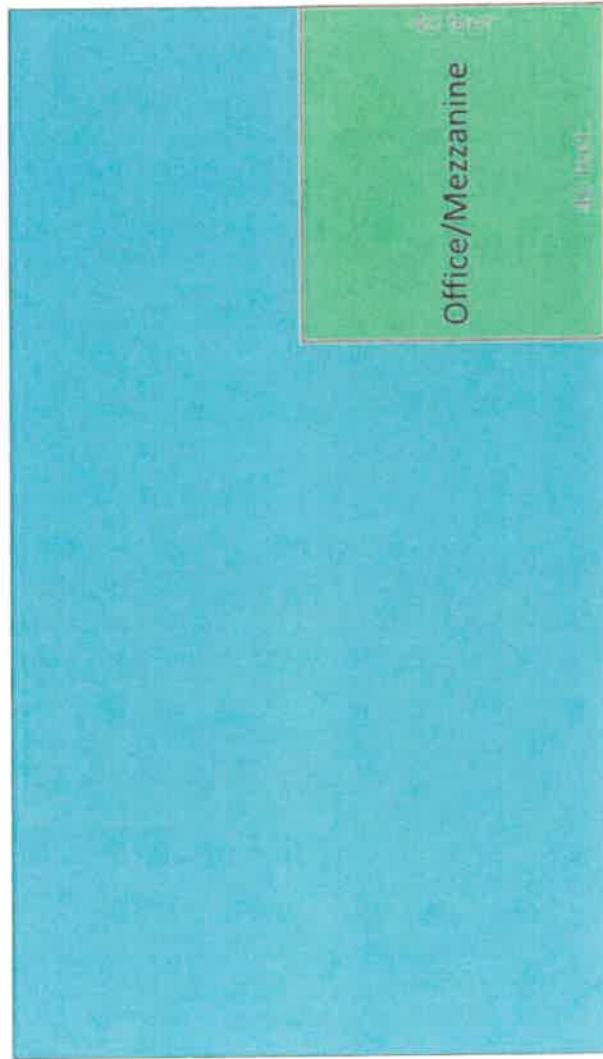
-SW corner of the building is a ground-level office with mezzanine directly above.



# 121 CALLE DEL OAKS



120 feet



-Building envelope is 120 feet by 80 feet.

-Office/Mezzanine on SW corner is 40 feet by 40 feet.

-Without mezzanine, the building would be 9,600 square feet.

-**Monterey County Assessor's Office** lists the building at 11,200 square feet (3/9/23), which includes the mezzanine as square footage.

-Owners have been paying property taxes on 11,200 sq. ft. since 1978.

-**City of Del Rey Oaks** file for 121 Calle del Oaks contains document listing building size as 11,200 sq. ft.

-**Monterey Peninsula Water Management District** states 121 Calle del Oaks has 11,200 sq. ft. available with water.

# 121 CALLE DEL OAKS

## -Monterey County Assessor's Record.

File Edit View Window Help Home Tools Document

AS1920062.5.0.34: Land-Building Nov 08, 2023 9:15:22 AM (-08:00)

Physical Characteristics - Industrial

Asst: 012-601-015-000 Status: ACTIVE Owner: DAVE ANTHONY G TR Latitude: 36.595229800 View Aerial Photo of Property  
 Doc # 1012-601-015-000 Use Type: 3-INDUSTRIAL Site Address: 121 CALLE DEL OAKS PL DEL RE... Longitude: 121.6915569000 Multi Status

**Land Details:**

Land Use1: RE-WAREHOUSING,INDU...	Zoning: [ ]	Sever Code: [ ]	Frontage: [ ]
Land Use2: IR-2HD USE,PROPRYSO7	Topography: [ ]	Utilities Code: [ ]	Location: [ ]
Land Size: 0.750.00	View Code: [ ]	Site Coverage: 0	Parking Spaces: [ ]
Acres: 0.00	Water Source: [ ]	Landscape: [ ]	Landfield7: [ ]
Height Code: FT2A	Subdiv. Name: [ ]	Problem Code: [ ]	LandFields: [ ]
Excess Land SF: 0.00	Multi Parcel Econ: [ ]		Land Shape: [ ]

**Building Details:**

Building No: [ ] Primary: [ ] Building Type: 2b-Comm-Shell Building Used For: [ ] Condition: [ ] Quality Class: 10070X  
 Year Built: 1978 Effective Year: 1988 Building Size: 11706 Series Cut: [ ] Units Cut: [ ] Perimeter LF: [ ]  
 Net Leasable SF: [ ] Bldg Footprint SF: [ ] Office Space SF: 600 Non-Conditioned SF: [ ] Mezzanine SF: [ ] Attach Garage SF: [ ] Attach Carport SF: [ ]

**Construction:** Structural Frame Building Designed For: [ ] Roof Cover: [ ] Cooling: [ ]  
 Exterior Type: [ ] Structural Floor: Solar Heating: [ ] Central AC: [ ] Room/Wall: [ ]  
 Escalator: [ ] Elevator: [ ] Bathrooms: [ ] Roll Up Door: [ ] Dock: [ ] Bay: [ ]  
 Refrigeration: [ ]

Field16: [ ] Field17: [ ] Field18: [ ] Field19: [ ] Field20: [ ]

Building 1/1 New Save Cancel Delete Total Units for All Buildings: 1 MPT5\_Conv, 12/21/13 05:21:30 PM

Sign In



-Monterey Peninsula Water Management  
District Records for 121 Calle del Oaks.

121 CALLE DEL OAKS

FW: 121 Calle Del Oaks 012-601-015

Justin Hastings <justin@basincconstruction.com>  
The View Front

012601012\_20230317\_Permit\_40395.pdf  
27 KB

012601015\_20230317\_Permit\_40395.pdf  
5 MB

0174001520190516\_Permit\_40395.pdf  
123 KB

From: Stephanie Kister <skister@penwa.com>  
Date: Monday, April 10, 2023 at 3:10 PM  
To: Justin Hastings <justin@basincconstruction.com>  
Subject: RE: 121 Calle Del Oaks 012-601-015

Hi Justin,

Water Permit 36357 was issued for 6,245 sqft (units B & C). Water Permit 40595 was issued for unit A at 3,247 sqft. Those spaces total 9,492 sqft. Plans dated 4/30/21 submitted by WR&D list the building as 9,604 sqft.

Thanks,  
Stephanie Kister Campbell  
658-5601

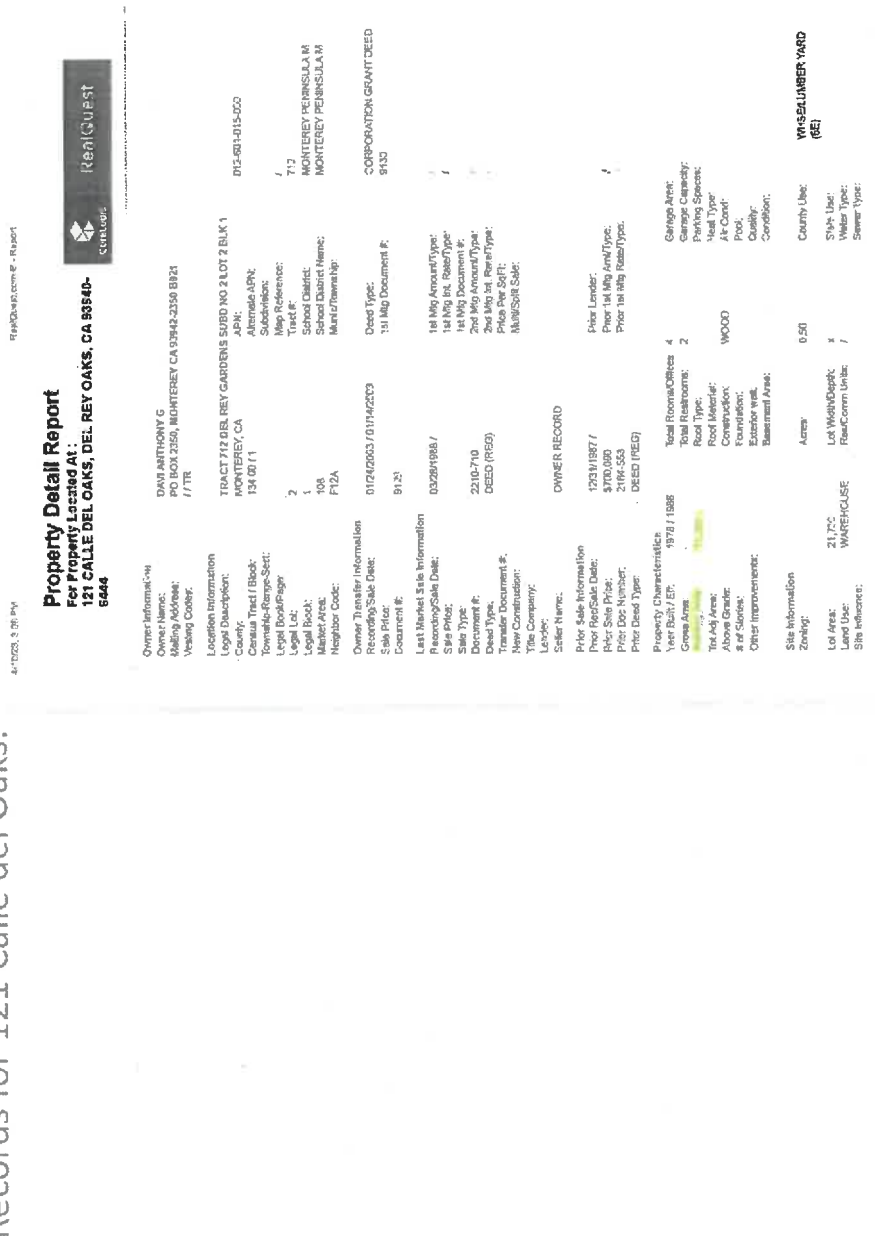
From: Carrie Osborn <carrie@penwa.com>  
Sent: Monday, April 10, 2023 2:40 PM  
To: Stephanie Kister <skister@penwa.com>  
Subject: FW: 121 Calle Del Oaks

Carrie Osborn  
Conservation Technician  
Office: 831.688.5601

carrie@peninsula  
MONTERRA PENINSULA  
WATER  
Monterey District

# 121 CALLE DEL OAKS

-Monterey Peninsula Water Management District Records for 121 Calle del Oaks.



