

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

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

**Absent:** Council Members Clark

**Also present:** Assistant City Attorney Buchert and Deputy City Clerk Carvalho

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

**PUBLIC COMMENTS:**

IRENE BARLICH: City Flag still the wrong color and wants to know why the City Manager has not handled this?

ROBERT CASEY: What are the hours for the city employees? When do the maintenance people work? He can not find the city workers.

MAYOR RUSSELL: Clerk's work 6:30 to 5:30

LINDA RICHARDSON: Website not being updated did not see agenda and things need to be cleaned up along 218.

KATHI BUCKLEY SMITH: Since today is earth day was hoping that next year we could do something like everyone volunteer to clean the park. Bob Buhavic passed away, a long time Del Rey Oaks resident.

MAYOR RUSSELL: Asked to put an additional agenda item.

ASSISTANT CITY ATTORNEY BUCHERT: Requested to add item to the agenda; City Participation in State Water Resources Control Board (SWRCB) hearing regarding proposed cease and desist order against CalAm.

*Motion by Council Member Edelen to add item 6.C. Cease and desist order, seconded by Council Member Cecilio*

**CONSENT AGENDA:**

KATHI BUCKLEY SMITH: Pulled Item 3.B.1 and 3.B.2. Very hard to follow claims why was the format changed? Under Revenue and expenses: what is ordinary revenue? Would also like to know what is going on with the audit and why haven't we had the report by Cecil yet? And where are the footnotes on the financial reports? Pulled Item 3.C.1. Why did the swings get pulled down and not just repaired? And feels we need to check on railing that was cut.

***Motion by Council Member Allion to approve:***

1. March 25, 2008, Regular City Council Meeting
2. April 8, 2008, Special City Council Meeting
3. April 9, 2008, Planning Commission Study Session and Regular Planning Commission Meeting

**Monthly Reports:**

1. Claims, March 2008
2. Financial, March 2008
3. Fire Department Response Report, March 2008
4. Police Activity Report, March 2008

**Miscellaneous:**

1. Monterey Bay Area Self Insurance Authority (MBASIA) Playground Safety Audit
2. Deny Claims against City for Damages caused by falled tree at 825 Casanova Avenue, Monterey

***Seconded by Council Member Edelen***

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

***Motion passed 4-0***

**PRESENTATION:**

TAMC Bike and Pedestrian Committee Presenter: Frank Pinto

FRANK PINTO: Owner of Jocelyn Bicycles and resident of Del Rey Oaks, and is on the Bicycle and Pedestrian pathway committee. Jocelyn Bicycles has been owned by Mr. Pinto for the past 13 years. He is the Chair Board Member for TAMC and he spear heads the use of bicycles and pedestrian walkways.

KATHI BUCKLEY SMITH: The bike path on 218 is very narrow is there anything that will be done?

FRANK PINTO: There is a 14 year plan for TAMC and it is included in that plan. The goal is to connect the bike path from Pacific Grove to Santa Cruz.

**OLD BUSINESS:** None

**NEW BUSINESS:**

The Council considered ITEM 6.A., Resolution No. 2008-03, A Resolution of the City of Del Rey Oaks Opposing the California Department of Food and Agriculture Aerial Spray.

COUNCIL MEMBER EDELEN: Feels that this item should not have been on the agenda because it is a state and federal mandated spraying. Feels we could spend a great deal of time on all kinds of issues such as abortion, the war in Iraq,

homosexuals in the military, etc. He stated that he will abstain from this vote on this issue.

COUNCIL MEMBER ALLION: He heard a presentation by Secretary of Agriculture Kamamura and it was very convincing but feels that he does not know enough about it to make an educated vote.

COUNCIL MEMBER CECILIO: Agrees with Council Member Edelen.

MAYOR RUSSELL: This resolution does not take a position one way or the other it just states that a complete study should be done and a moratorium until more research can be done.

COUNCIL MEMBER ALLION: Feels we have a responsibility to our constituents and we don't know what they want.

COUNCIL MEMBER EDELEN: Feels we absolutely need to spray.

MAYOR RUSSELL: Disagrees because we have already been sprayed.

TIM WILCOX: His son was the 11-month-old that nearly died from the spray. The main point he wants to make is that the State will not look into any of the medical reports and hopes that the Council will take a stand to force the State to look at the information that's in front of them.

ROBERT CACEY: Stated that he was told Isosianite particles are too big to effect anyone, but the morning of the spray he breathed in something that made him sick and he wasn't worried about the spray until this happened.

