

City of Del Rey Oaks

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



Action Minutes

Tuesday, October 28, 2025

6:00 PM

City Council – Regular Meeting

Del Rey Oaks City Council

**Scott Donaldson – Mayor
Jeremy Hallock – Vice Mayor
John Uy – Councilmember
Kim Shirley – Councilmember
Mike Burger – Councilmember**

6:00 PM – Called to Order:

The meeting was called to order by Mayor Donaldson

Roll Call: Present: Vice Mayor Hallock, Councilmember Shirley, Councilmember Burger, Councilmember Uy and Mayor Donaldson.

Absent: None

Also Present: City Manager Guertin, City Attorney Lorca, City Clerk Minami, and Administrative Services Technician Matthews

Pledge of Allegiance:

Led by Mayor Donaldson

Public Comment:

Helen Birdsong: She spoke at the last council meeting regarding the no-smoking ordinance, and nothing has happened. If the city isn't going to enforce it, what happened between the vote and now. Pacific Grove passed it, and the air quality is much better. The Chief never called her back, but talked to her tonight. Would like to have something happen soon. She received different information from Pacific Grove that Chief told her about how and if they enforce their ordinance. Thanks Councilmember Shirley and City Manager Guertin for following up on land maintenance issue.

Cecilia: Monterey Clean Air spoke at the HOA and left literature. They have had residents openly say they will not stop smoking. Disappointed in elected officials for not listening to concerns. Only after years of the hard work of Helen Birdsong, fire insurance was not increased and they are a "fire-wise" property. Worried that a smoker will cause a fire.

PROCLAMATIONS:

A. Filipino-American History Month-Read by Councilmember Uy

B. Breast Cancer Awareness-Read by Mayor Donaldson

C. City of Marina-Celebrating 50th Anniversary-Read by Mayor Donaldson

D. LGBTQ+ History Month-Read by Councilmember Uy

CONSENT AGENDA:

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

1. September 23, 2025 City Council Meeting Minutes

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

1. Fire Department Response Report, September 2025

2. Police Activity Report, September 2025

3. Financial Reports, September 2025

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

1. Consider Approval of Resolution 2025-20 authorizing the City Manager to execute the 2025 Monterey Regional Stormwater Management Program (MRSWMP) Memorandum of Agreement ("MOA") with Monterey One Water.
2. Consider Approval of Resolution 2025-17 Designating The City to be a BEE CITY USA affiliate
3. Consider Approval of Resolution 2025-18 for a Memorial Bench Policy

Mayor Donaldson pulled item C.2. only to comment and thank Public Works Supervisor Ron Fucci for all the hard work on this city status. Mayor has made the "Monarch Pledge". And thanks to residents Dawn and Mo Bergman for helping him at the city picnic.

PUBLIC COMMENT:

None

A motion was made by **Councilmember Uy**, seconded by **Councilmember Burger**, to Approve the Consent Agenda as presented.

Motion passed unanimously 5-0

OLD BUSINESS:

None

NEW BUSINESS:

- A. Consider approving for first reading of an Ordinance amending Chapter 12.04 of the Del Rey Oaks Municipal Code relating to the definition of "Superintendent of Streets", sidewalk maintenance and repair, liability for injuries, and right-of-way maintenance

City Manager Guertin shares his screen and explains the slide show.

Ordinance Amendments: Streets, Sidewalks & Public Places

*Del Rey Oaks Municipal Code Chapter 12.04 needs to be amended:

It clarifies responsibility for sidewalk repair and liability, defines "Superintendent of Streets," and presents options for new sidewalk construction requirements.

City Manager Guertin: The staff sent out a stormwater awareness letter to all residents regarding soil and plants that are going into gutters and streets and toward storm drains. It's up to the residents to maintain the right-of-way and easement.

