

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**July 28, 2010  
MINUTES**

**7:00 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 7:02 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 Trotter** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

**Mayor Chew** announced that State Assemblyman Mark DeSaulnier would be hosting Mobile District Office Hours on Saturday, August 14, 2010 from 10:00 A.M. to 1:00 P.M. at Saint Mary's College. Residents of the Town were encouraged to attend.

**Mayor Chew** also announced that the entire Town Council had been invited to the 2010/11 Firefighter Academy Graduation Ceremony at Saint Mary's College on Thursday, July 29 from 3:00 to 5:00 P.M.

**IV. PROCLAMATIONS AND PRESENTATIONS**

- A.** Proclamation Thanking Dr. Larry Bienati, Maridel Moulton, Kathy Ferber and Lilia Garcia for their Volunteer Assistance in Conducting the Community Focus Groups

**Mayor Chew** read into the record the proclamation thanking Dr. Larry Bienati, Maridel Moulton, Kathy Ferber and Lilia Garcia for their Volunteer Assistance in Conducting the Community Focus Groups and giving their time to the Town to assist in the Revenue Enhancement Community Outreach to Neighborhoods (RECON) program. The proclamation had been presented to those present in the audience.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

## PUBLIC COMMENTS CLOSED

### B. Update on Revenue Enhancement Community Outreach to Neighborhoods (RECON)

Dick Olsen updated the Town Council on the RECON program and described the background of events which had led to the current report. In April 2010 the Town Council had received an initial report from the subcommittee that had been assigned to follow up on the recommendations from the Revenue Enhancement Committee (REC) and had approved the RECON program. The subcommittee members were identified including two members of the Council, staff and community representatives.

The RECON program included convening focus groups to assess the level of knowledge and understanding of the Town's financial state by the general public with residents having been randomly selected from the voter registration rolls and convened into six separate groups. The focus group had been facilitated by volunteers Dr. Larry Bienati, Maridel Moulton and Kathy Ferber. Dr. Bienati had also volunteered the use of an online survey to receive additional input from residents. Over 600 participants had responded to the online survey which results would be presented to the Town Council.

Mr. Olsen identified the random focus group selection process. The end result had been that the focus groups consisted of 7 to 10 participants generally representative of the community in terms of mix of age, gender and geographic areas they had represented. The focus groups conducted two-hour discussions on specific questions which had been professionally facilitated and recorded on flipcharts. Each focus group session had been held over a three-day period in late May 2010 at the Hacienda and each session had been observed by two to three members of the subcommittee. Members of the Town Council and the subcommittee had not been allowed to interact in the process. The focus group sessions had not been videotaped or otherwise recorded other than the use of flipcharts to ensure that the participants remained anonymous and any comments kept confidential.

Dr. Larry Bienati presented the results of the online survey and methodology that had been used. He explained that there had been 650 respondents to the online survey resulting in over 300 pages of comments that had been analyzed. The main topics of discussion on the online survey as to why the Town of Moraga would not be a great place to live and work included; the deterioration of streets and roads, lack of retail shops, dining and entertainment, the poor condition of the Rheem Shopping Center and high vacancy rate, blight in the Moraga Center and preservation of core values and rural atmosphere to be balanced with economic development. Additional questions and/or comments provided as part of the online survey related to recommendations for minimal government with clearly demonstrated and effective use of resources, quality roads and infrastructure, the promotion of economic development, police to focus on traffic, safety and crime prevention and the improvement on the turnaround, flexibility and customer service of the Planning Department. The majority of the respondents recognized that the Town's Departments were working with limited financial resources and that the Town Council was a volunteer effort. Recommendations had been made to improve communications and prioritization and realize the untapped opportunity in working collaboratively with Saint Mary's College. The online survey had also asked questions on how services could be improved in Town with respondents offering a variety of recommendations.

Mr. Olsen identified the questions asked of the focus groups including the key expectation of Town government, staff and services, with respondents having indicated an emphasis on the promotion of economic development, desire that the Town be fiscally responsible and work to generate more revenue for the Town, that the Town to a better job managing and developing growth in a reasonable way while protecting its core values, improve communications with the community and promote civil two-way discourse. Mr. Olsen expressed his appreciation to everyone who had been involved and given their time to respond to the online survey and participate in the focus groups efforts.

