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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, JANUARY 22, 2008

7:00 p.m.

CLOSED SESSION

Closed session to discuss real property pursuant to Government Code Section 54956.8:

Property: 979 San Pablo Avenue
Negotiating Parties: Red Oak Realty, on behalf of 979 San Pablo Avenue and City Administrator, Assistant City Administrator and City Attorney, on behalf of the City.

Under Negotiation: Terms and conditions to obtain lease agreement for temporary relocation of City operations.

Property: Proposed Pierce Street Park, located across from 737 Pierce Street.

Negotiating Parties: Caltrans, on behalf of the State; City Administrator & City Attorney, on behalf of the City.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

8:00 p.m.

Mayor Lieber, who led the Pledge of Allegiance to the Flag, called the regular meeting of the Albany City Council to order on the above date.

ROLL CALL

Present: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Rich Cunningham, Public Works Manager; Jeff Bond, Planning Manager; Penelope Leach, Recreation & Community Services Director.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Lieber reported that instructions were given to staff on the closed session items.

4. CONSENT CALENDAR

(Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.)

4-1. Council Minutes, December 17, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$185,086.88; taxes, benefits & withholdings in the amount of \$223,095.08. Total payroll in the amount of \$408,181.96. Payroll period: 12/21/07. Ratification of City of Albany net payroll in the amount of \$186,995.36; taxes, benefits & withholdings in the amount of \$150,350.10. Total payroll in the amount of \$337,345.46. Payroll period: 01/01/08

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,370.40; taxes, benefits & withholdings in the amount of \$62,505.40. Total payroll in the amount of \$118,875.80. Payroll period: 12/21/07. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,233.36; taxes, benefits & withholdings in the amount of \$42,838.15. Total payroll in the amount of \$97,071.51. Payroll period: 01/04/08.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$473,394.42. Period: 12/14/07.

4. CONSENT CALENDAR

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$120,925.04. Period: 12/2807.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$23,176.00. Period: 01/01/08.

Staff recommendation: Ratify.

4-4. Police & Fire Pension payments in the amount of \$111,686.15 for the month of December, 2007.

Staff recommendation: Ratify.

4-5. Confirmation of Continued Existence of a Local Emergency on the Albany Shoreline.
(File #520-30)

Staff recommendation: Confirm the continued existence of a local emergency pursuant to Resolution #07-69.

4-6. Burrowing Owls Habitat at the Albany Plateau regarding contract amendment with Avocet Research Associates.
(File #490-95)

Staff recommendation: Amend the contract with Avocet Research Associates to increase the contract from \$7,102.50 to \$14,141.25.

4-7. Resolution #08-2 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Ohlone Greenway Lighting and Pathway Improvements (Contract No. C06-23 – Nema Construction).
(File #600-30)

Staff recommendation: Adopt Resolution #08-2.

4-8. Solicitation of Auditors.
(File #310-30)

Staff recommendation: Authorize staff to solicit proposals from Certified Public Accounting firms to serve as independent auditors for the City of Albany, the Albany Municipal Services Joint Powers Authority, Albany Community Reinvestment Agency and the City of Albany Police and Fire Relief Pension Fund for fiscal years ending June 30, 2008 through June 30, 2013.

4. CONSENT CALENDAR

- 4-9.** Mayor Lieber requesting that the proposed smoking ordinance be referred to the Sustainability Committee after the Social & Economic Justice Commission has completed its recommendations.
(File #560-90)

Mayor Lieber recommendation: Approve.

- 4-10.** Information Report – Alameda-Contra Costa Transit District (AC Transit) Bus Shelter Advertising Contract Transfer from Lamar L.L.C to Clear Channel, Inc.
(File #1060-55)

Staff recommendation: No action, information only.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar and the following items were removed: 4-3, 4-6 & 4-9.

4-9. Smoking Ordinance

Council Member Javandel stated that he believes this issue should come back to Council and then, if necessary, it could be forwarded onto to the Sustainability Committee.

