

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**February 24, 2010
MINUTES**

7:30 P.M. Regular Meeting

Joaquin Moraga Intermediate School Auditorium
1010 Camino Pablo, Moraga, California 94556

I. CALL TO ORDER

The regular meeting was called to order at 7:31 P.M. by **Mayor Ken Chew**.

ROLL CALL

Councilmembers present: Mayor Ken Chew, Vice Mayor Karen Mendonca, and Councilmembers Howard Harpham, Michael Metcalf and Dave Trotter

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Metcalf led the Pledge of Allegiance.

III. ANNOUNCEMENTS AND PRESENTATIONS

A. Swearing in of New Police Officer Michael Millstead

Chief of Police Robert Priebe introduced Officer Michael Millstead to the Town Council and described his background leading to his first job in law enforcement.

Town Clerk Marty McInturf presented the Oath of Office to Officer Michael Millstead.

The Town Council welcomed Officer Millstead to the Town of Moraga.

B. Presentation of Statewide Local Streets and Roads Needs Assessment Study

Town Engineer/Public Works Director Jill Mercurio offered a PowerPoint presentation on the results of a statewide study of the Local Streets and Roads Needs Assessment. The study had been implemented by the League of California Cities several years ago to analyze local streets and roads needs to determine conditions, costs for maintenance, safety, traffic regulatory needs and budget shortfalls. While 33 percent of the Town's roads were in good condition, 29 percent were fair and 39 percent were poor or worse. Examples of the roads in each category throughout the Town were identified and displayed to the Town Council.

Ms. Mercurio explained that funds for the repair of streets and roads at the State level came from AARA funds, Proposition 42 funds, and gas tax funds, funds which were in jeopardy given State budget constraints resulting in a 10-year shortfall unless gas taxes were increased. The Town's funding shortfall would be \$55 million with a current deferred maintenance backlog of \$6 million. Staff continued to seek grants and review the pavement technology being used to get

the most for the money. It was clear that the existing funding from the state would continue to decrease and funding would be needed to maintain the Town's assets.

In response to the Council, Ms. Mercurio stated that the City of Orinda was in worse shape than the Town in terms of its backlogs and funding shortages although she was not certain of the magnitude. She described the Infrastructure Analysis that had been done by the Revenue Enhancement Committee, which had shown that roads already in poor condition were ending up in a failed condition. Funds were not being used to repair those roads since that was not considered to be a good investment. Pavement rehabilitation would have to occur in those cases. She explained that the facts and figures in the PowerPoint presentation included Rheem Boulevard at St. Mary's Road. She noted that the PowerPoint information could be posted on the Town's website.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to approve the Consent Agenda as shown. Vote: 5-0.

- | | |
|---|----------|
| 1) Accounts Payable Claims for 2/12/2010 (\$201,825.39) | Approved |
| 2) Approve Revised Minutes from the Town Council Meeting January 27, 2010 | Approved |
| 3) Adopt Resolution 21-2010 Authorizing the Town Manager to Execute a Contract with Caltronics Business Systems for a 48-month Lease on a Multi-Function Copier for the Planning and Town Manager's Departments | Approved |
| 4) Adopt Resolution 22-2010 Accepting the Engagement Letter from Meyers Nave for the Purpose of Providing Bond Counsel Services for the Issuance of Certificates of Participation for the Acquisition of 331 Rheem Boulevard and the Remodel of 329 Rheem Boulevard | Approved |
| 5) Authorizing the Mayor to Send a Letter to Supervisor Gayle Uilkema Expressing Concerns over Possible Transfer of Misdemeanor Prosecutions to Municipalities | Approved |

B. Approval of Consent Items Removed for Discussion

No Consent Items were removed from the Consent Agenda.

V. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Mendonca) to adopt the Meeting Agenda, as shown. Vote: 5-0.

VI. PUBLIC COMMENTS AND SUGGESTIONS

John Beernink, Benicia, expressed concern with the potential removal of the disc golf course located at Moraga Commons which had been in existence since 1982. He noted that a picnic bench had recently been chained to a tree in the back forty area which was in a very poor area and he asked why it had been placed there after all of this time. Native trees had also been inappropriately pruned. When asked by the Council, he was unaware of any accidents as to the use of the disc golf course over the past 27 years.

Moon Johnson, Sonoma, described the background of disc golfing and noted that he was a member of several golf and community volunteer organizations in the Bay Area. He described the background of the golf association, the many programs offered, and explained that it was comprised of community volunteers who built and maintained their own facilities. He commented on the many benefits of disc golfing. He questioned why the Town was reducing the area of the existing disc golf course in the Commons for a sport that had been growing rapidly and where no drinking and drugs were permitted.

Pete D'Agostino, Canyon, noted that the disc golf course located in the Commons had been moved repeatedly in the past due to other uses in the park. The course continued to be pushed back where the number of holes in the course had been reduced as a result of additional bocce ball courts. He suggested that bocce courts and a dog park could be located in other park facilities. He pointed out that the disc golf organization had not taken any money from the Town and should not be eliminated.

