

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**April 14, 2010  
MINUTES**

**6:00 P.M. Closed Session  
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 7:34 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. CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code Section 54956.9(a)  
Joyceanne Beachem v. Town of Moraga  
Contra Costa Superior Court Case No: N09-0235
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code Section 54957  
Title: Town Manager

**III. RETURN TO OPEN SESSION**

- A. Mayor's Report on Town Council Closed Session

**Mayor Chew** reported that for Closed Session Item A, the Town Council had authorized an appeal in the Beachem litigation. As a result of the appeal, the summer concerts for 2010 would go forward as planned and on schedule.

**IV. PLEDGE OF ALLEGIANCE**

**Councilmember Trotter** led the Pledge of Allegiance.

**V. ANNOUNCEMENTS AND PRESENTATIONS**

- A. Saint Mary's College and Town of Moraga Acknowledgement of April 2010 as Sexual Assault Awareness Month

Sharon Sobotta, Director of the Women's Resource Center, Saint Mary's College, introduced several members of the audience who had shared in the important work of the Resource Center. She thanked the Town for the public acknowledgement of Sexual Assault Awareness Month, which was a national event. She invited everyone to participate in the Take Back the Night event scheduled for April 22, 2010, at 5:30 P.M. at Saint Mary's College. She added that as a reporter, she had interviewed students within the community regarding the recent tragedy of a gang rape of a young woman in the City of Richmond, which incident had reached the international spotlight.

Gillian Cutshaw reported that the Take Back the Night event was free to the public and would include refreshments, artistic performances, and story sharing from survivors of sexual violence, a candlelight vigil and march around the Saint Mary's campus. She invited the entire community to participate.

Hana Hamilton, Outreach Educator with the Anti-Human Trafficking Project, Community Violence Solutions, also commented on the incident in the City of Richmond and the effort to bring their curriculum to all Richmond schools. She spoke to the purpose of the Anti-Human Trafficking Project, efforts to link to needed services, and prosecution efforts.

**Mayor Chew** read the proclamation declaring April 2010 as Sexual Assault Awareness Month.

## **VI. ADOPTION OF THE CONSENT AGENDA**

### **A. Approval of the Consent Items**

Consent Agenda Items 2, 3, and 5 were pulled from the Consent Agenda.

#### **PUBLIC COMMENTS OPENED**

There were no comments from the public.

#### **PUBLIC COMMENTS CLOSED**

<b>ACTION: It was M/S (Trotter/Mendonca) to approve Consent Agenda items 1, 4, 6, 7, and 8. Vote: 5-0.</b>
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- |  |                |
|--|----------------|
| 1) Accounts Payable Claims for 3/26/2010, \$137,904.75   | Approved       |
| 2) <i>Approve Minutes from the Town Council Meeting of March 24, 2010</i>  | <i>Removed</i> |
| 3) <i>Adopt Resolution 34-2010, Approving a Contract with Pyro Spectaculars by Souza for the Annual 4<sup>th</sup> of July Fireworks Display</i>   | <i>Removed</i> |
| 4) Adopt Resolution 35-2010 Awarding a Construction Contract to Morgan Fence and Iron of Concord for Gate Installation and Adopt Resolution 36 -2010 Awarding a Construction Contract to Bay Alarm for Installation of a Fire and Intrusion Alarm System to the Corporation Yard Building at 331 Rheem Boulevard | Approved       |
| 5) <i>Adopt Resolution 37-2010 Ratifying the Authorization for the Town Manager to Submit a Grant Application to East Bay Regional Park District (EBRPD) for the Purpose of Sports</i>   | <i>Removed</i> |

- Field Improvements at Camino Pablo Elementary School*
- 6) Adopt Resolution 38-2010 Approving Funding from the Asset Replacement Fund to Replace Two Servers and an Uninterruptible Power System (UPS) Related to the Computer Network System Approved
- 7) Approve by Motion Council Reappointment of A.G. Dessayer to the Central Contra Costa Transit Authority's Board of Directors Approved
- 8) Approve by Motion Proclamation Recognizing Edy Schwartz for her Selection as Moraga's Citizen of the Year 2010 Approved

**B. Approval of the Consent Items Removed for Discussion**

1. Approve Minutes from the Town Council Meeting of March 24, 2010

Corrections were made to the minutes of the March 24, 2010 Town Council meeting, as follows:

To the third and last sentences under Councilmember Metcalf's comments on Page 11:

*He [Councilmember Metcalf] added that the Revenue Enhancement Outreach Committee had been working with select members of staff on a design for an outreach program to the public. A proposal would be made to the Town Council on April 14.*

To the first sentence under Councilmember Trotter's remarks on Page 11:

**Councilmember Trotter** - *Thanked Councilmembers Harpham and Metcalf for their efforts on the outreach program from the Revenue Enhancement Outreach Committee given his inability to participate due to his work schedule.*

**ACTION: It was M/S (Trotter/Mendonca) to approve the minutes of the March 24, 2010 meeting, as amended. Vote: 5-0.**

2. Adopt Resolution 34-2010, Approving a Contract with Pyro Spectaculars by Souza for the Annual 4<sup>th</sup> of July Fireworks Display

Parks and Recreation Director Jay Ingram acknowledged that a scope of work had not been attached to the contract. He clarified that the fireworks display would be 18 minutes in length and would be the same as in the past with different fireworks. The scope of work had been based on the 2009 show. For 2010, the Town had issued a Request for Proposal (RFP). Pyro Spectaculars had been the only respondent and the firm selected. The Town had worked with the company since the early 1990's.

The Town Council directed that a scope of work be provided to the Council and that Page 2 of the staff report be revised to clarify the costs for present and future periods.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Harpham/Mendonca) to adopt Resolution 34-2010 Authorizing the Town Manager to Enter into a Contract with Pyro Spectaculars by Souza for the Annual 4<sup>th</sup> of July Fireworks Display. Vote: 5-0.**

3. Resolution 37-2010 Ratifying the Authorization for the Town Manager to Submit a Grant Application to East Bay Regional Park District (EBRPD) for the Purpose of Sports Field Improvements at Camino Pablo Elementary School

The resolution was to be amended by staff with the second to last paragraph of Resolution 37-2010 to be modified to agree with the title clause of the resolution.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Mendonca) to adopt Resolution 37-2010 Authorizing the Town Manager to Submit a Grant Application to East Bay Regional Park District (EBRPD) for the Purpose of Sports Field Improvements at Camino Pablo Elementary School, as amended. Vote: 5-0.**

### VII. ADOPTION OF MEETING AGENDA

New Business Item B was moved to Item A under Special Orders – Public Hearings, and Item A under Public Hearings was moved to Item B.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Mendonca/Harpham) to adopt the Meeting Agenda, as modified by moving New Business Item B to Item A under Special Orders – Public Hearings, and Item A under Public Hearings to Item B. Vote: 5-0.**

### VIII. PUBLIC COMMENTS AND SUGGESTIONS

Al Dessayer thanked the Council for his appointment to the Central Contra Costa Transit Authority's Board of Directors. He took the opportunity to update the Council on the status of the County Connection which would have nine new hybrid diesel buses coming on line. He added that the Board had discussed its 10-year forecast which would be balanced through 2010 but which would run out of funds in 2013 given the economic impacts to the agency.

Jamie Rich, Lamorinda Alcohol Policy Coordinator, reported that the Center for Human Development had scheduled a Countywide Forum on Underage Drinking at JFK University on April 29 at 6:00 P.M. with all Mayors, Police Chiefs and Principals invited from throughout the County. Flyers for the event were provided to the Town Council.

Edy Schwartz, Moraga Chamber of Commerce, reported on the status of the Rheem Theater with continued discussions with the interested parties who would like to see a creative solution to realize the continued viability of the theater. She also announced that the Mike Vax Jazz Band Concert at the Rheem Shopping Center had been scheduled for April 25 from 2:00 to 5:00 P.M. On May 2 from 4:00 to 6:00 P.M., the Saint Mary's College Gael's Basketball Team would

be honored. Everyone was invited to attend. She took this opportunity to introduce Mary Ann Coe, Professor, Saint Mary's College, School of Economics and Business Administration.

Professor Mary Ann Coe, Saint Mary's College, School of Economics and Business Administration, described a program offered by Saint Mary's College where students would focus on one specific area. She would be leading the class in January 2011 on Community Marketing, with an effort to engage a relationship not only with Saint Mary's College faculty and staff but with the Moraga downtown area in an effort to market the area as a college town and enhance the relationship. Efforts had already been made working with the Chamber of Commerce, focus groups, Chamber members and other stakeholders in the community to create strategies to market Saint Mary's College and improve the business relationship. Other practices used by other communities would also be reviewed during those discussions.