Ira Sharenow, Albany resident, thanked the Council for its support and complained that the Social & Economic Justice Commission did not take a good look at this item and were more concerned with smoker’s rights. Mr. Sharenow stated that he believes City staff is not working for Albany residents but with the lobbyists.

Mayor Lieber agreed with Council Member Javandel and stated that he disagrees with Mr. Sharenow noting that City staff is not working behind the scenes with any lobbyists.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile that the smoking ordinance comes back to the City Council at the next available opportunity.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

4-3. Warrant Register

Council Member Wile inquired about a vehicle sale by the Police Department, which is listed on page 2 of the 12/14/07 report. Council Member Wile asked if the Police Department could purchase more fuel-efficient vehicles and for the City to move in that direction. The City Administrator responded that the Police Department is looking at a more fuel-efficient vehicle but there are limitations on patrol cars that make this difficult. However, the Police Department is looking at more fuel-efficient vehicles for uses other than patrol.

4. CONSENT CALENDAR

The City Administrator noted that she will speak with the Police Chief about this and will provide the Council with additional information.

4-6. Burrowing Owls Habitat

Clay Larson, Albany resident, asked if the agreement with East Bay Regional Parks District had been finalized and the Community Development Director responded yes.

Mr. Larson asked if this item went out to bid for the fence and the Community Development Director responded it is ready to go out for bid and the consultant will oversee the work.

Mr. Larson spoke to the cost of the project and noted that he did not believe the project was neither necessary nor beneficial.

Mr. John Kindle, Albany resident, spoke about the fence and the problem with feral cats noting that the fence is designed to keep them out of the area.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar, as submitted with the exception of item 4-9.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to three (3) minutes. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Council Member Atkinson announced the following: 1) A new recycling program, which allows plastic bags to be recycled and would encourage everyone to start recycling plastic. 2) Attended a conference put on by Alameda County regarding childcare and family issues. 3) Centennial celebration kick off on February 24, 2008.

The following people spoke: Maureen Crowley, Albany resident; John Kindle, Albany resident; George McCraig, El Cerrito resident; Joan Larson, Albany resident; Robert Cheasty, Albany resident.

A summary of the comments is as follows: Spoke about available housing criteria not being in place in Albany and urged the Council to adopt criteria and procedures with Albany residents and seniors having priority. Spoke about the City Ordinance, which bans ice cream vendors being close to a school and noted this is not being enforced and urged the Council to have an ordinance with some teeth. Noted that the City of El Cerrito accepts all types of plastic for recycling. Announced a Library Board meeting on January 23 at 7 p.m. Edith Stone Room and noted a presentation will be given regarding Albany at 100. Thanked staff and Council Member Okawachi for their help regarding the

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

County Library contract. Announced a Historical Society meeting on January 23 at 10 a.m. and informed everyone that the official centennial kick-off starts on February 23rd. Announced that the Solano Avenue Association would be hosting a Lunar New Year celebration on February 10 from 1-5 p.m.

There being no one else wishing to speak Mayor Lieber closed the Good of the City/Public Forum/Announcements.

6. PUBLIC HEARING/PRESENTATION

Mayor Lieber read the following proclamations and presented them to Miya Kitahara and the American Red Cross. The proclamations were for the following events: First green MBA in the City of Albany, declaring January, 2008, as National Blood Donor Month and March, 2008 as American Red Cross Month.

7. UNFINISHED BUSINESS**7-1. Ohlone Greenway Path Alignment Concept Design**
(File #920-60)

Council Member Atkinson recused herself from this item due to a conflict of interest and left the Council Chamber.

The Community Development Director reported that in 2003 the Albany Parks, Recreation and Open Space Master Plan was adopted, which recommends development of a plan to rehabilitate and enhance the Greenway. Currently, BART is developing plans to seismically upgrade the support columns for the above ground tracks.

The City of El Cerrito is in a similar position as Albany and has hired Gates & Associates to prepare a concept plan for their stretch of the Greenway. The Albany City Council has also authorized Gates & Associates to prepare concept plans for renovation of the Greenway for BART consideration.