4/1/2023, 3:39:19 PM  
 Rep: 04/01/2023 08:00:00 - Report

## Property Detail Report

For Property Located At:  
 121 CALLE DEL OAKS, DEL REY OAKS, CA 93940-6444



**Owner Information:**  
 Owner Name: DAN J ANTHONY G  
 Mailing Address: PO BOX 2350, MONTEREY CA 93942-2350 B921  
 Viewing Codes: / / TR

**Location Information:**  
 Legal Description: TRACT 712 DEL REY GARDENS SUBD NO 2 LOT 2 BLK 1  
 County: MONTEREY, CA  
 Assessor's APN: 015-001-015-020  
 Assessor's Map Reference: 712  
 Tract #: 1  
 School District: MONTEREY PENINSULA  
 School District Name: MONTEREY PENINSULA  
 Muni/Firmship: F12A

**Owner Transfer Information:**  
 Recording/Sale Date: 01/24/2003 / 01/14/2003  
 Document #: 9123  
 Deed Type: 191 Map Document #:  
 9123

**Last Market Sale Information:**  
 Recording/Sale Date: 03/28/1988 /  
 Sale Price:  
 Sale Type:  
 Document #:  
 Deed Type:  
 Transfer Document #:  
 Buyer/Company:  
 Title Company:  
 Levee:  
 Seller Name:  
 Pkty Sale Information:  
 Prior Ref/Sale Date:  
 Pkty Sale Price:  
 Prior Doc Number:  
 Prior Deed Type:

**Property Characteristics:**  
 Year Built / E/F: 1978 / 1 SBR8  
 Gross Area:  
 Total Adj Area:  
 Above Grade:  
 Below Grade:  
 Other Improvements:

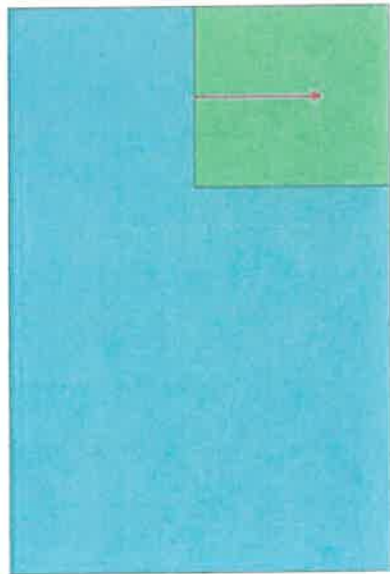
**Site Information:**  
 Zoning:  
 Lot Area: 21,722  
 Land Use: WAREHOUSE  
 Site Indicators:  
 Total Rooms/Offices: 4  
 Total Restrooms: 2  
 Roof Type:  
 Roof Material:  
 Construction:  
 Foundation:  
 Basement Area:  
 Acres: 0.50  
 Lot Width/Depth: x  
 Raw Comm Units: 7

**Garage:**  
 Garage Address:  
 Garage Capacity:  
 Parking Spaces:  
 Head Type:  
 Material:  
 Floor:  
 Condition:  
 County Use: WOODS LAMBER YARD (RE)  
 State Use:  
 Water Type:  
 Sewer Type:

# 121 CALLE DEL OAKS

-Above office mezzanine,  
looking to street.

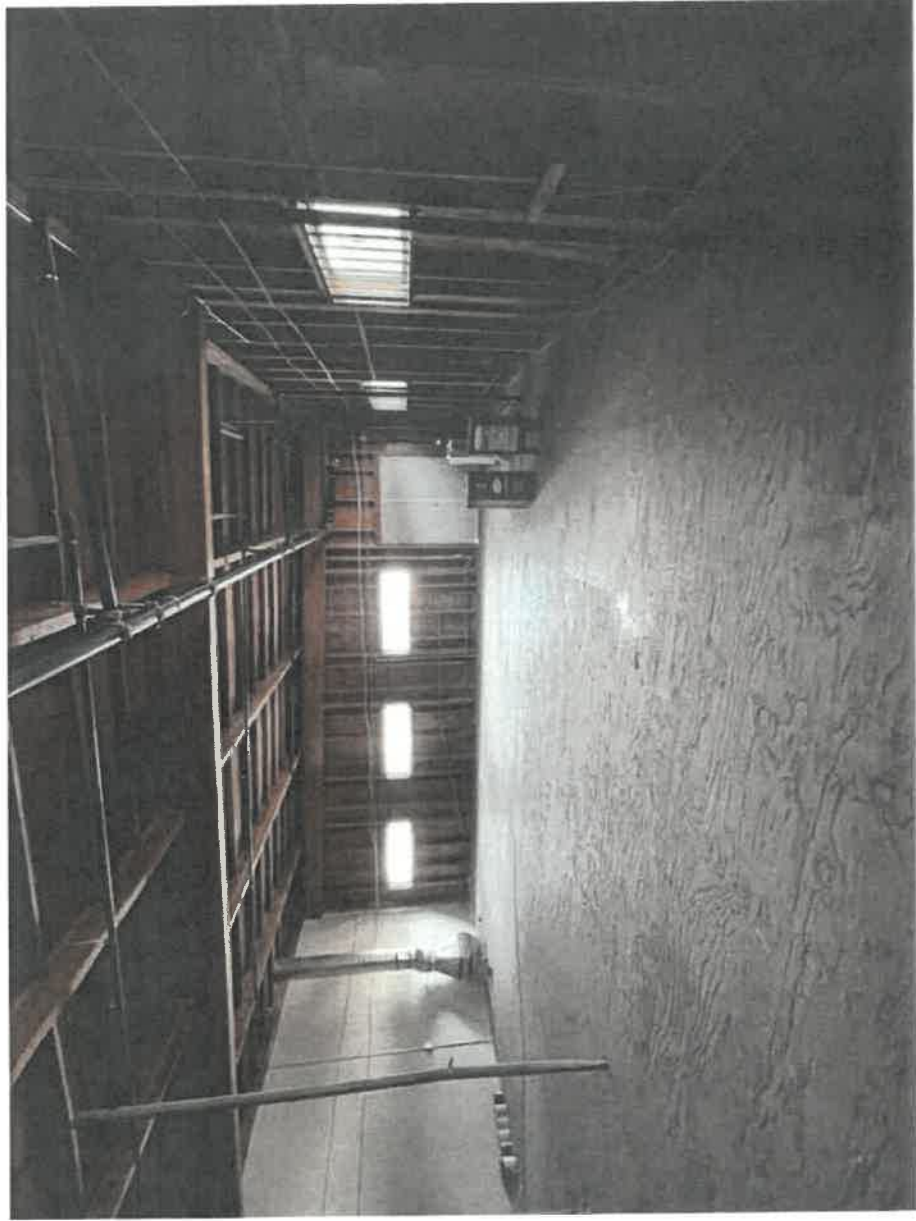
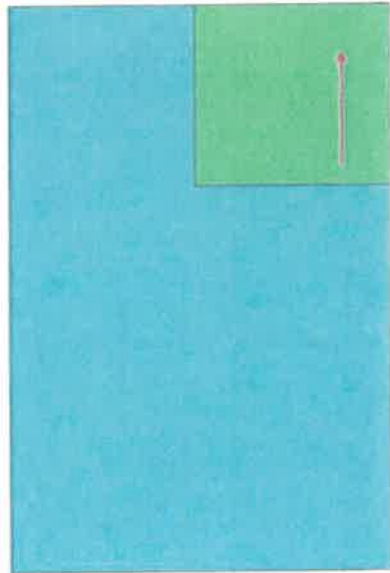
→ Direction photo taken



# 121 CALLE DEL OAKS

-Floor joists are 2 x 12 construction with plywood.

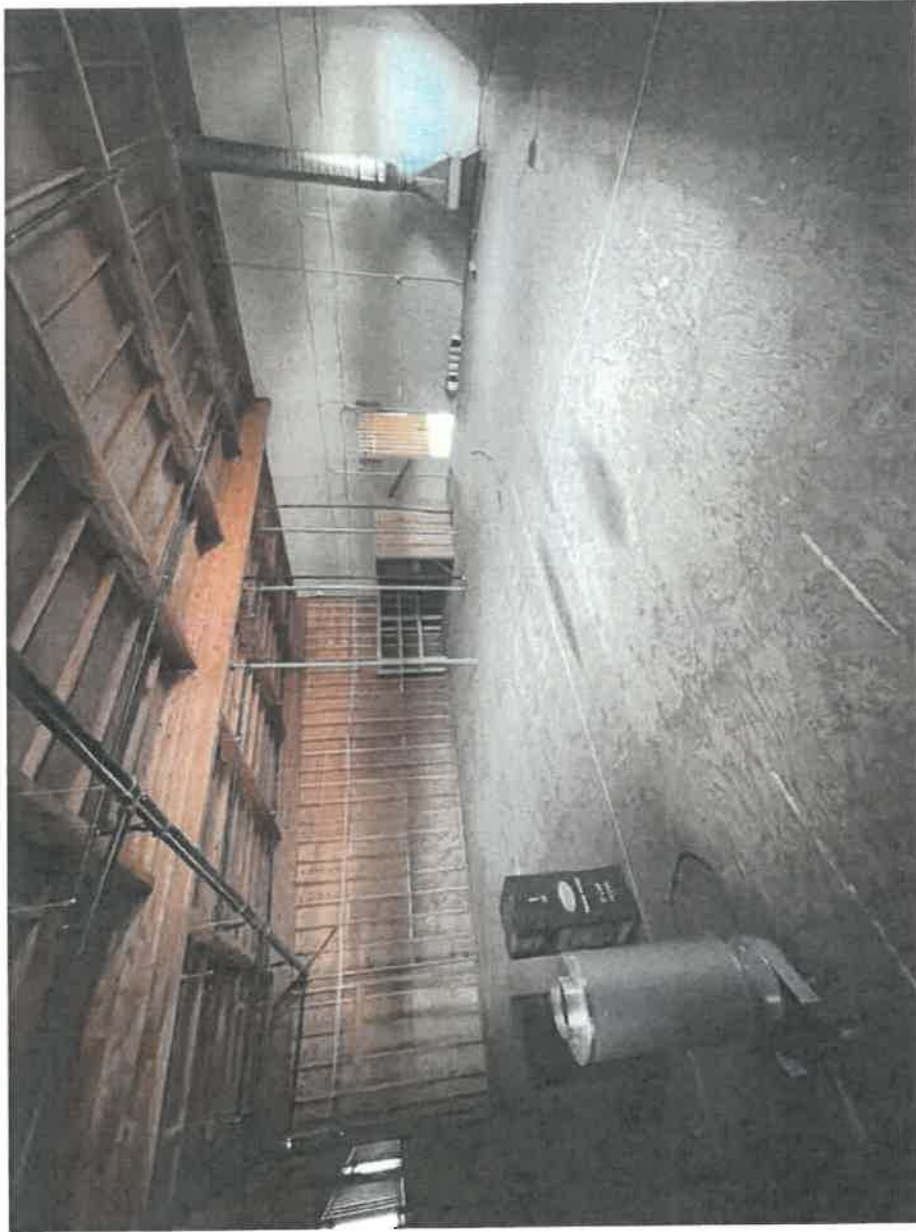
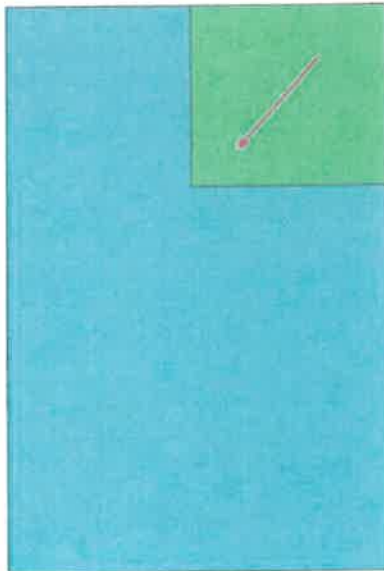
Direction photo taken