William Manger, Oakland, representing the community of disc golfers, spoke to the few courses located in the Bay Area. He commented on his background with local disc golf organizations and the effort to locate three new golf courses in San Mateo County. He explained that disc golfing was one of the fastest growing sports in the country and more courses were needed. He added that losing the Moraga course would impact East Bay disc golfers who came to the Town of Moraga at least once a week to play and patronize local businesses and restaurants. He stated that the course at Moraga Commons Park had been listed on discgolf.com.

Greg Rijavic, Oakland, commented on his long history as a disc golfer. He commented that he was a participant in many community events. He suggested that no other part of the park offered diversity for so many of all ages to participate in the sport. If the existing course was decreased in size, Mr. Rijavic stated there was a risk in losing the entire course, which would negatively impact the Town itself. He asked that the park be preserved for the community.

Scott Hetker, Lafayette, an avid golfer and disc golfer, commented on the impacts the sport had on his life. He noted that the sport was low impact and inexpensive as opposed to traditional golf, with a diversity of participants. He commented on the number of courses for disc golfers in the country, a sport that was growing quickly, benefitting local merchants. He understood that

the course could be the first to be removed in the area if it were adjusted or changed in any way, which would disappoint many.

Brian Henderson, Moraga, stated that he also enjoyed the course which had become a destination location attracting many from out of town. He wanted to see the course become larger and asked that no changes be made to the existing course.

Amir Mohammed, Moraga, Event Coordinator for Saint Baldrick's, the largest volunteer driven fundraising organization in the world raising funds for pediatric cancer, suggested that the staging area at the Commons would be a perfect area for a head shaving event. He described how the event would be held and funds raised for the cause with local high schools encouraged to become involved along with members of the community. He noted that the organization would cover all costs for the event although he asked that the Town Council waive the fee for the use of Moraga Commons given that the organization was a nonprofit and all profits would go to the cause. He added that information on the organization could be found on their website and on Facebook.

Mayor Chew encouraged Mr. Mohammed to contact the Parks and Recreation Director as to the possibility of a fee waiver for the use of Moraga Commons.

Jonathan Goodwin, Canyon, reported on the protocol in the event of an earthquake with respect to emergency preparedness. He suggested that the model used by Canyon could be transferred to the Lamorinda area. He encouraged one regional manager. He expressed his hope that the Council would take an active interest in the matter.

Andrew Somers, Lafayette, further spoke to the use of Moraga Commons for disc golfing, commenting on his efforts and time spent to volunteer on the course to make it better and safer. He encouraged other options to the removal of the disc course.

VII. SPECIAL ORDERS - PUBLIC HEARINGS - None

VIII. UNFINISHED BUSINESS

- A.** Adopt Resolution 23-2010 Authorizing the Town Manager to Enter into a License Agreement with the Moraga School District for the Camino Pablo Sports Field Improvements

Parks and Recreation Director Jay Ingram reported on the request for the Town Council to enter into a License Agreement with the Moraga School District (MSD) for the Camino Pablo Sports Field Improvements. He spoke to the joint meeting between the MSD and the Town Council held in March 2009, at which time the use of East Bay Regional Park District (EBRPD) Measure WW funds to improve fields in Moraga had been discussed. The Town of Moraga Park and Recreation Master Plan, Priority Level One, identified the use of funds for field improvements in working with the MSD. In April 2009, the MSD and the Town Council agreed to proceed with field improvements with the use of Measure WW funds.

Subsequent to that time, a Fields Committee had been selected comprised of members of the Town Council, Town staff, MSD staff, Park and Recreation Commissioners, and a field user with meetings held over the summer of 2009. At a joint meeting in November 2009, the Fields Committee presented a project for field improvements at Camino Pablo Sports Field using the majority of Measure WW funds. It had been determined that any remaining funds should be used for Rancho Laguna Park. Although the Town Council and the MSD had approved a joint use agreement in November 2009, the EBRPD required a site specific lease agreement/license agreement for the use of Measure WW funds. An agreement had been drafted by staff and

presented to the MSD earlier in the year and presented to the MSD Board of Directors on February 9. The MSD Board of Directors made modifications to the agreement at that time. The modified agreement was presented to the Town Council for consideration.

Mr. Ingram added that the MSD would like the Town Council to enter into a Memorandum of Understanding (MOU) to participate in plan approval and the selection of contractor(s). He noted that the project would be funded by EBRPD funds although the Town would have to finance the project and be reimbursed by the EBRPD after project completion. The Town may incur additional costs for repairs or shortfalls in revenue as provided in the License Agreement. He explained that if the Town Council chose to approve the License Agreement, staff would proceed with the required environmental documentation. Should the application be successful, he anticipated that the field improvements could be conducted during the summer of 2011.