The Parks & Recreation Commission has held public meetings and a communication from the Albany Rollers and Strollers group was received supporting a consolidated trail.

The Parks & Recreation Commission recommends that the City Council direct City staff and Gates & Associates to submit Concept Diagram Option A to BART for Ohlone Greenway path alignment changes, and construction scheduling requests, that include: 1) A single combined path with 2' borders of decomposed granite on either side. 2) Replacement of the existing pedestrian path with turf. 3) Negotiations with BART to accommodate school and commercial retail schedules during the constructions period.

David Gates, Gates & Associates, recommends that the City send its preferred plan to BART, regardless of cost although the City may have to negotiate for its recommended plan.

Mr. Gates went over the preferred plan, Option A and asked Council to approve plan to send to BART so that negotiations could begin.

7-1. Ohlone Greenway Path Alignment Concept Design

Council Member Wile asked if Option A could be modified to keep the path. Council Member Javandel stated that he would like to see a wider path plus a separate path for pedestrians. Council Member Javandel noted that some of the bulb outs being recommended for Marin Avenue are identical to the Marin Avenue Traffic Calming Plan.

The following people spoke: John Kindle, Albany resident; Ed Fields, Albany resident; Maureen Crowley, Albany resident; Robert Cheasty, Albany resident; Rob Silva, Albany resident; Nick Pilch, Chair Parks & Recreation Commission; Jen, Albany resident; Geoff Piller, Albany resident.

A summary of the comments is as follows: Spoke in favor of a separate pedestrian path for reasons of safety for everyone who uses the path. Complained about the cost of using a consultant and believes that the focus should be on safety and not “pretty”. Agreed that the bulb outs on Marin should be enhanced. Asked that the bicycle path be made wider. Expressed concern about turf being used and the ongoing maintenance costs. Asked that BART use reused material and stated that all materials used in the City should be certified recyclable material. Noted that the Ohlone Greenway is the most used green space in the City. Expressed concern with mixing bicyclists and pedestrians within the same path and recommended that the City use Option B.

Mayor Lieber stated that this is a tough call but would like to see a separate path.

Council Member Okawachi agreed noting the danger of mixing bicyclists and pedestrians.

Council Member Javandel noted there are a lot of advantages for safety using a separate path and would like to see a 14’ mixed use path and to include a bulb out on the south side of Marin Avenue. Also to post signs to look out for pedestrians.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to modify Option A and include a separate pedestrian path and to include a bulb out on the south side of Marin Avenue.

AYES: Council Members Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: Council Member Atkinson

Motion carried and so ordered.

Council Member Atkinson returned to the Council Chamber and took her seat at the podium.

8. NEW BUSINESS

8-1. Removal of Monterey Pines from the Gill Tract

(File #920-20)

The Recreation & Community Services Director reported that staff from the College of Natural Resources’ Center on Forestry, as well as the U.C. Berkeley arborist and landscape architect, conducted a thorough review and evaluation of each of the Gill Tract trees. The evaluation discovered that most of the Monterey Pines on the property

8-1. Removal of Monterey Pines from the Gill Tract

are infected with pitch canker, which causes individual branches to die and leads to a general decline in the health of the tree and often the tree dies.

Trees with pitch canker need to be removed, as the dead material may break and fall from the tree or the tree itself may fall. It was also determined that the Monterey Pines not currently affected will also need to be removed, as they will become more susceptible to wind, are less stable in the soil and more likely to fall.

Staff has been requesting information from the University for several months regarding the future plans for the Gill Tract trees and no plans were communicated until the week of January 7, 2008. According to U.C. staff, the recent storms were the driving force behind taking action to remove the trees.

U.C. staff did attend the Parks & Recreation Commission meeting of January 10, 2008, to discuss plans and reasons for the removal. According to U.C. Phase one will remove approximately 180 trees and Phase two is currently unfunded; however, U.C. hopes to have phase two trees removed by the end of 2008.

The Commission expressed disappointment with the lack of response over the past several months and that no trees were being replanted to replace the ones being removed.