# 121 CALLE DEL OAKS

-It was purpose-built as a mezzanine usable space.

Direction photo taken



# 121 CALLE DEL OAKS

-The plywood, windows, framing are all original construction.

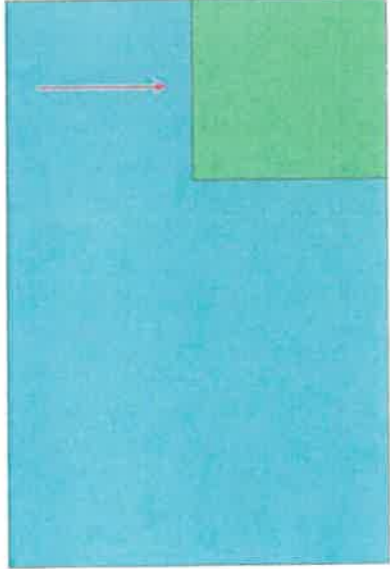
Direction photo taken



# 121 CALLE DEL OAKS

-Above office mezzanine.  
 -We learned that there once were stairs used to access this area. Apparently Mr. Headley ordered them to be removed several years ago.

Direction photo taken



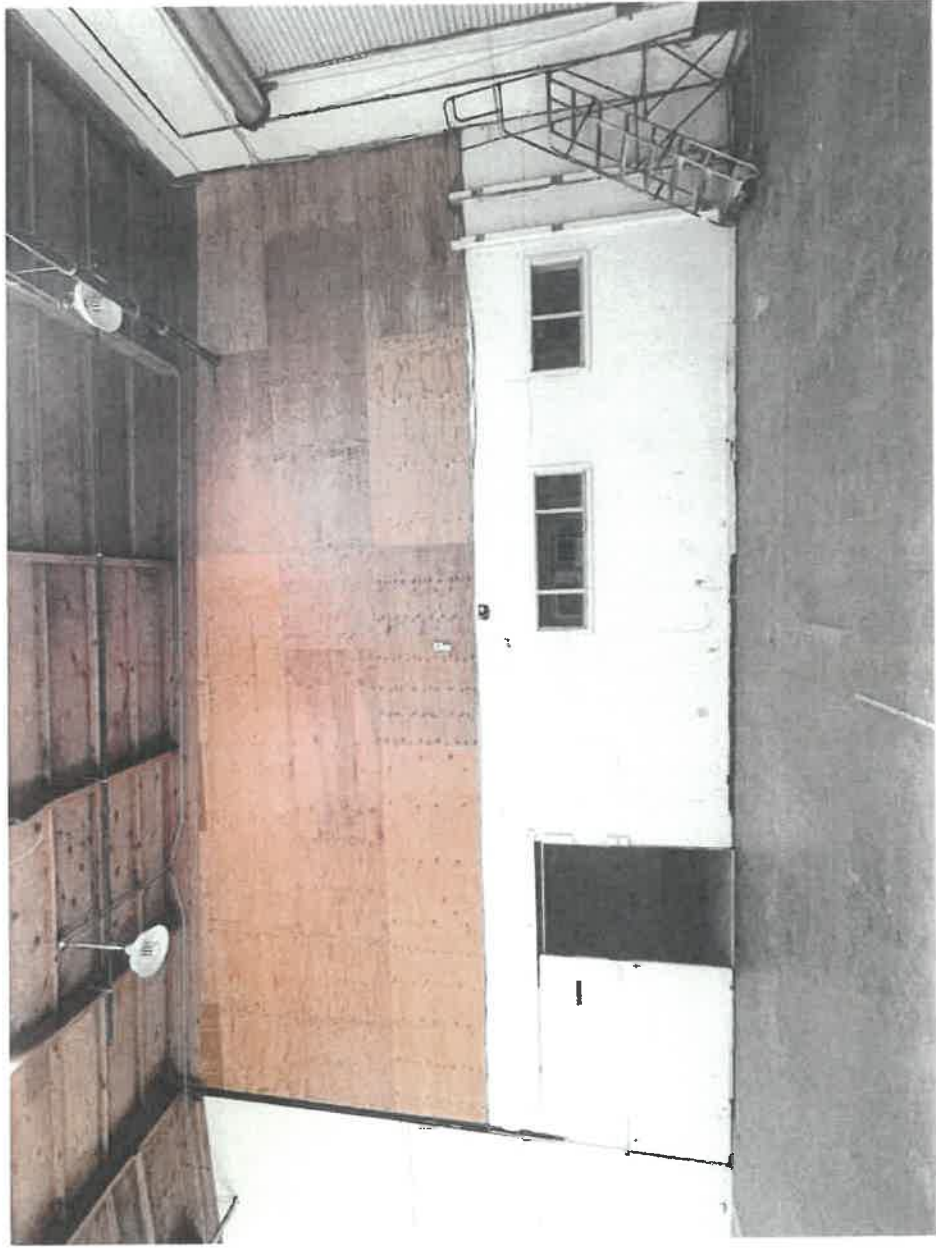
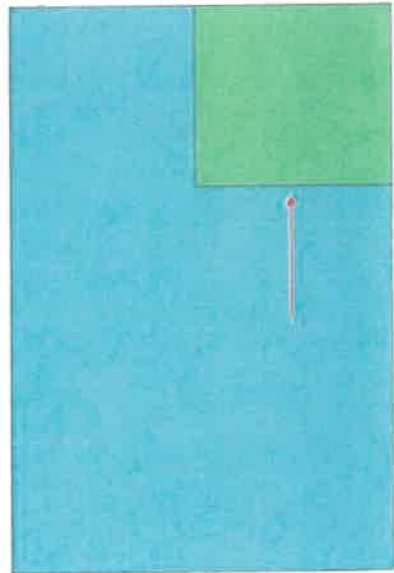
# 121 CALLE DEL OAKS

-Above office mezzanine.

-Stairs removed.

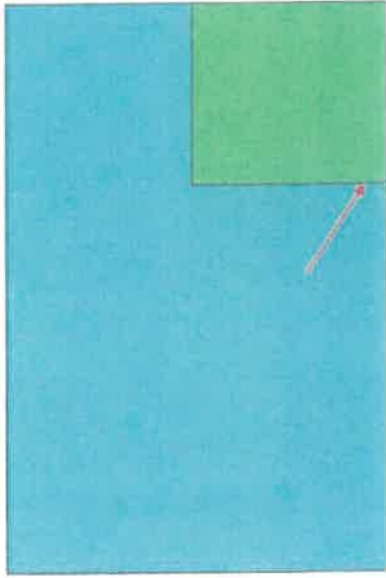
-Bare plywood added later.

→ Direction photo taken



# 121 CALLE DEL OAKS

- Historical photo shows a window in the mezzanine area.
- Declaration from Robert Alexander, McDonald owner and employee since 1978, confirms windows and doors are original.
- Declaration from Brad Alexander, owner's son and current co-owner, states mezzanine was used to store supplies and perform service, repair and technician work. He performed such work there in 1990 as a technician for the company. He accessed the area from stairs with a handrail.