## **IX. SPECIAL ORDERS - PUBLIC HEARINGS**

- A. Review and Approve the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Program as Described in Attachment A.**

Town Manager Michael Segrest reported that the Revenue Enhancement Outreach Committee had been meeting and working on the next steps for Council authorization in order to make the Council aware of the efforts to get out into the community, learn the level of awareness and develop strategies to improve the long-term financial status of the Town.

Dick Olsen, Chair of the Revenue Enhancement Committee, presented the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Program, [as described in Attachment A]. The committee had come to the conclusion it needed to establish a community baseline, establish the community's understanding of the Town's financial conditions, the Town's infrastructure, and general service needs, and community preferences and attitudes. He advised that RECON proposed the use of five focus groups to consist of ten people to be randomly selected to represent the geographic and demographic community of Moraga. He outlined how the process and the information would be utilized through the use of a focus group interview method in an interview facility. Two conference rooms would be used in the Education Building at Saint Mary's College gratis to the committee. A facilitator had been selected to facilitate the focus group sessions. The facilitator had expressed the willingness to work pro bono. He emphasized that RECON would be an entirely volunteer effort.

Mr. Olsen asked that the Town Council approve the RECON Program as described. Upon approval, the Committee would meet on April 15 at 9:30 A.M. at the Hacienda. The intent was to fast track the process in order to reach a conclusion by the end of May with a presentation to the Council in late June/early July, with the hope that implementation of the information would occur in September.

**Councilmember Metcalf**, a member of the Revenue Enhancement Outreach Committee, described the process and discussions in which the RECON Program had been achieved. The five focus groups would conduct videotaped interviews, with said tapes made available to the public for a limited period of time.

### **PUBLIC COMMENTS OPENED**

There were no comments from the public.

### **PUBLIC COMMENTS CLOSED**

The Town Council discussed the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Program and made the following comments and recommendations:

- Clarified that the Revenue Enhancement Outreach Committee could return to the Town Council with any modifications to the RECON Program;
- Agreed that the focus group sessions be videotaped for full transparency; and
- Include in the questions for the focus groups that the sessions would be videotaped offering the opportunity for anyone not wanting to participate the ability to decline participation.

**ACTION: It was M/S (Harpham/Mendonca) to approve the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Program, as described in Attachment A. Vote: 5-0.**

**B. Public Hearing to Consider Amending Start Time for Regular Town Council Meetings and Draft Resolution on Town Council Procedures for Meetings, including the following action:**

1. Introduction and First Reading of an Ordinance to Amend Town Municipal Code Chapter 2.04, Section 2.04.010 amending the start time for regular Town Council meetings

Mr. Segrest advised that the item was a follow-up from the Council Goal Setting Session discussions by moving the start time of the Town Council meetings earlier to consider routine items between 6:30 and 7:30 P.M., and to consider items that typically elicited community comments and input at a more reasonable hour. The purpose of the proposed changes to the Town Council procedures was to reorder the consideration of items by the Town Council in order to provide an improved agenda structure. He asked the Town Council to consider amending the start time for regular Town Council meetings and draft resolution on Town Council Procedures for Meetings and Introduce First Reading of an Ordinance to Amend Town Municipal Code Chapter 2.04, Section 2.04.010 amending the start time for regular Town Council meetings.

In response to the Council, Mr. Segrest explained that the Auditorium at Joaquin Moraga Intermediate School had been identified in the ordinance as the location for regular Town Council meetings since a specific place and time must be identified for Town Council meetings. If the Town Council were to select a different venue in the future, the ordinance would have to be modified as a result. He clarified that the public would continue to have full knowledge of the agenda and opportunity to speak to any item even if the regular meeting time were changed.

#### PUBLIC COMMENTS OPENED

Ellen Beans, Moraga, commented that having read the proposal and having attended many Council meetings over the past years, the recommendation was reasonable for the public and the Town Council. She expressed her hope that the Town Council would make the effort to try the recommendation.

Town Attorney James Atencio explained, that the Town had typically combined all public hearing items together as one on the meeting agendas, although the categories could be modified, if the Council so desired.