Dr. Bienati identified the hot topic issues as the status of the Rheem Shopping Center, concerns as to how the Town would address the integrity of its roads and streets, what steps would be taken in response to the perception of blight in certain areas of the Town, the promotion of economic development and an improved awareness of the Town's financial condition.

#### PUBLIC COMMENTS OPENED

Fred Schroeder, Moraga, stated that he was a member of the REC. He read into the record the summary statement of the REC and outlined in detail the numerous recommendations that had been previously presented to the Town Council, in particular the recommendation for an Economic Development Director. Given that the Town operated on volunteerism, he suggested that the Town could employ a volunteer for that position. He asked the Town Council to establish a six month task force to establish a job description for an Economic Development Director, advertise for the position, and interview candidates with possible recommendations for Town Council consideration. He expressed the willingness to serve on such a task force. He added that he had spoken with individuals at Saint Mary's College who had expressed the willingness to work with the Town in terms of economic and community participation.

Edy Schwartz, Moraga, thanked the entire RECON Committee for the report that had been presented. She too encouraged improved communications on what was happening in the Town and the need for a collaborative relationship with Saint Mary's College.

Renee Zeimer, Moraga, was pleased with the process and effort to improve communications between businesses, residents and the Town. She took the opportunity to express her appreciation to Ellen Beans with the Moraga Citizens' Network for educating the community. Based on the results of the survey, participants had been pleased to have been asked questions and learn of the financial condition of the Town. She suggested that there was an opportunity to continue the conversation with all of the information that had been gathered through the next steps of the process of which she would be happy to participate.

Ellen Beans, Moraga, commented on her effort to personally contact individuals as part of the Moraga Citizens' Network to educate the public regarding the online survey. She would like to see the focus group discussions continue in the future.

#### PUBLIC COMMENTS CLOSED

The Town Council discussed the RECON efforts and made the following comments and/or recommendations:

- The entire Town Council expressed its appreciation to everyone who had been involved in the REC and RECON efforts and focus groups sessions;
- The Town Council agreed there was a need to improve communications between businesses, residents and the Town beyond the Town's website and e-mails;

- A concerted effort should be made through the Town Crier to better educate the public on issues occurring in the Town which in turn may increase readership of the About Town Newsletter;
- Staff directed to prepare a financing plan to address roads and infrastructure with the Council committing to having a conversation in small groups on a formal and informal basis with the REC report to be used as a starting point;
- The Town Council to consider during its mid-year budget revising appropriating funds for an engineering study to review the needs, cost estimates and appropriate financing for roads and infrastructure;
- Councilmembers Harpham and Metcalf expressed the willingness to continue their work with the REC and help to define the next steps with specific recommendations and follow-up to be presented to the Council in October 2010; AND
- Staff to provide information to the Council on successful examples of the proposed community outreach method.

**V. DISCUSSION ITEMS - None**

**VI. ADOPTION OF THE CONSENT AGENDA**

**A. Approval of the Consent Items**

Consent Agenda Item 2 was pulled from the Consent Agenda.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Harpham) to approve Consent Agenda items 1, 3 and 4. Vote: 5-0.**

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|----|---|----------------|
| 1) | Accounts Payable Claims for 7/09/10 (\$10,888.13);<br>7/15/10 (\$55,109.30); 7/15/10 (\$33,602.67)                                      | Approved       |
| 2) | <i>Approve Minutes from the Town Council Meeting<br/>July 14, 2010</i>  | <i>Removed</i> |
| 3) | Approve Revised Minutes from the Town Council Meeting<br>June 23, 2010  | Approved       |
| 4) | Adopt Resolution 64-2010 Authorizing Omni Services<br>Contract for \$9,900 for temporary custodial services for<br>Town-owned buildings | Approved       |

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

1. Approve Minutes from the Town Council Meeting of July 14, 2010

The following corrections were made to the minutes of the July 14, 2010 Town Council meeting:

Page 6, Mayor's and Councilmembers' Reports, **Councilmember Dave Trotter**, revise the first,

third and sixth sentences to read:

**Councilmember Dave Trotter** - *Reported that he would attend the July 15 concert and looked forward to celebrating the Treat's service to the community.*

*He too [Councilmember Trotter] had attended the Mayors' Conference on July 1 and as a member of the Executive Committee, he briefly attended the Executive Committee meeting regarding discussions on recommendations to the Mayors' Conference on the issue of complaints against two elected officials to LAFCO.*

*The rules and procedures on appropriate conduct of appointed members are to be discussed at a subsequent meeting of the Mayors' Conference.*

Page 5, Mayor's and Councilmembers' Reports, **Mayor Chew**, revise the second to last sentence to read:

*Another motion had been made to direct the Executive Director to bring back an amendment to the conference bylaws for a conference vote to prevent similar situations in the future.*

<b>ACTION: It was M/S (Trotter/Harpham) to approve the minutes of the July 14, 2010 meeting, as amended. Vote: 5-0.</b>
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## VII. REPORTS

### A. Mayor's and Council Member's Reports

**Mayor Chew** - Reported that he had attended the East Bay Division of the League of California Cities meeting on July 15 with the guest speaker from the Bay Area Council with a presentation on the economic condition of the Bay Area. He also attended a meeting at the Rheem Theater on July 24 and the Chamber of Commerce Mixer on July 28.

**Vice Mayor Mendonca** - Reported that on July 22 she had attended the Solid Waste Authority Pre-Planning meeting with no regular meeting scheduled for the month of August. She had also volunteered at the July 15 concert. In addition, she had attended the Chamber of Commerce Mixer at Saint Mary's College on July 28 with the history of the campus and its relationship to the Town having been presented.

**Councilmember Harpham** - Reported that he had attended a meeting with the Rheem Theater General Manager and had discussed the nexus between the Parks and Recreation Department, Parks and Recreation Foundation and other organizations in terms of contributions in an appropriate manner.

**Councilmember Metcalf** - Reported that the CCTA had voted unanimously to place the Vehicle Registration Fee (VRF) on the November ballot.

**Councilmember Trotter** - Reported that he too had volunteered at the July 15 concert. He emphasized that Moraga residents Chuck and Lonnie Treat would be sorely missed.

### B. Town Manager Update

Town Manager Michael Segrest reported that he too had volunteered at the July 15 concert. He added that staff continued to work on a resolution of the Moraga Road Cape Seal Project with staff having reviewed a portion of the repair work that had been done.

He had not been convinced the material that had been used was what had been specified for the project. Core samples would be taken from the project site. All efforts would be made to work with the Town Attorney's Office to reach a resolution.

**VIII. COMMUNICATIONS - None**

**IX. ADOPTION OF MEETING AGENDA**

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

<b>ACTION: It was M/S (Harpham/Mendonca) to adopt the Meeting Agenda, as shown. Vote: 5-0.</b>
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**X. PUBLIC COMMENTS AND SUGGESTIONS**

There were no comments or suggestions from the public.

**XI. PUBLIC HEARINGS - None**

**XII. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION**

- A. Authorize the Town Manager to advertise Economic Resources Director Volunteer Position**

Mr. Segrest reported that the item was a follow-up from one of the recommendations of the REC and further encouraged by the Town Council to create a volunteer position for the Economic Resources Director. Due to the limited staff resources in the Town Manager's Office, the Town had not been able to provide the level of support needed for such efforts. A draft job description had been included in the staff report outlining the responsibilities and duties of the volunteer position. He recommended that the position report to the Town Manager while also having a close relationship with an ad hoc advisory committee to provide guidance and direction. The committee would provide objectivity and expertise to help guide the efforts of the Director. The current committee would serve as a steering committee to help formulate the program, participate in the selection of the Economic Resources Director, and provide guidance from the community and business perspective to the person selected as the Director.

Mr. Segrest commented that if the Town Council were to approve moving forward with the proposal he would solicit applications through the Town's website and through coverage from the local press. The formal selection process would involve interviews with the ad hoc advisory committee. In addition, the position would be treated as a staff position accountable for performance and expectations subject to annual evaluation for retention.