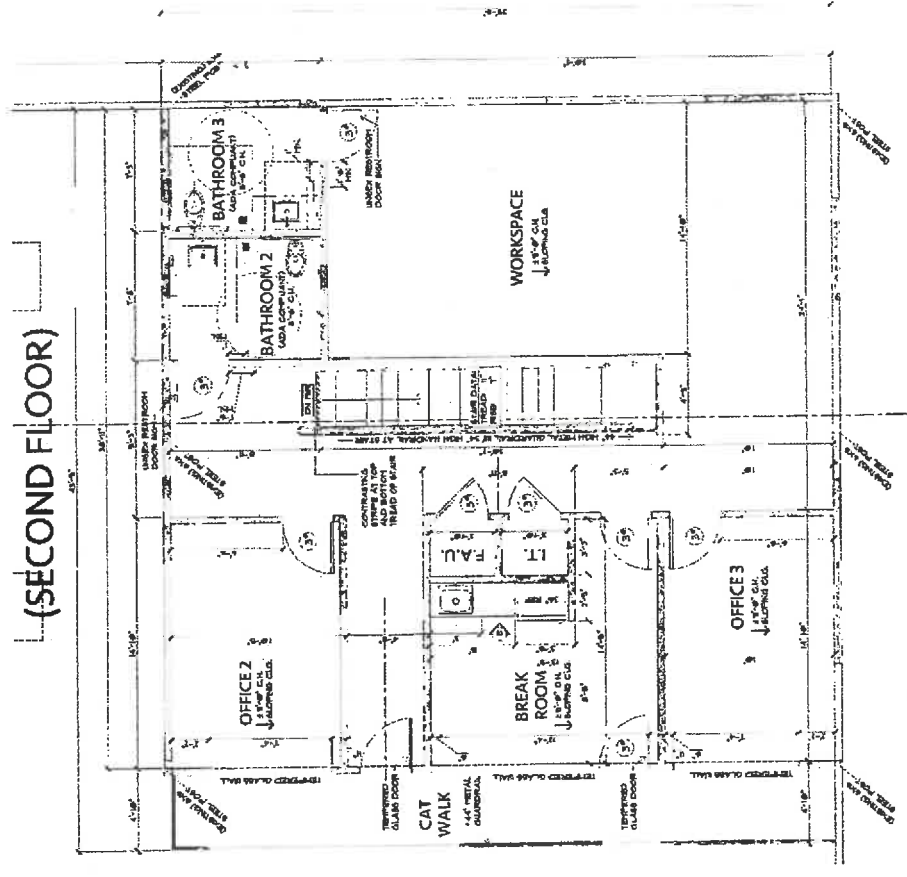
# 121 CALLE DEL OAKS

## The Mezzanine has been in Continual Use for 45 Years

- The plywood floors in the mezzanine are worn from over 43 years of continual use.
- The floor of the mezzanine was constructed using 12 x 2 joists, purposely to hold large loads.
- Mr. Headley states the flooring was placed to access mechanical and HVAC, but as you can see from the photos, there is no HVAC in the building nor has there ever been. And this would not explain why windows and a door were placed on the second floor mezzanine.



# 121 CALLE DEL OAKS



**Proposed Mezzanine**  
**Buildout**

- ADA-compliant restrooms.
- 2 offices.
- Small break room with mechanical closets.
- Open workspace for storage.

# 121 CALLE DEL OAKS



## Compliance

- Buildout of the mezzanine will comply with all State, Federal and local ordinances and regulations regarding ADA compliance, setback, parking, capacity and water.
- Usage of the mezzanine for storage or for office/restroom is the same under the building code—usable square footage is usable square footage.

# 121 CALLE DEL OAKS

## Response to Points Made by Mr. Headley

-Mr. Headley points to the fact that old lease flyers from the Davi Group state 9,600 sq. ft. are available for lease.

-Yes, because Davi Group used the mezzanine for storage of its business records and did not offer the mezzanine for lease.

-Mr. Headley states the mezzanine flooring was there to access mechanical and HVAC.

-Not true. There is no HVAC in the building nor has there ever been. And, this would also not explain why windows and a door were placed on the second floor or why the joists are so large (12 x 2).

-Mr. Headley points to plans and water inspections from cannabis facility buildout stating building is 9,600 sq. ft.

-This is because Mr. Headley restricted them to 9,600 sq. ft. at the time. So, of course that would be the listed size there.

-Not a single historical document or record stating it is 9,600 sq. ft. There are no original plans and we are only left with the records of other entities and the historical record of the building itself.



# 121 CALLE DEL OAKS

## Benefits to Del Rey Oaks from Approving this Request

- Allows a world-class business to come to the community, bringing tax revenue and goodwill.
- Enhances the beauty of the city by allowing renovation of an unattractive building that has fallen into disrepair and last served as a non-performing cannabis facility.
- Allows offices and a restroom to be built on the mezzanine, leaving precious floor space open to store cars and equipment so we will not have to store them outside.

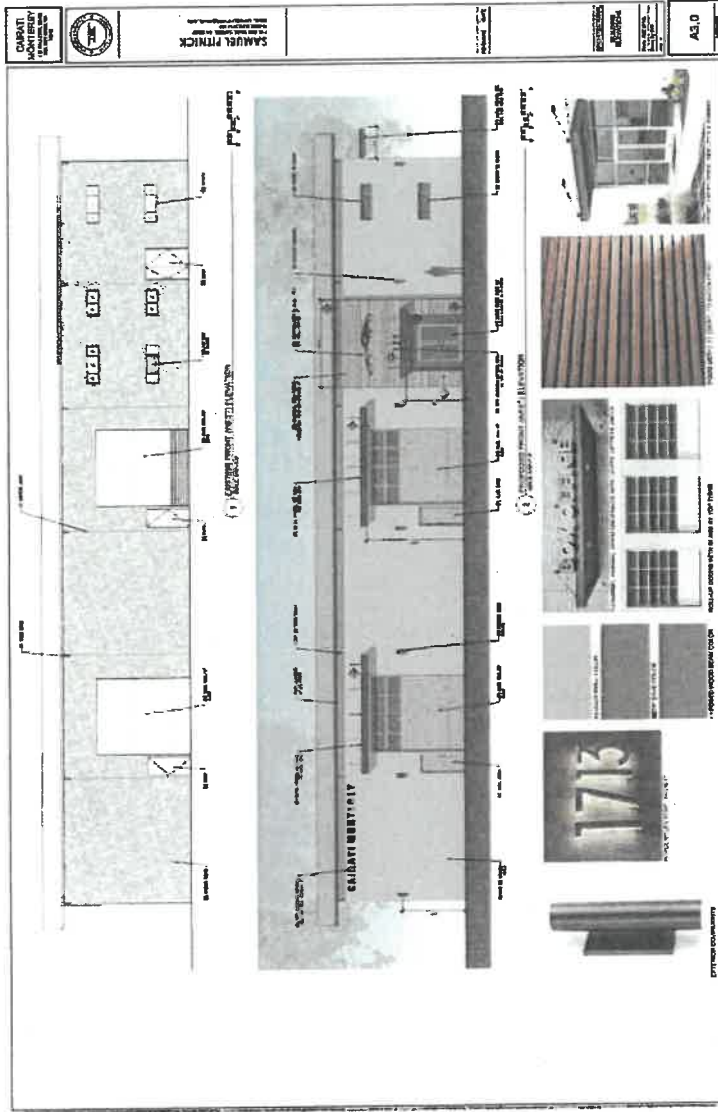
## Deficits to Del Rey Oaks

- There are none!
- Approving this ***will not cost the City a dime.***
- Approving this ***will create zero liability.***
- Approving this will only allow the building to be used as it was ***always*** intended— including the mezzanine space.

# 121 CALLE DEL OAKS

## Concluding Comments


- We began this process by first speaking with Mr. Headley in February of 2023.
- After several submittals, **over 7 months**, we still do not have a building permit for **any** part of this project.
- These delays are beginning to cost our company significant time and money.
- Please approve the requested tenant improvements on the mezzanine of 121 Calle del Oaks.
- Questions or comments?





1 kept as such in the ordinary course of business.

2 I hereby declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct. Executed this 27<sup>th</sup> day of July, 2023, in Sand City, California.

4   
5 Robert David Alexander  
6 McDonald Refrigeration, Inc.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

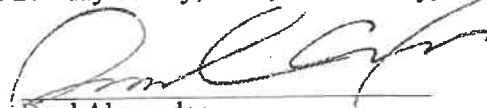


1 are part of the official business records of McDonald that I maintain as an officer of McDonald,  
2 and have continuously been kept as such in the ordinary course of business. These photos depict  
3 the southwest front façade of the building at The Property, which has always contained windows  
4 below for the offices and above for the mezzanine area. Also, one of the photos depicts the inside  
5 of the building, with a Bekins truck parked partially in the building next to the office and  
6 mezzanine area.

7           7.       When I was young, my father worked for McDonald at The Property. I recall  
8 going to The Property on several occasions and I recall the front façade of the building having  
9 windows below by the office and above by the mezzanine area just as they are depicted in the  
10 photographs.

11           8.       I recall that the mezzanine area was used to store supplies and perform technician,  
12 service, repair and maintenance work. When I worked for the company in 1990, I remember  
13 going onto that mezzanine to perform technician, service, repair and maintenance work. Access to  
14 this area was by a set of stairs with a handrail that led to the mezzanine area.

15           I hereby declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct. Executed this 27<sup>th</sup> day of July, 2023, in Sand City, California.

17 

18 Brad Alexander

19 McDonald Refrigeration, Inc.

20  
21  
22  
23  
24  
25  
26  
27  
28

## McDonald Refrigeration, Inc.

Industrial, Commercial and Marine Equipment - Sales and Service - 850 Cannery Row - Monterey, California 93940 - Phone (408) 372-4032

February 24, 1978

To Whom It May Concern:

McDonald Refrigeration Inc., came into being in December 1938 in the city of Carmel in the areas of Commercial and Domestic refrigeration Sales and Service.

Due to our fast growth and also the fact that we were servicing the entire Central Coast area we had outgrown our quarters and found it necessary to find a new home. Following World War II in 1948 we moved to a new location at 560 Fremont St. in Monterey and soon became the largest Commercial and Industrial Refrigeration Contractor in the Coastal area.

Expansion of our operation into the area of Pre-fabricated Insulated Structures and also custom building of refrigeration equipment found it necessary to look for new quarters. At this point and due to the fact that most of the Canneries on Cannery Row either closed or went out of business we negotiated for and leased two large buildings for our continued operation. Our main plant for service and prefabrication is located at 850 Cannery Row. The move to Cannery Row was made in 1955 and will remain there until moving into our new home.

Our growth has been steady both in Sales and Service during the past twenty years on the Row. We have observed many changes taking place and find now that due to the tremendous expansion of Commercial properties into retail stores, galleries, shops and restaurants it again became necessary to look for other quarters to continue operation.

On July 28, 1977 after much consideration by the Corporate Officers, we decided to purchase a parcel of land in Del Rey Oaks. Our new home is to be located at 121 Calle Del Oaks Place which will become the permanent home of McDonald Refrigeration Inc. We feel this location will be more centrally located and will allow us to better serve the entire Central Coast area.

We have plans for the future, both in our operation by additions to our staff and also service and sales departments. Our primary objective is to be able to better serve the area without jeopardizing the reputation or tradition of McDonald Refrigeration in maintaining high professional standards in our business.

Sincerely,

MCDONALD REFRIGERATION INC.

Robert McDonald,  
President.