#### PUBLIC COMMENTS CLOSED

The Town Council discussed the item and made the following comments and recommendations:

- Recommended a start time for regular Town Council meetings of 7:00 P.M.;
- Suggested that an hour was not necessary for the completion of routine items;
- Expressed concern with an earlier start time in the event a Closed Session was scheduled;
- Recommended that the "Request for Future Agenda Items" listed on the agenda remain at the end of the agenda given that during the course of discussions of a meeting agenda, an item may be requested for a future agenda at the end of the meeting;
- Vice Mayor Mendonca stated that she had received many phone calls regarding the end time and saw no reason why the meetings should not end between 10:00 or 10:30 P.M.
- Councilmember Metcalf said that he agreed with a 7:00 P.M. start time and an adjournment time of 11:00 PM
- Mayor Chew expressed that a 6:30 start time should result in a 10:30 P.M. automatic adjournment.

The Council discussed the 24-hour rule for the submittal of written communication to the Town Council:

- Councilmember Trotter stated the language should be advisory, i.e., instead of "must be submitted" it should read "shall be submitted," and asked the Town Attorney to opine on that issue of legality when the item was returned to the Town Council.
- Councilmember Metcalf would like the rule to remain as it was, and questioned the legalities of enforcing a 24-hour rule. He agreed that last minute communications did not allow time to thoroughly read.
- Vice Mayor Mendonca agreed with the 24-hour rule when the communications exceeded one page. Communications of less than one page could be turned in at any time. She thought that changing the language to advisory would be misleading.
- Councilmember Harpham agreed that receiving multi-paged communications at the last minute was not fair to the person dropping off the letter because it could not be read and understood on such short notice.
- Mayor Chew agreed with Councilmember Harpham that he would like a 24 hour cut off for communications longer than one page. He felt it was a disservice to the public because he could not read the material before or during the meeting.
- Town Manager Mike Segrest clarified that the language did not prohibit anybody from turning in multi-page documents but suggested that if the submitter expected their document to be read they should turn it in at least 24 hours ahead of time.
- James Atencio, Town Attorney said that he would look into the legality of a 24-hour rule and the proper language.

The following revisions were recommended to Resolution No. -2010:

- Page 3, Section 2.10, Public Hearings: *A Public Hearings section of the Agenda is oriented primarily to public hearings as required by State law and items upon which significant public comment is anticipated (Public hearings will not begin before 7:30 P.M.);*

- Page 5, Section D., Written Communication. Town Attorney to opine on the proposed language in this section.
- Page 7, Section 4., Voting, clarify the legality of the language being proposed for conformance to State law; and
- Change the meeting time for regular Town Council meetings to 7:00 P.M.

Mr. Segrest clarified that the ordinance would return at the next meeting of the Council. The resolution would return after the ordinance was in force. He clarified that the next meeting of the Town Council would start at the current time of 7:30 P.M.

**ACTION: It was M/S (Trotter/Mendonca) to adopt an Ordinance to Amend Town Municipal Code Chapter 2.04, Section 2.04.010 Amending the Start Time for Regular Town Council Meetings and Draft Resolution on Town Council Procedures for Meetings from the current 7:30 to 7:00 P.M. Roll Call Vote: 5-0.**

## X. UNFINISHED BUSINESS

- A. Adopt Resolution 39-2010 Authorizing the Town Manager to Amend the 2009-2010 Budget to Include \$65,000 from the Proceeds of the Certificate of Participation for Final Design for the Remodel of 329 Rheem Boulevard and Amend the Contract with Swatt Miers to Prepare the Final Plans and Construction Documents for the Project

Mr. Segrest asked the Town Council to review the proposed plans for the remodel of 329 Rheem Boulevard into the permanent Town Hall for Moraga and approve a resolution authorizing the Town Manager to amend the 2009-2010 budget to include \$65,000 from the proceeds of the Certificates of Participation (COP) and amend the contract with Swatt Miers Architects to prepare the final plans and construction documents for the project. He noted that the plans were workable from staff's point of view and with budget discipline could be implemented with the resources identified in the staff report.

Steven Stept, Swatt Miers Architects, presented a detailed slide show of images of the floor plans that had been prepared to complete the Town's goals of locating all Town offices within 329 Rheem Boulevard. As to the use of Build It Green features, he noted that the project would not be LEED Certified. At this time the focus was only for space planning and the cost for space planning.