Mayor Lieber stated that the Gill Tract is a very important piece of land to the University and the City and that it is a habitat to many different animals including the Coopers Hawk. Mayor Lieber noted that it is his belief that the exemption U.C. received is not applicable and disagrees with clear-cutting the trees.

Council Member Wile spoke about the Coopers Hawk and Monarch Butterfly that make their home in these trees.

Council Member Javandel agreed that the exemption filed should have been followed up with replacement trees.

Council Member Atkinson expressed concern about the lack of communication noting distrust with the University and believes that the City deserves better treatment.

Council Member Okawachi stated that communication has been lacking, however, believes that if there is a public danger then the trees should be cut down.

The following people spoke: Mr. Ed Fields, Albany resident; Sydney Madson, Albany resident; George McCraig, El Cerrito resident; Robert Cheasty, Albany resident; Diana Sloan, Albany resident; Ralph, Albany resident; Bill Dann, Albany resident; Mark Bauman, certified arborist; Maureen Crowley, Albany resident; Kim Linden, Albany resident.

A summary of the comments is as follows: Expressed concern that U.C. was going to cut down all the trees. U.C. should obtain an independent survey to determine how dangerous the trees are. Spoke about a climate change if the trees are cut down and spoke about the Monarch Butterfly and noted that U.C. has an obligation to protect the animals and inspects that have a habitat in this area. Expressed concern that the trees are being cut down at the same time that U.C. is developing property on this land. Spoke about the contaminated house on the property and the chemicals that might be in the soil. Asked U.C. to continue this plan until a survey has been done regarding the Coopers Hawk and their nesting habits. Suggested the City think about obtaining a restraining order against U.C. to stop the clear-cutting. Spoke about the potential dangers of trees

8-1. Removal of Monterey Pines from the Gill Tract

that have pitch canker. Urged the Council to use common sense and distrust the University. Asked that the University have respect for the land.

Mr. Jim Horner, Landscape Architect U.C. Berkeley, representing U.C. stated that the University takes this very seriously and noted there is an overwhelming safety issue with the Monterey Pines. Mr. Horner noted that the second phase is unplanned and would be willing to sit down with the City regarding its ideas and guidance with the balance of the site. Mr. Horner stated that any tree with a Coopers Hawk or Monarch Butterfly nest in it would not be cut down and that U.C. is trying to do the project before the nesting cycle occurs.

Mr. Horner stated that it is the opinion of the experts that all the trees will become infected, as they don't have the genetic diversity.

Mayor Lieber asked how the City could meet with U.C. to slow down the process and talk about a more comprehensive plan.

The City Attorney asked if U.C. would be willing to slow down the process for a couple of weeks and spoke about the Tolling Agreement. Mr. Horner responded that he would need to speak with U.C. Staff and its Attorneys for an answer. Mr. Horner stated that U.C. did speak with City staff about this project approximately one year ago.

MOTION:

Moved by Mayor Lieber, seconded by Council Member Wile to authorize the City Attorney to talk with U.C. Berkeley immediately to try and get a Tolling Agreement and to try and obtain an injunction; also to work with U.C. Berkeley to negotiate a modification to the plan based on the input received from the community.

AYES: Council Member Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. Integrated Pest Management Policy & Regulations

(File #920-20)

The Recreation & Community Services Director reported the City's Parks and Recreation Open Space Master Plan establishes that the Parks and Recreation Commission develop a pest management policy that favors the use of organic or natural methods. A Task Force was set up to develop an Integrated Pest Management Policy and its primary purpose was to research and develop a draft Integrated Pest Management (IPM) policy.

The Recreation & Community Services Director stated that Integrated Pest Management is an approach to pest control that utilizes regular monitoring to determine if and when treatments are needed and employs physical, mechanical, cultural, biological and educational tactics to keep pest numbers low enough to prevent intolerable damage to natural pest controls.

The Task Force believes it important to include an ordinance, as the adoption of an ordinance commits the City, through the municipal code, to the program. The Task Force drafted a policy whereby the design of buildings and landscapes, including how they are maintained, would be as impervious as possible to infestation.