## Kim Shirley's Council Report for Tuesday, September 26, 2023

**Tuesday, August 22nd- City Council Meeting-** First, I just want to thank everyone who gave public comments this evening. I know we're not able to respond, but please know that I'm listening and I appreciate your involvement! After the public comments we started off with some very positive acknowledgements. The first was a proclamation for residents Joann and Tony Ferrante. They were celebrating their 70th wedding anniversary. What a beautiful thing to celebrate! They've been married for as long as we've been a city! Next was the swearing in of our most recent police recruit, Justin Tang. I always love seeing the family members of our police officers. The pride and love they show is so sweet to see. After the consent items (congrats to Karen Minami who is working towards becoming our official city clerk!), we moved onto the Housing Element update. I was happy to see that previous comments have been incorporated into the Housing Element. We are now waiting to hear comments back from Housing and Community Development (HCD). I know we have a lot of work ahead of us once those comments come back, but I look forward to working on many of the policies that will come out of this process. I encourage everyone to stay involved as this document is important to the future of Del Rey Oaks.

Our next item was a long time coming...this was a parcel transfer that should have happened long ago when FORA designated that land for DRO, but regardless, it's finally complete. I'm also thrilled that this land will remain protected, under the guidance of the California Native Plant Society (CNPS), with its emphasis in protecting the endangered Seaside Birds Beak plant. Long-time advocate and CNPS representative Nikki Nedef gave a public comment during this time and shared that they would be happy to provide a field trip out to the habitat reserve. I look forward to the opportunity!

Lastly, please note that myself and council member Bill asked for an agenda item this month regarding the new special committees that were recently formed (my committee assignments include parks and rec, public safety, and the finance committee). Our request was denied for this month. I'm hoping we have the opportunity to discuss these committees, which I see as opportunities for resident involvement and engagement, in a near future meeting. If you're interested in learning more about these committees, please let me know!

**Wednesday, Sept. 6th- ReGen Monterey Finance Committee Mtg-** The main discussion item in this meeting was on the white paper that staff is producing which provides historical context and updated information on waste that is brought into ReGen. One of the main reasons the board is interested in this paper is that it will provide good foundational knowledge to help us make decisions regarding future contracts and the overall direction for ReGen. In the past, there have been lots of discussion around ReGen accepting contracts for waste and recycling that is coming in from outside of our member jurisdictions. This practice does bring in revenue which allows us to lower costs to our member jurisdictions, but at the same time, this does increase

our burden at the landfill. I do think there's a fine line between protecting the lifetime of this resource for our community, while also operating in a way that lowers the cost for our constituents. This paper will help us understand what happens state wide with public and private landfills and will also provide the history of service for the various waste streams at ReGen. We should be able to see a draft next month, so I look forward to learning more!

**Wednesday, Sept. 6th- ReGen Monterey Special Board Mtg-** This special meeting was quick and was held to pass a resolution so that ReGen could apply for a CalRecycle grant for \$100,000 which will go towards education and outreach for battery recycling. At this time, ReGen is still experiencing fires that break out from illegal battery disposal. We heard that 90% of the batteries come from the Materials and Recovery Facility (MRF), which means they're coming in on loads that aren't supposed to contain batteries. This puts our facilities and our employees at risk, so I'm very happy that they're looking into this grant which can help educate the public regarding how to properly dispose of batteries. Remember, you can take your AA, AAA, C, D, 6-volt, 9-volt, camera batteries, nickel cadmium and lithium ion batteries and place them in a zip lock bag and then set the bag ON TOP of your recycling bin for pick up. Batteries should not be put into the trash (it's illegal!).

**Wednesday, Sept. 6th- Seaside Groundwater Basin Watermaster Board Mtg-** We covered a lot in this meeting! The first is that we'll be doing some cost-sharing with Monterey Peninsula Water Management District and Marina Coast Water District for the F0-9 well that's being installed. This brings our cost down and allows others to also access information that will be coming from this well. We also decided to move our Technical Advisory Committee (TAC) to zoom meetings. We will be following the old Brown Act rules, so everyone who participates will be giving out their address and they will be posting the agenda at their location. So if anyone wants to join me at my house for the next meeting, my office is open (our new rescue kittens will guarantee some smiles and will be an added bonus for your efforts). We also passed our annual budget for FY 2024. We were supposed to also approve the proposed 2024 replenishment assessment unit cost for "natural safe yield" and "operating yield" overproduction (overproduction means that those who are pulling water from the basin, pulled out more than the "natural safe yield" and the "operating yield). Luckily, that did not happen this year, but we still need to establish a cost moving forward. There was some disagreement with how those are calculated (basically, we look at the potential costs and amounts of potential and actual sources of water going into the basin and average it out to calculate the cost of an acre foot of water- but not all were agreeing with the math). Given the disagreement, Supervisor Wendy Root-Askew suggested that we table this for the next meeting and asked staff to provide some additional information (history of this topic and further explanations of the components) to help us come up with a better decision.

**Wednesday, Sept. 6th- Seaside Groundwater Basin Watermaster Ad Hoc Water Replenishment Committee Mtg-** This meeting was focused on a report from our new attorney which helped to explain the credit that Cal Am has been receiving for the Replenishment Assessment fund. From what I understand, similar to what was discussed in our regular board

meeting, when a producer (anyone who is pulling water from the basin) “over produces” (pulls more water out than is allowed), they pay money towards our replenishment assessment fund. Over the years, Cal Am has been receiving literally millions of dollars in credit in this fund for the various water projects they’ve been working on, none of which have actually produced water. The lawyer explained that this was something that was allowed in our original court papers and was further discussed in a memorandum of understanding from 2008. Honestly, it does seem very strange that they can get credit for spending money on projects that will ultimately make them more money (and *maybe* provide water for the basin), but that’s the way it’s set up. Our task as a committee is to discuss the options for finding ways to fund replenishment water when it becomes available. This committee is interesting as it’s clear that three members firmly believe that Cal Am’s large desal will come to fruition in 2 years and supply us with all the water that’s needed. The other two members (myself and George Riley) are sceptical. But again, regardless of where the water is coming from, we still need to figure out how to pay for it. And that’s what we’ll continue to talk about in future meetings.

**Saturday, Sept. 9th- Sustainable Del Rey Oaks, Clean up at the Butterfly Garden-** I was happy to pull weeds and deadhead plants at the monthly butterfly garden clean up. I’m usually at another meeting on these second Saturdays of the month, but the scheduling allowed me to come. It was wonderful to meet up with the volunteers from SDRO! They’re doing a great job of maintaining that portion of our city land.

**Monday, Sept. 11th- MST Board Mtg-** Please see the MST board highlights in our agenda packet. Highlights for me included learning the positive results of the rider and non-rider surveys. Riders certainly appreciate and value the service, and non-riders do as well. Learning more about who rides and where they’re going can help us with outreach. We also learned that all litigation against the new SURF! busline has been dismissed. We’ll be starting a new busline at the end of October up to Gilroy from Salinas which will connect with Caltrain. This new busline was in response to many requests to implement this route once again (it was stopped during COVID).

## **Council Report from Councilmember John Uy September 26, 2023**

### **I. Council Report: Regular Meeting of the DRO City Council on August 22, 2023**

#### Honoring Long Time Residents Tony and Joann Ferrante

On behalf of the City of Del Rey Oaks, I am delighted to extend our heartfelt congratulations to Tony and Joann Ferrante on the remarkable occasion of their 70th anniversary.

Their journey together, spanning seven decades, is a testament to the enduring power of love, commitment, and unwavering devotion. Their marriage has not only stood the test of time but has also been a source of inspiration to all of us in our community.

As constituents of Del Rey Oaks, they have been a cherished part of our community, and their volunteer work with organizations such as the Monterey Italian Catholic Federation (ICF) has touched the hearts of many.

Thank you for being Christian role models and an inspiration to us all, Tony and Joann. Happy 70th Anniversary!

#### Swearing in Ceremony of Police Officer Justin Tang

Officer Tang, you are not just joining a beloved department of our City; you are becoming a guardian of our city, a protector of our citizens, and a symbol of safety and justice. Your commitment to uphold the law, protect our community, and serve with honor is deeply appreciated.

May your career be marked by excellence, empathy, and fairness. May you find fulfillment in every act of service and satisfaction in knowing that you are making Del Rey Oaks a safer and better place for all.

Congratulations and welcome to our community, Officer Tang!

#### Approval of an Updated City Clerk Job Description and Adoption of Resolution 202-14 to Amend City's Position Control List

I wholeheartedly endorsed the Approval of an Updated City Clerk Job Description and the Adoption of Resolution 202-14 to Amend the City's Position Control List. It is an opportunity for us to show our appreciation and support for the dedication and hard work of our City Clerk, Karen Minami, and it is a step forward in strengthening our city's foundation.

The City Clerk is not just a title on paper; it is the heart and soul of City Hall. For years, our current City Clerk has exemplified dedication, commitment, and unwavering professionalism in her role. Her efforts extend beyond mere job responsibilities. She is the guiding force behind the smooth functioning of our local government, a true bridge between the community and the City Council, and a guardian of accurate records. The City Clerk's office is where information meets action, where transparency and accountability converge, and where the foundation of our local democracy is built.

The proposed update to the City Clerk job description will serve to modernize our practices, ensuring that they are in line with the latest standards and legal requirements. This, in turn, will lead to a more efficient and effective local government, better equipped to meet the evolving needs and expectations of our residents.

As we strive for continual improvement in our operations and the expansion of services to our citizens, it is only fitting that we align our position designations with the current roles and responsibilities of our dedicated staff. To this end, the reallocation of the Deputy City Clerk to the City Clerk position is a step towards recognizing the monumental contributions made by our City Clerk.

## **II. Council Report: Labor Day Message (September 4, 2023)**



🌟 Happy Labor Day! 🌟

On this special day, let's pause to celebrate the incredible dedication and hard work of our community's labor force. Each of you plays a vital role in shaping our town's prosperity and progress.

May this day not only be a break from your labor but also a moment to reflect on the importance of your contributions. Your commitment is the foundation of our city's success, and for that, we are truly grateful.

As your councilman, I'm committed to ensuring that your efforts are recognized, respected, and rewarded. Let's continue working together to create a community where every worker finds joy, fairness, and respect in their labor.

I wish you all a relaxing and enjoyable Labor Day!

### **III. Council Report: Seaside County Sanitation District Board Meeting on September 12, 2023**

#### **Meeting Called to Order:**

The Seaside County Sanitation District Board of Directors meeting was called to order on September 12, 2023, by Chair Ian N. Oglesby.