Mr. Segrest acknowledged that the current level of design was only for space planning. The next level of design would include design development and construction documents where green building opportunities would be explored. He reminded the Council that the Town had previously applied for a grant and a loan to provide energy enhancements to a number of Town owned buildings where solar was also a component. He expressed his hope to learn of the status of that application next month. In this case, it would be difficult for the subject building to be LEED Certified given the costs for certification and the retrofit needs.

Mr. Stept added, that the use of solar for the building would be a challenge given the existing sloped roof and aesthetic issues although the use of energy efficient systems would be explored during the design phase. He clarified that they would be able to achieve many of the same energy efficiencies without having to bear the costs of being LEED Certified. He affirmed that his company had a done LEED certification in the past through a third party facilitator certification process.

In response to concerns with parking constraints, Mr. Segrest acknowledged that during the day parking may be an issue although there were options for the Town to accommodate the parking.

There would be off-street parking available during the evening periods and there could be the possibility of a joint use parking agreement with a neighboring property owner in the event of a large gathering. As to including costs for pedestrian safety into the current budget for the project, he stated that could be considered at a later date but was not something that needed to be done now.

Public Works Staff Engineer John Sherbert explained that there were plans to put PV panels on the roof at 329 Rheem Boulevard which would have to wait until the remodel work. Once the new panels were in place, the Town should realize a reduction of 40 to 60 percent of energy usage.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 39-2010 Authorizing the Town Manager to Amend the 2009-2010 Budget to Include \$65,000 from the Proceeds of the Certificates of Participation for Remodel of 329 Rheem Boulevard and Amend the Contract with Swatt Miers to Prepare the Final Plans and Construction Documents for the Project. Vote: 5-0.**

### XI. NEW BUSINESS

- A. Adopt Resolution 40-2010 Amending Resolution 46-89 Prescribing the Provisions and Procedures for Consideration and Adoption of Development Agreements

Mr. Segrest reported that the resolution would update and amend the existing resolution authorizing development agreements. Staff had consulted with the Moraga Center Specific Plan (MCSP) Subcommittee in drafting the amended resolution which reflected the subcommittee's input and legal review by the Town Attorney. The amended resolution would apply to any development agreement coming forward, not just the MCSP. He asked the Town Council to approve the resolution and provide direction to staff and the MCSP Subcommittee regarding future negotiations.

In response to the Council, Mr. Segrest acknowledged that detailed correspondence had recently been submitted by Richard Loewke which he had not had the opportunity to review. He suggested that the amendment to the resolution, as proposed, would improve the process for development agreements and that there were many mechanisms in the resolution to address Mr. Loewke's concerns for flexibility.

Planning Director Lori Salamack reported that she had a conversation with Dave Bruzzone on this date and had discussed Mr. Loewke's concerns. She understood that Mr. Loewke had not reviewed a prior resolution. Had that been done, he may have reached a different conclusion. If there was anything in the resolution that was problematic, changes could be made as long as they were consistent with State law.

The Town Council discussed the points raised in Mr. Loewke's correspondence. In response, Mr. Atencio opined that some of the comments were not based on sound analysis, although he was uncertain of Mr. Loewke's thinking. He emphasized that the resolution was not in conflict with State law.

Ms. Salamack added that there was nothing in the prior resolution that addressed requirements for disapproval of a development agreement. State law did not mandate the requirement of, or findings for, a development agreement, which had been specifically stated in the current resolution and which she had discussed with Mr. Bruzzone during her most recent telephone conversation.

Mr. Atencio clarified, when asked, that the Town Council may consider an ordinance to be put into the code or the process as outlined through a resolution.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Harpham/Trotter) to adopt Resolution 40-2010 Prescribing the Provisions and Procedures for Consideration and Adoption of Development Agreements Under Government Code Sections 65864-65869.5. Vote: 5-0.**

- B. Adopt Resolution 41-2010 Declaring Town-owned Property (Lot 13, Devin Drive) as Surplus Property and Authorizing the Town Manager to initiate the Process to Offer the Property for Sale According to Government Code Sections 54220-54232

Mr. Segrest explained that during the deliberations on the purchase of the property at 331 Rheem Boulevard for the Town's Corporation Yard, the Town Council had expressed its desire to monetize certain Town owned property to help offset the cost of 331 Rheem Boulevard. He asked the Town Council to approve the resolution declaring Lot 13, Devin Drive, as surplus property and authorizing the Town Manager to initially offer the property to other public agencies. If no other agency wanted the property, to offer it for sale on the public market.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Metcalf/Mendonca) to adopt Resolution 41-2010 Declaring Town-owned Property (Lot 13, Devin Drive) as Surplus Property and Authorizing the Town Manager to Initiate the Process to Offer the Property for Sale According to Government Code Sections 54220-54232. Vote: 5-0.**

**XII. ORDINANCES - None**

**XIII. REPORTS**

- A. Council Requests for Future Agenda Items

**Vice Mayor Mendonca** requested a future agenda item to include information as to how "California First" would impact the Town.