In response to the Council, Mr. Segrest again defined the composition of the ad hoc advisory committee and emphasized the intent for the committee to provide input. He acknowledged that if the committee ever reached the status of potential negotiations with developers and/or landlords, the requirements of the Brown Act would be triggered. He reiterated that the volunteer Economic Resources Director position would be treated as a staff position, although he was uncertain that ethics filing or disclosure to the State would be legally required. The intent had been that the position would not be full time although the individual may desire to put in more time as opportunities and demands increase. He also affirmed the intent that the

individual present annual reports to the Town Manager and acknowledged that periodic Town Council oversight may be necessary.

Susanne Brown, representing the Town Attorney's Office, explained that if there was any compensation by the Town for a volunteer position, including trip payments and/or expenses, ethics and or gift filing to the State would be required.

#### PUBLIC COMMENTS OPENED

Fred Schroeder, Moraga, explained the concept behind the recommendations of the REC as it related to a volunteer position for an Economic Development Director. Given the current Town Manager would be leaving the Town and there could be a vacancy in the Town Manager's position, he would like to see some accountability with the Town Council for the volunteer position. He would also like to see business oriented persons or those with financing and marketing experience serve on the ad hoc advisory committee as an exploratory group to seek out potential development and to ensure an all inclusive group with creative thought. He recommended that the title for the volunteer position be changed to Economic Development Director which better defined the position. He urged the selection of an individual who was a strong leader and negotiator.

Edy Schwartz, President of the Moraga Chamber of Commerce, acknowledged Mr. Schroeder's expertise in the field of economic revenue. She also recognized the challenges of the business community, vacancies at the Rheem Shopping Center and future opportunities for the Town as part of the Moraga Center Specific Plan (MCSP). She suggested that the volunteer position of Economic Development Director would assist in defining the vision for the Town in working with Moraga's property and business owners. She suggested the sooner they move forward the better given the opportunities for the Town.

#### PUBLIC COMMENTS CLOSED

The Town Council discussed the language in the first paragraph of page 1 of the job description for the volunteer position of Economic Resources Director and did not unanimously agree to a recommendation to include language whereby the position would report to the Town Manager with periodic Town Council oversight. There were concerns that such language would be different and separate the position from the policies typically used for Department Heads who report to the Town Manager.

In response to the discussion on potential language in the job description, Ms. Brown explained that typically all Department Heads report to the Town Manager. She understood the concern to clarify the chain of command. She recommended it would be appropriate to retain the current policies and procedures for the chain of command for all Department Heads and have the volunteer position of Economic Resources Director report to the Town Manager.

The Town Council discussed the recommendation to advertise for the Economic Resources Director Volunteer Position and offered the following comments and/or recommendations:

- The Town Manager to clarify the goals and intent of the ad hoc citizen's advisory group;
- The volunteer position to be titled *Economic Development Director* rather than Economic Resources Director with said title to be revised throughout the job description document;
- Revise the first bullet point on page 1, under the statement "the ideal candidate will be a highly dedicated individual with": to read:

*Excellent communications skills (writing and public speaking and negotiation skills);*

- Revise the first bullet on page 1, under the heading Job Description The Economic Development Director will: Manage the Town's economic resource management efforts including:

*Developing economic development management strategies;*

- Revise the last bullet point on page 1, under the same heading to read:

*Preparing Numerous Quarterly Status Reports to the Town Council.*

- The Town Council to evaluate the position of Economic Development Director at the end of 2011 to review any accomplishments and determine whether or not any corrections should be made.