#### **Roll Call - Sanitation District Board of Directors:**

The following members were present:

- Chair: Ian N. Oglesby
- First Vice Chair: Jerry Blackwelder
- Second Vice Chair: John Uy

#### **Review of Agenda:**

Chair Ian N. Oglesby reviewed the agenda for the meeting.

#### **Addition of Items to the Agenda:**

No items arose after the 72-hour posting deadline for addition to the agenda.

#### **Public Comment:**

Members of the public were invited to address the Seaside County Sanitation District on matters within the jurisdiction of the Board. There were no public comments made during this period.

#### **Consent Agenda:**

##### **A. Approve Minutes from August 8, 2023, Regular Meeting**

##### **B. Receive Seaside County Sanitation District Operations Report For August, 2023.**

**Purpose:** To receive the Seaside County Sanitation District Operations Report for August, 2023.

**Recommendation:** Accept reports. This item is presented for information only.

Chair Ian N. Oglesby entertained a motion to approve the consent agenda. A motion was made by Vice Chair Jerry Blackwelder and seconded by Second Vice Chair John Uy. The consent agenda was approved unanimously.

#### **New Business:**

**A. Adopt A Resolution Authorizing A Professional Services Agreement With Wallace Group To Perform Fats, Oils, And Grease Program Development And Training For An Amount Not To Exceed \$65,869.00**

**Purpose:** The purpose of this item is for approval to obtain assistance to comply with regulations regarding Fats, Oil, and Grease (FOG).

**Recommendation:** Adopt a resolution authorizing a professional services agreement with Wallace Group to perform Fats, Oil, and Grease (FOG) Program Development and Training for an amount not to exceed \$65,869.00.

**Background:**

The Seaside County Sanitation District (District) requires services to comply with its Water Board Permit and Sanitary Sewer Management Plan (SSMP) by updating their FOG Control Program, conducting inspections, permitting facilities, and providing staff training on FOG Program implementation. The District's existing FOG Program includes approximately 156 food service establishments.

In early August 2023, District staff requested Wallace Group to prepare a proposal for FOG control program services. On August 21, 2023, Wallace Group provided a proposal in the amount of \$65,869.00 to perform project management and meetings, development of FOG program materials, creation of a FOG database, applications, and permit templates, perform initial inspections for the year, and FOG program training and support. Staff reviewed the scope of work and fee of the proposal and found it acceptable.

The professional services agreement with Wallace Group to provide FOG Program Development and Training is for an amount not to exceed \$65,869.00, to be billed on a time and materials basis.

**Recommendation:**

Staff recommends the Board adopt a resolution authorizing the District Manager to execute a professional services agreement, PSA, with Wallace Group for an amount not to exceed \$65,869.00 to perform FOG Program Development and Training.

**Fiscal Impact:**

The Sewer Master Plan (Account No. 953-8820-9216) has an approved Fiscal Year 2023/24 budget of \$500,000.00. Staff does not expect the Sewer Master Plan for SCSD to cost \$500,000.00. There are sufficient funds in Account No. 953-8820-9216 to fund the PSA with Wallace Group for FOG Program Development and Training.

Chair Ian N. Oglesby opened the floor for discussion, and after thorough consideration, Vice Chair Jerry Blackwelder moved to adopt the resolution as recommended. Second Vice Chair John Uy seconded the motion. The resolution was adopted unanimously.

#### **IV. Council Report: AMBAG Board of Directors Meeting on September 13, 2023**

This report provides an overview of the discussions and presentations made during the AMBAG (Association of Monterey Bay Area Governments) Board of Directors Meeting held on September 13, 2023. The meeting covered one topic related to planning.

**1. 2026 Regional Growth Forecast Preferred Methodology:** Heather Adamson, Director of Planning, presented the 2026 Regional Growth Forecast Preferred Methodology. The Board of Directors was requested to approve Option 2 (Cohort Component Population Method) as the methodology for developing the 2026 Regional Growth Forecast.

#### **BACKGROUND/DISCUSSION:**

Every four years, AMBAG updates its regional forecast for population, housing, and employment to support the development of the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), Regional Travel Demand Model, and other planning efforts. The regional growth forecast projects changes in the region's population, employment, and housing numbers for the tri-county area of Monterey, San Benito, and Santa Cruz counties between 2020 and 2050.

#### **Methodology Options:**

- 1. Option 1: Employment-Driven Method**
  - Relies on employment growth to drive population growth.
  - Uses demographic projections from the California Department of Finance (DOF).
  - Limited linkage between population and jobs forecast.
- 2. Option 2: Cohort Component Population Growth**
  - Utilizes a cohort component model for population forecast.
  - Takes into account birth, death, and migration data.
  - Provides detailed demographic characteristics.
  - Allows close linkages between model components.
- 3. Option 3: DOF Forecast**
  - Uses DOF's forecast for population characteristics.
  - Limited local input on population forecast.
  - Weak linkage between population and jobs forecast.

#### **Recommended Regional Forecast Methodology Option:**

Both the Planning Directors Forum and the AMBAG Board of Directors expressed strong support for Option 2 (Cohort Component Population) as the preferred methodology. This option aligns AMBAG with other regional agencies, provides local input, and establishes strong linkages between population, jobs, and housing.

#### **Timeline:**

- Summer/early Fall 2023: Select a method and produce a preliminary draft forecast.
- Fall 2023: Complete draft regional growth forecast.
- Early 2024: Begin subregional allocation.

### Next Steps:

AMBAG staff and Population Reference Bureau (PRB) will prepare a draft regional forecast for review and discussion by the Board of Directors in October 2023. The Board will be asked to approve a draft regional growth forecast.

### RECOMMENDATION:

The Planning Department recommended approving Option 2 (Cohort Component Population Method) as the preferred methodology for developing the 2026 Regional Growth Forecast. The Board of Directors voted to approve it.

### V. Council Report: Hispanic Heritage Month Message on September 15, 2023



🎉🌟 Celebrating Hispanic Heritage Month 🌟🎉

As we come together to celebrate Hispanic Heritage Month, I am filled with immense pride and gratitude for the rich tapestry of cultures, traditions, and contributions that make our community so vibrant and diverse. This month (September 15, 2023 - October 15, 2023), we honor the invaluable impact of Hispanic and Latino Americans on our nation's history and culture.

From the spirited rhythms of salsa and mariachi to the mouthwatering flavors of tamales and empanadas, our Hispanic heritage has blessed us with a treasure trove of art, music, cuisine, and more. But it's not just about the celebrations; it's about recognizing the countless individuals who have made a lasting difference in our community.

Let the strength, resilience, and unwavering spirit of the Hispanic and Latino communities inspire us. They have brought us stories of triumph over adversity, instilling hope and reminding us that diversity is our strength. It's a time to applaud their achievements and contributions in fields ranging from politics to sports, science to the arts.

This month, I encourage you to take the opportunity to learn more about Hispanic heritage, engage in meaningful conversations, and celebrate the richness it brings to our lives. Let us stand together, united in our appreciation for the Hispanic and Latino cultures that have enriched our community.

Happy Hispanic Heritage Month! 🌍🎉

## **VI. Council Report: Joint City Council/Planning Commission Meeting on September 19, 2023**

### **Introduction:**

The City of Del Rey Oaks held a significant public workshop on September 19, 2023, regarding the City's Housing Element Update. The workshop aimed to address the requirements of State Housing Element law and the Regional Housing Needs Assessment (RHNA), focusing on providing housing options for all economic segments of the community.

### **Meeting Details:**

- **Date:** September 19, 2023
- **Purpose:** Housing Element Update Workshop
- **Presenter:** Denise Duffy & Associates
- **Audience:** Planning Commission, City Council, and the Public

### **Workshop Overview:**

The Housing Element Update workshop featured a presentation by Denise Duffy & Associates, which highlighted the City's progress in addressing the housing needs of the community. The Housing Element Update is essential for compliance with state mandates and ensuring that the City provides housing opportunities that align with the community's needs.

### **Key Discussion Points:**

1. **Land Use Inventory:** The presentation provided insights into the available land use inventory within the City of Del Rey Oaks. Understanding the existing land resources is crucial in planning for future housing developments.
2. **Housing Policies and Programs:** The Housing Element Update outlines various housing policies and programs designed to meet the diverse economic needs of the community.

These initiatives are vital to ensuring affordable housing options and promoting inclusivity.

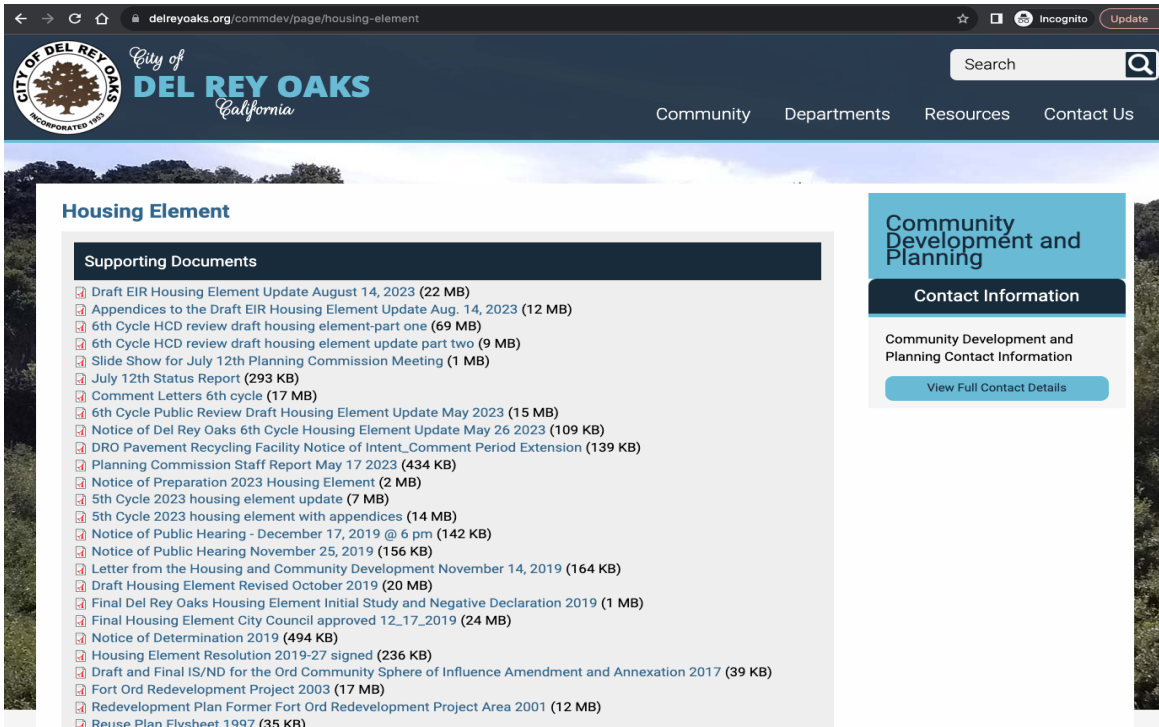
3. **Cycle Housing Element Updates:** The presentation covered the progress made on both the 5th and 6th Cycle Housing Element Updates. It emphasized the importance of continuous updates to align with evolving housing demands.
4. **Next Steps and Timing:** The workshop discussed the forthcoming phases of the Housing Element Update and the projected timeline for its completion. Clear timelines and steps are crucial to meeting the state's requirements.
5. **Rezoning and State Requirements:** A significant focus of the presentation was on actions needed for rezoning to align with state requirements. Ensuring compliance with state regulations is a fundamental aspect of the Housing Element Update.