JAN STEALING: Also didn't think it was a problem but decided to leave just in case, after coming back she had a serious asthma attack with swelling of her throat, face and became very sick. She left several times and felt better and immediately got sick when returning to the area, it's well documented. It starts at the city level because this is where the people are.

HELEN CATLIN: After the first spray she developed a strange breathing problem and left the area during the second spraying at her doctor's request. She feels that the only alternative is to leave the area. When she returns to the area the breathing problems return.

DOROTHY COLE: Thanked the Council for being friendly. She stated that Checkmate is 20% pheromones and 80% are toxins. When asked if the workers in the fields can stay in the fields when they spray? He said no there are laws to protect them, but we don't have those laws. She urged everyone to go to the Town Meeting at the conference center. This moth has been here for 30 years, it's been in England for over 100 years. She urges everyone to look deeper into the science.

KATHI BUCKLEY SMITH: Before this all came to light she contacted the entomology department at UC Berkley and he explained the difference between the LBAM and oak worms. Canada and Mexico have banned our produce, and she applauds the council for not taking a stand on this.

GREG COLE: Thanked the Council for being forthright. He agrees that information is the key to this issue. The problem is that no one wants to get sprayed. The state did not give adequate notice in order for anyone to prepare for the spraying. The state will not be spraying what they used last time, the state will not tell anyone what they will be spraying. The town hall meeting is very important because it will be an open dialogue. He asked that the wording be changed to accommodate everyone's feelings on this issue.

MIKE DELAY: He stated that he gave the council the packet and it was to become informed, not as opposition. He stated that some of the packet had scientific reports of the components of the spray and they are toxic chemicals. Local news papers and television are not giving any airtime to inform the people. He has had health issues from being sprayed by Checkmate. You can go on the CDFA's website and see the reports. He talked about all the reports from entomologists, chemical companies, medical reports and more on this pesticide. He stated that he gave the council facts not opinion! Asking the Council to stop the spraying until the chemical can be tested further.

COUNCIL MEMBER ALLION: Suggested a modification of the resolution to state as follows:

"NOW, THEREFORE, BE IT RESOLVED that the City of Del Rey Oaks City Council supports a moratorium on all proposed aerial spray programs to eradicate LBAM until complete, independent study of the potential health effects of all substances, both active and inert, have been complete."

MAYOR RUSSELL: Met with Kamamora and he is very sincere but he didn't handle this properly. For that reason he supports the resolution because it does not oppose or condone the spray but simply asks for more information.

COUNCIL MEMBER EDELEN: Delaying the spraying can be catastrophic. He was convinced that after listening to the Secretary of Agriculture that there is no reason to delay.

MAYOR RUSSELL: More and more he is hearing that there are disputes about the spray.

***Motion by Council Member Allion to change the wording as suggested and approve resolution, seconded by Mayor Russell.***

***Motion passed 3-0 (Edelen abstained)***

***There where no further public comments received.***

The Council considered ITEM 6.B., Resolution No. 2008-04, A Resolution of the City of Del Rey Oaks Supporting the half (1/2) cent Sales Tax and Investment Plan, and the Regional Developer Fee Joint Powers Authority Agreement.

ASSISTANT CITY ATTORNEY BUCHERT: Asked that this item be pulled due to language differences.

The Council considered ITEM 6.C. City Participation in State Water Resources Control Board (SWRCB) Hearing Regarding Proposed Cease and Desist Order Against CalAm.

MAYOR RUSSELL: Feels we need a unified front against the cease and desist order which limits further what CalAm pumps out of the Carmel River.

ASSISTANT CITY ATTORNEY BUCHERT: Nothing official has been done and this is an opportunity for the City to be heard.

*Motion by Council Member Allion to approve the attached Notice of Intent to Appear, seconded by Council Member Edelen.*

*Motion passed 4-0*

*There was no public comment was received.*

**STAFF REPORTS:** None

**COUNCIL REPORTS:**

**Council Member Edelen:** Reported on TAMC

**Council Member Allion:** Reported on AMBAG and thinks having the City Manager report that is emailed out every week would be a good thing to add to the packets for the staff reports.

**Mayor Russell:** Reported on recycling and polystyrene ban.

**8:26 p.m. Adjourned to next regular meeting.**

**There was no closed session.**

**Next meeting: May 27, 2008 at 7:00 p.m.**

**Approved:**

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