Mr. Segrest expressed the willingness to bring the issue back as an informational item.

**Mayor Chew** reported that he had been approached to request the consideration of an Environmental Task Force. He asked that the Town Council consider the request during the meeting of April 28 or the first meeting in May to allow the entire Town Council the opportunity to discuss the issue.

There was no consensus of the Town Council to agendaize the item. It was recommended that any persons interested in the formation of such a task force be encouraged to first address the Town Council during public comment at a future meeting. The Town Council could then consider such a request after the receipt of public comment. Given the limited staff resources and given that the issue had not been discussed during the recent Council Goal Setting Session, staff was directed not to spend any time on the issue and allow the public the opportunity to first address the Council during public comment.

Mr. Segrest recommended that a formal written recommendation from the public on such a request could also be submitted to the Town Council for consideration.

**B. Mayor's and Councilmembers' Reports**

**Mayor Chew** – Reported that he had attended a welcoming party at Saint Mary's College for a group of Southeast Asian Women studying under the Fulbright Scholarship Program.

**Vice Mayor Mendonca** – Reported that the MYIC would meet on Thursday, April 15. The Solid Waste Authority would also be meeting in the next week. She also reported that she would participate in the Take Back the Night Event at Saint Mary's College on April 22.

**Councilmember Harpham** – Reported that he had met with Edy Schwartz with the Moraga Chamber of Commerce to discuss efforts to save the Rheem Theater.

**Councilmember Metcalf** – Reported that the CCTA would be relocating to a new location on Oak Grove Road with the Boardroom furniture to become surplus. The new Executive Director of the CCTA would start in the next week. In addition, the CCTA working with a consultant would be conducting a public telephone poll on Vehicle Registration Fees.

**Councilmember Metcalf** also reported that the Hacienda Foundation had formed a work party consisting of Kiwanis Club members to repaint the dance and fireside rooms in the Hacienda, to be completed in time for the Cinco de Mayo celebrations. Also, the Tri-Agency would be meeting on April 16 at 9:30 A.M. in Orinda.

**Councilmember Trotter** - Reported that he had participated in the police and fire escort for the Saint Mary's College Gaels' return from the Sweet 16 Tournament. He had also attended a Historical Society meeting on the status of the Orinda Adobe building and spoke to the need to preserve that building for both Orinda and Moraga's heritage. He also understood during the latest Solid Waste Authority meeting that there had been a discussion to consider the adoption of an ordinance banning the use of most plastic bags in all of the jurisdictions in the Authority. He expressed concern with such a policy decision, which in his opinion should be made at the Town, not the Authority level. He stated that he would raise his concerns with the Authority at its next meeting.

**C. Town Manager Update** – Mr. Segrest reported that the Rheem Boulevard plans had been completed and were now shovel-ready. An application from PG&E for

tree trimming along Mulholland had been rejected and determined incomplete. The Council would be kept apprised of the status of that application. A meeting had been held on the Rheem Shopping Center; ballots had been received for the Lighting Assessment District with some ballots found to be incorrect and in need of reassessment and new ballots; the Design Review Board (DRB) had decided not to appoint a representative to the Park and Recreation Commission's Tree Subcommittee and it was likely the Planning Commission would reach the same conclusion. The charter of the Park and Recreation Commission could be required to be modified as a result.

Mr. Segrest otherwise expressed his appreciation for Council support for the acquisition of the property at 331 Rheem Boulevard and the approval of plans to remodel 329 Rheem, which had been welcomed enthusiastically by staff.

Chief of Police Robert Priebe reported that there had been a recent bank robbery. The Federal Bureau of Investigation (FBI) also actively involved in the investigation as were the Lafayette, Moraga, Orinda and Walnut Creek Police Departments.

**XII. COMMUNICATIONS - None**

**XIII. ADJOURNMENT**

**ACTION: It was M/S (Trotter/Harpham) to adjourn the meeting at 11:02 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Ken Chew, Mayor