Key Amendments:

- *Updated Definition (12.04.005): 'Superintendent of Streets' means the City Manager
- *New Section (12.04.090): Property owners responsible for sidewalk repair & maintenance. City may perform work and assess costs if owners fail to comply. Defines the scope of 'maintenance and repair'.
- *New Section (12.04.100): Establishes property owner liability for unsafe sidewalks

Policy Discussion: Future Options

- *Council may consider adding new sidewalk construction requirements
- *Require new sidewalks with new development
- *Require sidewalk construction/repair upon property sale
- *Require sidewalks when large building permits are issued

Mayor Donaldson: Thanks for presenting. It is a big endeavor, as it's getting updated. Road Safety is important. Councilmember Uy ran his campaign on it. With no sidewalks, walking dogs is an issue. What does it look like to have joint liability?

City Attorney Lorca: It can start at 50%-50%.

Councilmember Uy: Standards for sidewalk design?

City Manager Guertin: Case by case by City Engineer. It would be complaint-based based and the City would work with residents.

Councilmember Hallock: No comments at this time.

Councilmember Shirley: Did residents respond well to the letter that was sent out to all?

City Manager Guertin: Yes, only positive feedback so far.

Councilmember Burger: Who's responsible for the FORTAG sidewalks?

City Manager Guertin: The City. We have a maintenance agreement in place.

Public Comment:

Helen Birdsong: Why is it complaint-driven? Why do it if you aren't going to enforce it?

City Manager Guertin further reviews:

Policy Discussion: Future Options

- *Council may consider adding new sidewalk construction requirements

City Manager Guertin: One option is that the city pays for sidewalks, but doesn't recommend it. It is cost-prohibitive, as it is extremely expensive. New development will be required to pay for sidewalks. Possibly require new sidewalks to be built when house changes hands or when large building permits are issued. These are all things to further explore or put to bed.

Councilmember Uy: Planning Commission could weigh in on it. Wants a collaborative effort.

Councilmember Hallock: To clarify ordinances is important work. Not is support of undo financial burden to residents. Would like it to be a streamlined over-the-counter process.

Councilmember Shirley: Nice discussion, agrees about safer streets. Agrees with Councilmember Hallock about the financial burden for residents. Some folks have told her that they like not having sidewalks. What would the threshold for new development look like? ADU's?

Councilmember Burger: It will be very expensive. Gives an example of his own property.

Public Comment:

Helen Birdsong: Sounds great in theory but it will be confusing.

Cecil: Safety is important, maybe pathways and signage.

Susan Blush: Different types of topography in the city, difficult locations for sidewalks. Uses her own house as an example.

Mike Hayworth: Agrees with Councilmember Hallock. Loses village feel.

Mayor Donaldson: Agrees with Councilmember Uy. Doesn't agree with options B or C. But really likes option A. Great idea to have it go to Planning Commission.

City Manager Guertin: Recommends this item going to Public Works Committee before it goes the Planning Commission.

Mayor Donaldson agrees.

A motion was made by **Councilmember Hallock** and seconded by **Councilmember Shirley** to introduce and approve the first reading of Ordinance amendment of Chapter 12.04.

Motion passed unanimously 5-0

STAFF REPORTS:

A. Council Reports are in the packet

B. City Manager Guertin reviews the workload of the city staff:

*Starting to look at old ordinances

*City Staff wear multiple hats and are very busy with cross-training, implementing and learning of new systems, financials, permitting, and many other duties. They keep the city running. Great to see!

*Audit will hopefully be ready to be heard at November meeting.

*Budget system training has started. Most likely a ClearGov presentation in February.

*Working on document tracking system, new numbering system next month.

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.

Mike Hayworth: City Manager Guertin is nothing but helpful when it comes to Planning Commission.

Adjournment to closed session at 7:18 pm

B. Closed Session Items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code § 54957

Employee performance evaluation of City Manager.

Meeting commenced to open session: 10:35

City Attorney Lorca: The City Council provided direction to Sub-Committee and no further reportable action was taken.

NEXT MEETING DATE:

Tuesday, November 18, 2025 at 6:00 pm

ADJOURNMENT: 10:40 pm

Attest: _____

Date:-----