**ACTION: It was M/S (Metcalf/Mendonca) to Authorize the Town Manager to advertise Economic Development Director Volunteer Position on a trial basis with the Town Manager to start the recruitment process as proposed in the July 28, 2010 staff report following the job description identified as Attachment A, as amended. Vote: 5-0.**

- B. Adopt Resolution 59-2010 Establishing a Compensation Package for Department Heads Effective July 1, 2010 through June 30, 2011
- C. Adopt Resolution 60-2010 Establishing a Compensation Package for Mid-Management Effective July 1, 2010 through June 30, 2011
- D. Adopt Resolution 61-2010 Establishing a Compensation Package for Confidential Employees Effective July 1, 2010 through June 30, 2011
- E. Adopt Resolution 62-2010 Establishing a Compensation Package for Moraga Employees Association Effective July 1, 2010 through June 30, 2011
- F. Adopt Resolution 63-2010 Establishing a Compensation Package for Moraga Police Officer's Association Effective July 1, 2010 through June 30, 2013

Mr. Segrest explained that the intent of Items B through F had been to create uniformity and establish consistency between the groups. The agreements would identify the amount of money the Town contributes to the employee's share of retirement contributions consistent as a percentage of gross contribution, although the Town contributes more to the Police Officers Association pension since it was more costly. Each item also addresses a perceived inequity between what the Town was contributing to police employees where the Town had historically not contributed and other employee's retirement contributions. The contribution to other employees would be brought down to 3 percent whereby all contributions would be at 3 percent to be offset by a 2.5 salary increase as a result of Medicare contributions.

Mr. Segrest added that the Town had received concessions from the Police Department who had agreed to an 84-hour, bi-weekly work schedule without any overtime for four hours which would work better from an operational and scheduling standpoint. The bonus leave program would also be eliminated for 25-year employees to be replaced eventually with an incentive program which would be considered by the Town Council at a future date. The overall financial impact for all of the proposed changes would be approximately \$40,000 a year mostly due to the Police Department increase of 3 percent which would be offset by the elimination of a Sergeant and Community Services Officer (CSO) half-time position. The changes would make the organization more competitive. In addition, all employees and mid-management would have

the same administrative leave time and there would be a small adjustment in car allowance for the Department Heads.

In response to the Council, Mr. Segrest affirmed that the changes would not result in any increases in expenditures to the approved budget. He also pointed out that the Town had not provided any cost of living increases over the past two years. He clarified the benefits of a car allowance as opposed to the Town having to provide individual vehicles to Department Heads noting that most of the Town's employees resided out of Town and were required to travel back and forth to meetings and/or attend meetings out of Town. The car allowance would pay for those additional trips for work required on behalf of the Town. He understood that the car allowance for all Department Heads had been in place in the Town of Moraga for many years and was consistent with policies throughout the country.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

The Council asked staff to provide a memorandum to all Councilmembers detailing by contract how the changes would be offset by other reductions in other personnel costs essentially showing that the net increase from last year's budget to this year's budget would be zero.

Mr. Segrest reported that he had also been presented with a revised salary schedule for Confidential Employees for Item D., and based on that survey an adjustment had been made to the employee salary scale.

**ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 59-2010 Establishing the Compensation Package for Department Heads Effective July 1, 2010 through June 30, 2011. Vote: 5-0.**

**ACTION: It was M/S (Trotter/Mendonca) to adopt Resolution 60-2010 Establishing the Compensation Package for Mid-Management/Professional Employees Effective July 1, 2010 through June 30, 2011. Vote: 5-0.**

**ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 61-2010 Establishing the Compensation Package for Confidential Employees Effective July 1, 2010 through June 30, 2011, subject to the revised salary schedule. Vote: 5-0.**

**ACTION: It was M/S (Trotter/Mendonca) to adopt Resolution 62-2010 Approving an Amendment to the Memorandum of Understanding (MOU) between the Town of Moraga and the Moraga Employees Association Effective July 1, 2010 through June 30, 2011. (MEA). Vote: 5-0.**

**ACTION: It was M/S (Trotter/Mendonca) to adopt Resolution 63-2010 Accepting the Terms and Conditions of the Moraga Police Officers Association (MPOA) Agreement effective July 1, 2010 through June 30, 2013. Vote: 5-0.**

#### XIII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

#### XIV. ADJOURNMENT

**ACTION: It was M/S (Trotter/Harpham) to adjourn the meeting at 10:50 P.M. Vote: 5-0.**

Respectfully submitted by:

  
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Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
\_\_\_\_\_  
Ken Chew, Mayor