8-2. Integrated Pest Management Policy & Regulations

The Task Force and the Parks & Recreation Commission spent a lot of time discussing the "Precautionary Principle". The essence of the "precautionary principle" is to move away from evaluating how much harm should be risked from a proposed action, to a new approach that considers, in advance, how much harm can be avoided. The majority of the Task Force voted to include the precautionary principle definition in the policy.

The Task Force made the following recommendations: IPM Coordinator: This would be a City employee who works with City staff, is the liaison to the Oversight Committee and works with a contracted consultant that the City retains on an as needed basis for technical assistance. The recommendation is that the employee be hired at one-quarter time.

The Task Force also recommends keeping a contracted consultant similar to the one hired to assist in drafting the policy.

The financial impact is a one-time start up cost for implementing the IPM program of \$4,356. The annual cost of the IPM program is estimated to be \$33,356. However, it should be noted that included in the \$33,356 annual cost is a \$10,000 fee for an IPM Advisor. For the first two years of the program, it is estimated that the services of the IPM Advisor will cost the full \$10,000 per year. After the first two years less consultant time would be needed, which will decrease the annual cost. At this time, no source has been identified that would fund the entirety of this program.

Mayor Lieber stated that the City has worked very hard for real change, real green and real health and definitely supports the recommendations of the Task Force. Mayor Lieber noted that Nan Wishner, Chair of the Task Force, has worked very hard on this issue.

Nan Wishner, Chair Task Force, stated the Task Force reviewed a number of different ordinances and conducted a survey. Ms. Wishner noted that the City currently has an informal policy that it does not use chemicals and reiterated the importance to fund this project.

Ms. Wishner asked for a change on page 4 of the policy, #7 added the words "or economic".

The following people spoke: Mr. Geoff Piller, Parks & Recreation Commission; Sidney Madson, Albany resident; Mark Bauman, arborist; Robert Cheasty, Albany resident; Allan Maris, Albany resident; Kim Linden, Task Force & Parks & Recreation Commission member.

A summary of the comments is as follows: Spoke to the Precautionary Principle statement and cautioned the Council to look at the policy very carefully especially to the costs that may come up with adoption. Believes this subject is not about an IPM policy but a political exercise for banning chemicals. Supported the policy as presented including the "precautionary principle". Expressed concern with funding for maintenance costs. Agreed that the "precautionary principle" language is very important and should be kept in the policy.

Council Member Javandel stated that he supports the "precautionary principle" and noted it is the right thing to do.

8-2. Integrated Pest Management Policy & Regulations

Mayor Lieber agreed with Nan Wishner and the added language to page 4, #7 of the policy. Mayor Lieber also agreed that the City needs to hire additional staff, as recommended by the Task Force.

The City Administrator stated that there currently are no funds available but noted there is approximately \$40,000 available in Council discretionary funds that could be allocated this year and in future years.

Council Member Okawachi expressed concern about the need for additional staff.

There was Council consensus that funding for the additional position would come out of the Council discretionary funds this year.

Council Member Atkinson stated this is a complicated Ordinance and noted that Council can see how it works and if any problems occur could always revisit the Ordinance.

Council Member Javandel introduced for First Reading – Ordinance No. 08-01 – An Ordinance of the Albany City Council Regarding Integrated Pest Management (IPM) Policy and Regulations.

Council Member Javandel presented Resolution No. 08-3 – A Resolution of the Albany City Council Approving an Integrated Pest Management (IPM) Policy and Regulations.

MOTION:

After reading the title of Ordinance No. 08-01 and Resolution No. 08-3, and waiving reading of entire Ordinance and Resolution it was moved by Council Member Javandel, seconded by Council Member Wile to adopt Ordinance No. 08-01 for First Reading and approve Resolution #08-3, with the addition to the Policy, page 4, #7 add the words “or economic”.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Atkinson to continue the meeting.

Motion carried and so ordered.