**Moving Forward:**

The City of Del Rey Oaks is committed to advancing its Housing Element initiative. This endeavor is essential in meeting the housing needs of the community and complying with state mandates. The City recognizes the significance of this update and is dedicated to achieving it by the deadline mandated by the State of California.

**Resources:**

All documents related to the Housing Element Update, including presentations, reports, and relevant information, can be accessed on our City of Del Rey Oaks website at the following link: <https://www.delreyoaks.org/commdev/page/housing-element>





TRANSPORTATION AGENCY FOR MONTEREY COUNTY

[www.tamcmonterey.org](http://www.tamcmonterey.org)

**HIGHLIGHTS**

**August 23, 2023**

**TAMC Board Approves \$10.5 Million to Fund Eight Road and Bikeway Projects**

The Transportation Agency Board of Directors approved programming \$10.5 million in Regional Surface Transportation Program and Transportation Development Act 2% funds to projects of regional significance that improve safety, maintain existing facilities, and/or support the development of a multimodal transportation network utilizing the principles of Complete Streets. Fair geographic balance and cost effectiveness are also taken into consideration when awarding grant funds.

Following the recommendation of the grants review committee, the Technical Advisory Committee, and the Bicycle and Pedestrian Facilities Advisory Committee, the Board of Directors approved the following projects for funding:

- City of King City: US Highway 101/Broadway Street at San Antonio Drive Roundabout Improvement Project: \$3,519,000
- City of Marina: Del Monte Boulevard and Reservation Road Intersection Improvements: \$1,717,500
- City of Salinas: Harden Parkway Path and Safe Routes to School Project: \$1,556,000
- City of Soledad: West Street Road Diet and Complete Street Project: \$2,758,000
- Monterey-Salinas Transit: Countywide Bus Stop Project: \$425,000

The Board also approved grants for the following “Quick-Build Projects”, projects that use semi-permanent materials to test a concept that quickly addresses a safety need, continuously engages the community, measures progress and performance, and provides a foundation for potential permanent infrastructure:

- City of King City: Division Street Bike Lanes and Crosswalk Upgrades: \$117,380
- City of Monterey: Madison/Herrmann/Larkin Traffic Circle: \$119,120
- City of Salinas: East Market Street Cycle Track: \$326,000

<https://www.tamcmonterey.org/files/9bed53daa/08-23-23+BOD+Mtg+-2023+Competitive+Grants+Program.pptx>

### **Transportation Agency Holds Public Hearing on the Draft 2023 Public Participation Plan**

The Association of Monterey Bay Area Governments (AMBAG) is required by federal regulations to prepare and maintain a public participation plan for the tri-county region which is updated every four years. In meeting that requirement, Heather Adamson, Director of Planning, AMBAG presented the Draft 2023 Public Participation Plan to the TAMC Board of Directors.

The plan is a comprehensive document that guides regional planning agencies and local jurisdictions in the public participation process for the tri-county Monterey Bay region that either receive federal funds or are subject to a federally required action. The Draft 2023 Public Participation Plan emphasizes the transportation decision making process, including the expanded use of visualization techniques and innovative online marketing strategies in public outreach. Key sections of the 2023 Public Participation Plan include:

- Public Participation Plan guiding principles
- 2023 Public Participation Plan timeline
- Incorporating Limited-English Proficiency (LEP) populations into the plan
- Public Participation Plan procedures and development process
- Interested parties and public engagement
- Online and visualization outreach strategies

The Final 2023 Public Participation Plan will be prepared and then presented to AMBAG's Board of Directors for adoption on October 11, 2023.

<https://ambag.org/plans/public-participation-plan>



**MST HIGHLIGHTS**  
**Board of Directors Meeting**  
**September 11, 2023**

**RECOGNIZED AUGUST EMPLOYEE OF THE MONTH**

The MST Board adopted resolution 2024-02 recognizing Yohana Reyes, Mobility Specialist as the August 2023 Employee of the Month for her outstanding contribution to MST and to the entire community.

**RECOGNIZED SEPTEMBER EMPLOYEE OF THE MONTH**

The MST Board adopted resolution 2024-03 recognizing Renaldo Hernandez, Coach Operator as the August 2023 Employee of the Month for his outstanding contribution to MST and to the entire community.

**APPROVED VOLKSWAGON ENVIRONMENTAL MITIGATION TRUST FUND PROJECTS**

The MST Board approved Resolution 2024-04 authorizing the General Manager/CEO to execute certifications and assurances, authorized agent forms, and implementation of Volkswagen (VW) Environmental Mitigation Trust Fund Projects.

**APPROVED RESOLUTION FOR TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM**

The MST Board approved Resolution 2024-05 authorizing the General Manager/CEO to execute a master agreement and program supplement for the Transit and Intercity Rail Capital Program (TIRCP).

**AUTHORIZED MEMORANDUM OF UNDERSTANDING WITH SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

Authorized the General Manager/CEO to execute a memorandum of understanding (MOU) with Santa Clara Valley Transportation Authority (VTA) for Line 59 Salinas-Gilroy for a two-year partnership in the amount of \$128,750.

**NEXT MST BOARD MEETING**

The next regular MST Board meeting is scheduled for October 9, 2023.

## DEA Thank You!

Foust, Shawn J. <Shawn.J.Foust@dea.gov>

Thu 6/1/2023 11:24 AM

To: Chris Bourquin <CBourquin@delreyoaks.org>; Roger Guzman <RGuzman@delreyoaks.org>

Cc: Salopek, Christopher A <Christopher.A.Salopek@dea.gov>; Moore, Kristofer M <Kristofer.M.Moore@dea.gov>

📎 3 attachments (669 KB)

Exhibit 2.jfif; Exhibit 1 packaged picture.jpg; Exhibit 3.as seized.jpg;

**CAUTION:** This email is from outside the City of Del Rey Oaks. Do NOT click LINKS or open ATTACHMENTS unless you are sure it is safe.

Chief,

I really appreciate the partnership and support you've given to our Task Force Group working to pressure the flow of drugs into Monterey County. Your two officers have actively helped and participated as investigative partners in the group and given strong efforts, experience and collaboration in a variety of complex criminal investigations throughout Monterey County.

As an example, our team targeted a supplier who has coordinated multi-pound methamphetamine transactions that we have tracked from suppliers in Mexico, north to a secondary supplier residing in [REDACTED]. That supplier distributed 2, 5 and 10 pound transactions verified by investigative active supported by Del Rey Oaks Task Force Officers Moore and Salopek. The investigation has thus far identified couriers who assist in the transportation of pound quantities of methamphetamine throughout California as directed by traffickers in Mexico.

Your officers have helped with the investigation that has utilized surveillance, buy/walks, border crossing research, public covert camera installation, social media warrants, undercover use, informant handling, phone GPS warrants and surveillance throughout Monterey, San Benito, San Luis Obispo County and Santa Cruz County. Needless to say, your deputized officers are priceless.

Today, our team executed the first phase of the enforcement aspect of the investigation which included a precision search warrant operation in an effort to take the secondary supplier [REDACTED] in hopes of [REDACTED] leading us to what we believe to be Mexican [REDACTED] Cartel drug traffickers.

As you know, your officers worked all day yesterday to support a critical incident in Salinas only to show up at 4:00 AM to support our enforcement operation (Search Warrant) in Freedom this morning. Although we never expect our teammates to over extend themselves, their commitment to the team and the mission was impressive. We were prepared to delay our operation but with their extra effort, we were able to safely execute a search warrant at a property with multiple structures in the early morning hours without incident and with great success.

The overall investigation has approximately 35 pounds of methamphetamine in evidence [REDACTED]. On behalf of DEA and the goal to target cartel activity in Monterey County and beyond, I can't express enough how thankful I am that your agency and officers have positively contributed as an invaluable part of our team.

We'll keep you updated on this and a handful of other investigations your team has helped us with.

Thank you!

Shawn

Shawn Foust, Supervisory Special Agent  
Drug Enforcement Administration  
Monterey Area Gang & Narcotics Enforcement Team  
Cell: 415-740-4105



-Peace via Justice-

Delete Archive Report Reply Reply all Forward Read / Unread

Re: DEA Meeting Attendance on August 10, 2023



Greenfield, CA 95927
Committed To Excellence!

From: Foust, Shawn J. <Shawn.J.Foust@dea.gov>
Sent: Monday, August 7, 2023 11:34:11 AM
To: James Hunt <jhunt@kingcity.com>
Cc: Guillermo Mixer <gmixer@ci.greenfield.ca.us>; Chris Bourquin <CBourquin@delreyoaks.org>; NietoTM@co.monterey.ca.us <NietoTM@co.monterey.ca.us>; robertof@ci.salinas.ca.us <robertof@ci.salinas.ca.us>
Subject: DEA Meeting Attendance on August 10, 2023

[This message originated outside of City Of Greenfield .DO NOT CLICK links or attachments unless you are sure the content is safe.]

Chief Hunt,

If able, I'd like to throw many thanks at the meeting to Chief(s) Mixer, Bourquin, Filice and Sheriff Nieto for their troops help in recent weeks on several investigations.

v/r
Shawn

Shawn Foust, Supervisory Special Agent
Drug Enforcement Administration
Monterey Area Gang & Narcotics Enforcement Team
Cell: 415-740-4105



-Peace via Justice-

Notice: The information contained in this electronic email and any accompanying attachment(s) is intended only for the use of the intended recipient(s) and may be confidential and/or privileged. If any reader of this communication is not an intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return email, and delete the original message and all copies from your system.

Reply Reply all Forward



# DEL REY OAKS POLICE DEPARTMENT

650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Officer Juan Gomez

From: Del Rey Oaks Chief of Police

Date: 7/31/23

SUBJECT: COMMENDATION FOR HANDLING A CRITICAL INCIDENT

---

On July 31st, 2023 a collision occurred at the Stone Creek 7-11 involving a vehicle versus pedestrian. Officer Gomez was the first officer on scene after being dispatched from county communications. Once on scene, Officer Gomez immediately realized the severity of the collision and quickly expedited AMR and additional resources. The pedestrian had been pinned up against the door entrance to the store after a large sport utility vehicle crashed into the building without warning. The crash caused severe bodily injury to the victim's right arm as it was nearly severed.

Officer Gomez kept a level head throughout the entire incident and successfully managed the scene as he took charge of the situation. Officer Gomez assisted medical personnel and kept the driver from leaving the area until additional officers arrived. Once additional officers were on scene, Officer Gomez coordinated the other officers to obtain statements and video in order to complete his investigation.

This critical incident was handled in a professional manner by Officer Gomez. Officer Gomez demonstrated excellent bearing and kept a level head despite the chaos that was organic to this type of mishap. Officer Gomez performed his duty in an exemplary manner that reflected great credit upon him and were in the highest traditions of the Del Rey Oaks Police Department.

**Del Rey Oaks Police Department**

650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police



# DEL REY OAKS POLICE DEPARTMENT

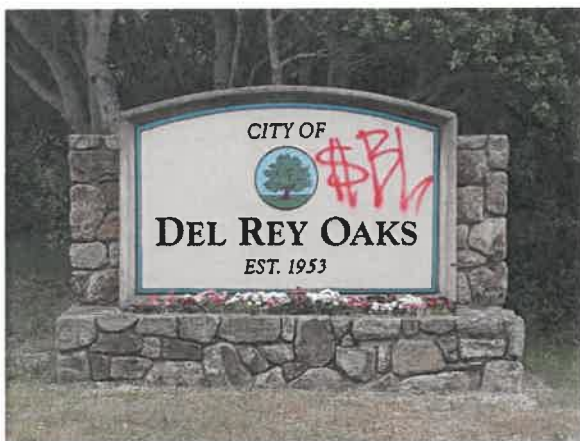
650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Commander Roger Guzman  
From: Chris Bourquin, Chief of Police  
Date: September 16<sup>th</sup>, 2023  
Re: Commendation

---

On 04/29/2023, Officer Jeffrey Andoy was on patrol when he came upon graffiti in the form of "tagging" with spray paint. The vandalized areas included the Del Rey Oaks monument sign located on Canyon Del Rey Boulevard east of Safeway. Ofc. Andoy notified Sgt. Guzman of the vandalism. Sgt. Guzman drove to Home Depot, purchased appropriate cleaning supplies / solvents and together with Ofc. Andoy they removed the graffiti from the monument sign. When asked why they took it upon themselves to clean the monument sign, they advised that they didn't want people driving into our city seeing the monument defaced. The actions of Sgt. Guzman and Ofc. Andoy exemplifies dedication and service, two of our three most important department held values. Their actions go above and beyond my expectations and I am so very proud of both of them.



**Del Rey Oaks Police Department**  
650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police



# DEL REY OAKS POLICE DEPARTMENT

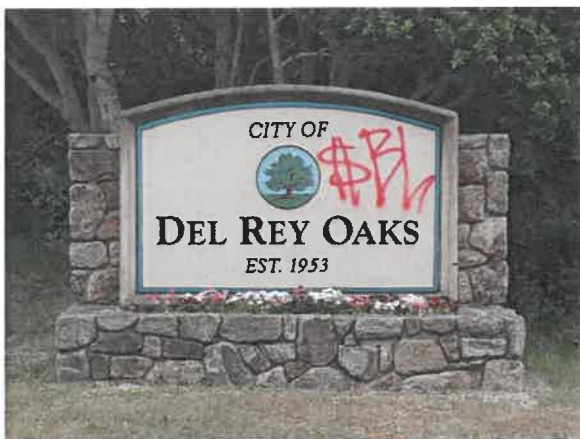
650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Officer Jeffrey Andoy  
From: Chris Bourquin, Chief of Police  
Date: September 16<sup>th</sup>, 2023  
Re: Commendation

---

On 04/29/2023, Officer Jeffrey Andoy was on patrol when he came upon graffiti in the form of "tagging" with spray paint. The vandalized areas included the Del Rey Oaks monument sign located on Canyon Del Rey Boulevard east of Safeway. Ofc. Andoy notified Sgt. Guzman of the vandalism. Sgt. Guzman drove to Home Depot, purchased appropriate cleaning supplies / solvents and together with Ofc. Andoy they removed the graffiti from the monument sign. When asked why they took it upon themselves to clean the monument sign, they advised that they didn't want people driving into our city seeing the monument defaced. The actions of Sgt. Guzman and Ofc. Andoy exemplifies dedication and service, two of our three most important department held values. Their actions go above and beyond my expectations and I am so very proud of both of them.



**Del Rey Oaks Police Department**  
650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police



# DEL REY OAKS POLICE DEPARTMENT

650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Officer Dowson  
From: Del Rey Oaks Chief of Police  
Date: 09/07/2023  
SUBJECT: COMMENDATION FOR OUTSTANDING INVESTIGATION

---

Outstanding investigation performed while working uniformed patrol on August 20, 2023, reference crime report # 23-231. Officer Dowson was instrumental investigating a vehicle burglary report that occurred at "The Oaks" complex within the city of Del Rey Oaks. After responding to a dispatched call of a suspicious vehicle, Officer Dowson went above and beyond locating the vehicle that ultimately led to the arrest of a female subject that had just broken into another vehicle within the parking lot of the complex.

During the investigation, Officer Dowson spoke to witnesses on scene and checked the area for suspicious activity. Officer Dowson discovered a vehicle with a smashed window and located the victims to get an inventory of the loss. Officer Dowson only obtained a partial plate of the suspect vehicle but quickly realized it was a possible match to a vehicle he remembered from a track flier from an outside agency. The track flier had the full plate of the vehicle that was registered to a local address in Seaside. Ofc. Dowson, along with other DRO officers, responded to the residence and located the vehicle with the stolen items still inside. The registered owner was arrested after admitting she had just broken into the vehicle at "The Oaks" complex. The stolen items were subsequently returned to the owner.

Officer Dowson's tenacity and follow-up to this investigation was exemplary, reflected great credit upon him, and were in the highest traditions of the Del Rey Oaks Police Department.

**Del Rey Oaks Police Department**  
650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police



# DEL REY OAKS POLICE DEPARTMENT

650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Sergeant David Nguyen  
From: Del Rey Oaks Chief of Police  
Date: 7/31/23  
SUBJECT: COMMENDATION FOR A CRITICAL INCIDENT

---

On July 31st, 2023 a collision occurred at the Stone Creek 7-11 involving a vehicle versus pedestrian. Sergeant David Nguyen was called out to assist as the lead supervisor handling the standardized field sobriety tests (SFST's) for the suspected driver. The pedestrian had been pinned up against the door entrance to the store after the driver crashed his sport utility vehicle into the building without warning. The crash caused severe bodily injury to the pedestrian's right arm as it was nearly severed.

Sergeant Nguyen, as the most experienced officer at handling DUI drivers, came in early to assist with the investigation. Sergeant Nguyen is the subject matter expert on SFST's for the Del Rey Oaks Police Department. Sergeant Nguyen was professional with handling the SFST's for the driver and was able to obtain blood from the suspect without incident. Sergeant Nguyen successfully completed the SFST's and the driver was subsequently released after showing no signs of impairment. Although an arrest was not made, Sergeant Nguyen was thorough with his investigation and ensured the SFST's were conducted in a meticulous manner.

These SFST's were critical to the investigation and were handled in a professional manner by Sergeant Nguyen. Sergeant Nguyen demonstrated an excellent skillset and performed his duty in an exemplary manner that reflected great credit upon him and were in the highest traditions of the Del Rey Oaks Police Department.

**Del Rey Oaks Police Department**  
650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police



# DEL REY OAKS POLICE DEPARTMENT

650 CANYON DEL REY ROAD - DEL REY OAKS, CA 93940  
PHONE: (831)-394-9333 FAX: (831)-394-1596



To: Officer Christopher Salopek  
From: Del Rey Oaks Chief of Police  
Date: FY 2023  
SUBJECT: COMMENDATION AS THE LEAD RANGEMASTER

---

Outstanding performance while serving as the primary Del Rey Oaks Rangemaster for FY 2023. Officer Christopher Salopek has gone above and beyond the expectations of the Del Rey Oaks Police Department through his service as a rangemaster. Throughout the year, Officer Salopek has been instrumental with coordinating the Del Rey Oaks firearms training and range qualifications. Officer Salopek utilized the rangemaster team to qualify all personnel within the department each quarter of this year without any remedial days. Additionally, the training that has been incorporated during these qualifications has been well planned and tactically sound, providing the most up to date standards for Del Rey Oaks Officers.

This assignment is a critical billet within a police department and must be handled in a meticulous manner, utilizing the highest safety standards. Officer Salopek is a professional in this assignment and takes great pride in training officers of all ranks. Officer Salopek has performed this duty in an exemplary manner that has reflected great credit upon him and are in the highest traditions of the Del Rey Oaks Police Department.

**Del Rey Oaks Police Department**  
650 Canyon Del Rey Blvd – Del Rey Oaks, California 93950 (831) 375 - 8525  
*Serving the City of Del Rey Oaks and the Monterey Regional Airport*  
Chris Bourquin – Chief of Police