In response to the Council as to the potential costs that could be incurred by the Town, Town Manager Mike Segrest explained that costs could be incurred for repairs or shortfalls. In the event of damage by vandalism or by users, as examples, the Town would likely look to its insurance carrier which would involve a deductible payment. He did not see that there would be a great exposure for the Town. He added that the Town Attorney had small verbiage changes to be made to the resolution which would be worked out with the MSD.

Mr. Ingram clarified that the EBRPD was not concerned with the MOU which would be worked out at the staff level. The EBRPD required a site specific lease agreement/license agreement for the use of Measure WW funds.

PUBLIC COMMENTS OPENED

Rick Schafer, Superintendent of the MSD, reported that the MSD Board of Directors had authorized the passage of the joint use agreement but had not authorized his signature pending the completion of the MOU, with specifications for the inspection of the project, as completed, and with a final recommendation to the governing Board regarding acceptance of the project. He stated that those specifications were being drafted and would be forwarded to Town staff when completed. He otherwise agreed with the language revisions as shown in the redline strikeout version of the agreement.

As to the required MOU, Mr. Segrest advised that would require approval of the Town Council and would have to be agendaized for Council consideration in March to meet the deadline. He did not anticipate that the MOU would delay the process for requesting use of EBRPD Measure WW funds.

Mr. Schafer reported that the MOU had been scheduled for MSD Board of Directors consideration during its March 9 meeting. He stated, when asked, that the MSD Board was in agreement with the proposed 25-year term for the joint use agreement.

PUBLIC COMMENTS CLOSED

The Town Council discussed the resolution and License Agreement with the MSD for the Camino Pablo Sports Field Improvements and made the following comments and modifications:

- The Town Council encouraged the MSD to work with Town staff to achieve a non-controversial MOU that would meet the EBRPD Measure WW grant application requirements;
- Modified the fourth WHEREAS of the License Agreement on Page 1:

WHEREAS, California Education Code Section 10900 et seq. authorizes cities and public school districts to organize, promote and conduct programs of community recreation to contribute to the attainment of general recreational and educational objectives for children and adults of the State of California.

- Removed the quotation marks at the end of the last sentence on Page 2, paragraph 3. MAINTENANCE and UTILITIES - C;
- Revised the paragraph on Page 2, USE OF PROPERTY - i, to read:

Construction of improvements and operation of playing fields primarily for the non-profit use of young persons in organized and adult-supervised team sports.

- Removed the second period after the letter "D" on Page 3, IMPROVEMENTS.

ACTION: It was M/S (Trotter/Mendonca) to adopt Resolution 23-2010 Authorizing the Town Manager to Enter into a License Agreement with Moraga School District for Camino Pablo Sports Field Improvements, as modified. Vote: 5-0.

IX. NEW BUSINESS - None

X. ORDINANCES - None

XI. REPORTS

A. Council Requests for Future Agenda Items

Mr. Segrest reported that two applications had been received for appointment to the Traffic Safety Advisory Committee (TSAC) although there had not been enough applications received to proceed with a full body. He asked whether or not the Town Council desired a less than intact TSAC body or as an option consider appointing a subcommittee from the Planning Commission.

By consensus, the Town Council decided to fill the two TSAC positions and make an effort to fill the last position and to conduct interviews prior to the regular Town Council meeting of March 10.

B. Mayor's and Councilmembers' Reports

Mayor Chew – No report.

Vice Mayor Mendonca – Reported that she had met with the Personnel Committee for the Solid Waste Authority Board. She provided information on intergenerational communication training for the MYIC which had been well received. She also thanked all the staff involved in the Town's abatement of the Calle la Montana property. She asked that the Town Council be kept updated on the status of that property.

Councilmember Harpham – No report.

Councilmember Metcalf – Reported that the Lamorinda School Bus Committee had met with Miramonte High School parents who had requested a second route to serve the school and who had reviewed the emergency response procedures for the school buses. He also reported on the interview session of the Contra Costa Transportation Authority (CCTA) for a short list of candidates for the Executive Director's position.

He further reported that the Town Manager, Ellen Beans, Edy Schwartz and he would be meeting to design an outreach program of the Revenue Enhancement goals, to be returned to the Town Council as soon as possible.

Councilmember Trotter – Reported that he and Councilmember Metcalf, as members of the Moraga Center Specific Plan (MCSP) Implementation Committee, had recently met with staff to discuss the initial steps and strategies for marketing the plan and reaching out to the property owners.

- C. Town Manager Update – Mr. Segrest reported that the Town had received an AA+ rating for the Certificate of Participation (COP) financing for Rheem Boulevard. He also reported that the Town Manager's Evaluation would be held in March, typically in Closed Session. He added that the Town would be sending a letter through the attorney for the property owner of the Calle la Montana property to advise what the Town had done to abate the property and to provide a bill for reimbursement for the abatement along with a request for monitoring of activities on the site. Neighbors were encouraged to contact the Town with any concerns so that prompt action could be taken.

XII. COMMUNICATIONS - None

XIII. ADJOURNMENT

ACTION: It was M/S (Mendonca/Trotter) to adjourn the meeting at 9:00 P.M. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Ken Chew, Mayor