8-3. Light Brown Apple Moth Aerial Spraying Program

(File #560-70)

The City Administrator reported that in December, 2007, the California Department of Food and Agriculture (CDFA) notified Albany and other cities in Alameda County and Contra Costa County of its intent to conduct an aerial spraying program in an effort to eradicate the Light Brown Apple Moth (LBAM). This program is similar to the one undertaken in the fall of 2007 on the Monterey Peninsula.

The reason for the eradication program is concern for the damage to crops and other plant species and the potential for quarantine restrictions that could occur if the moth continues to increase in population in the state. The program involves repeated aerial spraying of areas where the moth has been sited with a certain level of frequency.

8-3. Light Brown Apple Moth Aerial Spraying Program

The material sprayed is a synthetic pheromone-based solution combined with other ingredients labeled “inert”, which is designed to confuse the male moth during the mating cycle in order to reduce the number of successful matings and offspring. CDFA has stated its intent to conduct the spraying in this area in approximately March to coincide with the LBAM mating season.

Members of the community have expressed concern about negative health impacts from the spraying. Mayor Lieber and Nan Wishner have prepared a resolution, which requests that the CDFA use least-toxic IPM methods to control the moth, educate the USDA regarding the lack of crop damage done by the LBAM, and to therefore, downgrade the pest classification of the LBAM and not expose populated areas to spraying. Also that the State conduct a study of the health and environmental impacts of the aerial spraying already performed and lastly supports legislation that may be introduced to require consent of residents in areas being sprayed.

Mr. John Connell, Director, CDFA, stated this program has been postponed until the first of August, 2008 for spraying in the Bay Area; however, there will be ground treatment starting sometime in March, 2008.

Mr. Connell stated that he believes the Resolution is premature at this time if all the facts are not available.

Ms. Nan Wishner, stated that when CDFA sprayed in Monterey people got sick and disagrees that this action is premature. Ms. Wishner noted that she has not heard anything tonight to change her mind and believes that the State needs to have leadership on this issue. Ms. Wishner asked Mr. Connell how the State intends to deal with the illnesses reported after the spraying.

Mayor Lieber asked if the State filed a Notice of Exemption with Alameda County and Mr. Connell replied that the eradication of the LBAM has been approved and a notice was filed and noted that the Permits and Regulations staff could give the City that information.

The following people spoke in opposition to the spraying of the LBAM: a resident from Saratoga; Sidney Madson, Albany resident; Maureen Crowley, Albany resident; Jackie, Albany resident; Frank, Fairfax resident; Kim Linden, Albany resident; Ed Fields, Albany resident; State Director, Pesticide Watch.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to extend the meeting for one-half hour.

Motion carried and so ordered.

A summary of the comments is as follows: Expressed concern that when the Monterey/Santa Cruz area was sprayed something in that formula caused hundreds of birds to die. Asked for an independent analysis from the Pesticide Action Network. Expressed concern about the animals and asked how this chemical would impact the organic products. Stated that CDFA has not alleviated concerns that the spraying is safe and effective. Noted that this is not an emergency and does not call for such radical methods. Supported a class action suit against the State. Noted that the areas being sprayed are the “test” cases.

8-3. Light Brown Apple Moth Aerial Spraying Program

Council Member Javandel stated that he is looking for an alternative to the spraying and supports the Resolution.

Mayor Lieber expressed concern with what he heard tonight and noted the spray is an irritant and the worst-case scenario could be deadly to some people. Mayor Lieber stated he supports the Resolution and wants Albany to take a lead role in this area noting it is about our children, our families and our pets.

Council Member Wile presented Resolution No.08-4 – A Resolution of the Albany City Council Opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moths.

MOTION:

After reading the title, and waiving the reading of the entire Resolution, it was moved by Council Member Wile and seconded by Council Member Javandel to adopt Resolution #08-4.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

9. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items)

10. ADJOURNMENT

Mayor Lieber stated that the meeting would be adjourned in memory of William F. Ganong. Council Member Ganong noted that Mr. Ganong was a very famous professor at U.C. Berkeley and the New York Times did a write up about him.

10. ADJOURNMENT

11:45 p.m. – There being no further business before the Council it was moved and seconded to adjourn the meeting with a moment of silence in memory of William F. Ganong.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK