

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**December 8, 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 7:06 P.M. by **Mayor Ken Chew**.

ROLL CALL

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

Councilmembers absent: Councilmember Harpham

II. PLEDGE OF ALLEGIANCE

Mayor Chew led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Oath of Office for Eight New Moraga Youth Involvement Committee (MYIC) Members of the 2010-2011 Term

Town Clerk Marty McInturf presented the Oath of Office to the Moraga Youth Involvement Committee (MYIC) members for the 2010-2011 term, which included Kourosh Arasteh, Hannah Durant, Crystal Erdenebayer, Cynthia Meng, Taliah Mirmalek*, Nikki Taylor*, Zach Taylor and Lena Smith. New members who were absent [*as noted] would be sworn in separately.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

There were no public comments or suggestions.

VI. 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 (Mendonca/Metcalf) to approve the Consent Agenda, as shown. Vote: 4-0-1. Absent: Harpham

- | | |
|---|--------------------|
| 1) Accounts Payable Claims for 11/05/10 (\$106,938.00);
11/19/10 (\$120,597.03) | Approved |
| 2) Approve Minutes from the Town Council Meeting of
October 27, 2010 | Approved |
| 3) Review, Accept and File the AB 1600 Development Impact
Fees Annual Report for the Fiscal Year Ended June 30,
2010 | Accepted and Filed |
| 4) Adopt Resolution 90-2010 Authorizing Staff to Enter into
an Agreement with the Association of Bay Area
Governments (ABAG) to Receive up to \$20,448 of Grant
Funded Equipment and Installation of Trash Capture
Devices in the Town's Storm-drain System | Approved |
| 5) Consideration and Approval of 2011 California Independent
Film Festival (CAIFF) Banners and Fee Waiver not to
Exceed \$500 on other Associated Activities for the 13th
Annual Event at the Rheem Theatre | Approved |
| 6) Consideration and Approval to Allow Saint Mary's College
Athletics to Display Two Temporary Signs Notifying the
Community of a 2010-11 Men's Basketball Game at
McKeon Pavilion | Approved |
| 7) Adopt Resolution 91-2010 Authorizing the Purchase of
Interoperable Motorola Radio Equipment for the Moraga
Police Department | Approved |

B. Consideration of Consent Items Removed for Discussion

No Consent Items were removed for discussion.

VII. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Mendonca) to adopt the Meeting Agenda, as shown. Vote: 4-0-1. Absent: Harpham

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew - Reported on his attendance and the status of fundraising efforts at the Town's Tree Lighting Ceremony on December 4.

Vice Mayor Mendonca - Reported on the success of the December 4 Tree Lighting Ceremony where MYIC members had done a great job.

Councilmember Harpham - No report

Councilmember Metcalf - Reported that RECON would be meeting on December 9 with the new Town Manager, with a report expected to be presented to the Town Council within the next month.

Councilmember Trotter - Reported on the achievements of the Campolindo High School Girls Cross Country, Volleyball, and Water Polo teams. He added that Stanford University had won the big game.

C. Town Manager Update – There was no Town Manager Update.

IX. DISCUSSION ITEMS

There were no Discussion Items.

X. PUBLIC HEARINGS

There were no Public Hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Adopt Resolution 92-2010 Authorizing Staff to Enter into an Agreement with Callander Associates of San Mateo for a not-to-exceed amount of \$65,000 for the Design of the Camino Pablo Elementary School Field Renovation Project, CIP Project No. 11-401

Jill Mercurio, Public Works Director/Town Engineer, reported that the project had been funded by Measure WW Funds through the East Bay Regional Park District (EBRPD). The Town's allocation had been dedicated towards the upgrade and repair of the athletic fields behind Camino Pablo Elementary School. The Town and the Moraga School District (MSD) had been working together to select a designer. A total of 22 firms had been the recipient of the Town's Request for Proposal (RFP) and a total of nine companies had submitted proposals. The proposals had been evaluated by the design selection team consisting of representatives from both the Town and MSD staff. Callander Associates had been chosen for its experience in playfield design as well as demonstrated knowledge of the Town's project and potential issues.

Ms. Mercurio recommended that the Town Council adopt the resolution authorizing staff to enter into an agreement with Callander and Associates. If approved, a kick-off meeting would be held next week. When asked, she noted that all the bids had been within \$15,000 of each other. Staff had been impressed with Callander Associates which had done work on both the Acalanes and Walnut Creek Unified School District's fields. She noted that once the plans reached 35 percent completion, the work would go before the Town Council and the MSD, scheduled tentatively for a date in February 2011.

As to when the user groups would become involved in the design, Jay Ingram, Parks and Recreation Director, reported that he had spoken to the members of the user groups who were comfortable with Park and Recreation Commissioner Crouch representing that group along with the Town and MSD representatives.

Ms. Mercurio clarified that the MSD was not formally approving the selection of Callander Associates although as part of a Memorandum of Understanding (MOU) the MSD would hire an individual construction inspector to oversee the project, who had been part of the interview team, had reviewed the RFPs received, and had concurred with the selection. She and Mr. Ingram would work with the design firm on the plans, as would the MSD representative, after which the presentation process would proceed with the other interested parties.

The Town Council offered the following comments and/or recommendations on Resolution 92-2010:

- User group representatives, Town representatives including the Park and Recreation Commission member and the MSD representatives shall be made familiar with the design process and understand the product to be provided so that there were no surprises at the time the construction contract was awarded.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 92-2010 Authorizing Staff to Enter into an Agreement with Callander Associates of San Mateo for a not-to-exceed amount of \$65,000 for the Design of the Camino Pablo Elementary School Field Renovation Project, CIP Project No. 11-401. Vote: 4-0-1. Absent: Harpham

- B. Adopt Resolution 93-2010 Accepting the Certification of the Canvass of Vote for the November 2, 2010 General Municipal Election

Town Manager Jill Keimach reported that the Town had contracted with the Contra Costa County Registrar/Recorder for election services for the November 2, 2010 General Municipal Election. The County Clerk had certified the canvass of votes and provided the Town with a certified copy of the election results for the Council candidates, which had identified Dave Trotter and Ken Chew as winning the election.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Mendonca/Metcalf) to adopt Resolution 93-2010 Accepting the Certification of the Canvass of Vote for the November 2, 2010 General Municipal Election. Vote 4-0-1. Absent: Harpham

- C. Remarks by Outgoing Mayor

Mayor Chew took the opportunity to thank the members of the Town Council, Town staff, Saint Mary's College, the Chamber of Commerce, and various citizen groups for all their assistance during his tenure as the Mayor.

Vice Mayor Mendonca presented outgoing **Mayor Chew** a gavel in honor and recognition of his service as the Mayor of the Town of Moraga for 2010.

D. Administration of the Oaths of Office by the Town Clerk to:

1. Dave Trotter
2. Ken Chew

Town Clerk McInturf presented the Oath of Office to Dave Trotter and Ken Chew as newly-elected Councilmembers to the Moraga Town Council.

E. Remarks by Newly Re-Elected Councilmembers

Councilmember Trotter commended Mayor Chew for his service to the Town over the past year. He offered his thanks for his last four years on the Council and commented that he was energized and ready for the next four. He thanked everyone who had supported his re-election efforts. He suggested that the Town was on the right track and he highlighted a number of future goals including the implementation of the Moraga Center Specific Plan (MCSP), work on a Specific Plan for the Rheem Valley Shopping Center, a funding plan for neighborhood streets and infrastructure, a General Plan Update, and efforts to ensure that the Town continued to live within its means. He looked forward to working on those issues and continuing to be a public servant over the next four years. He also expressed his appreciation to the members of his campaign committee, particularly his wife.

Mayor Chew thanked all Moraga residents and expressed his appreciation for his re-election to serve on the Town Council as a representative of the Moraga citizenry for the next four years. He pledged his willingness to continue to work hard to protect, preserve and enhance the quality of life for all Moragans. He thanked his supporters and those volunteers who had worked on his re-election campaign. He also expressed his appreciation to his wife and sons.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

F. Reorganization

1. Nominations and Election of Mayor

Councilmember Trotter nominated Karen Mendonca to serve as the Mayor. **Councilmember Metcalf** seconded the nomination. There were no other nominations and the nominations were closed. **Karen Mendonca** was unanimously elected to serve as the **Mayor**.

Mayor Chew advised that Councilmember Harpham, who was absent, had submitted a letter dated November 22, 2010. Mr. Harpham had asked that his letter be read to the Town Council regarding the reorganization, which letter had expressed his support for Karen Mendonca as the Mayor of the Moraga Town Council. He read the letter into the record at this time.

Mayor Mendonca chaired the meeting at this time.

2. Remarks by Newly Elected Mayor

Mayor Mendonca expressed her appreciation to her husband who had also served as her campaign manager. She thanked the Moraga Town Council, Town staff including the new Town Manager, citizens of Moraga, and all members of the audience who had traveled to the meeting to be present for her special day, including family and friends. She commended the volume of volunteerism in Moraga and the Lamorinda community. She also commended Moraga as a hard-working and goal-oriented community.

Mayor Mendonca identified her goals for 2011 including:

- Fiscal Goals:
 - Develop and Implement a Balanced Budget;
 - Develop a 5-year Financial Strategy Plan;
 - Increase the General Fund Balance Reserve to 50 Percent of the Operating Budget;
 - Identify and Secure Outside Funding and Grants for Street and Storm Drain Improvements.
- Economic Development/Environmental:
 - Work with the Economic Development Team to refine the definitions of retail to ensure more consistent and streamlined approvals;
 - Conduct outreach with the community to identify its priorities for infrastructure investment and economic development;
 - Work with the community on a visioning process/conceptual plan for the Rheem Valley Shopping Center;
 - Develop a Task Force to begin a Climate Action Plan or Greenhouse Reduction Strategy.
- Building Projects/Partnering:
 - Complete the design authorized contract, construction drawings and conclude the bid process for 329 Rheem Boulevard;
 - Complete the improvements to the Camino Pablo Fields;
 - Continue to partner with Saint Mary's College to enhance public awareness of Town and college collaborations in the areas of student housing, recreational facilities, Saint Mary's Sesquicentennial Celebration, and Saint Mary's efforts to host a Presidential Debate during 2012;
 - Continue to partner with the New Rheem Theatre to support community activities such as the teen dances and the California Independent Film Festival.
- Communication:
 - Redesign the website to expand its audience to the community, visitors, residences, businesses and government, while enhancing electronic connectivity among partner organizations;
 - Implement the webstreaming or videotaping of Moraga Town Council meetings for increased public access;
 - To continue and enhance the consistent practice of civility in public meetings.

Mayor Mendonca looked forward to the implementation of her identified goals. She further commended the efforts and assistance of Town Attorney Michelle Kenyon.

PUBLIC COMMENTS OPENED

Derek Zemrak, New Rheem Theatre, stated that he had been impressed with the synergy and the desire of the community to reopen the Rheem Theatre. He commented that the Town had given him the energy to take the theatre to the next level which included the California Film Festival. He looked forward to continued success with the Town and with the Film Festival.

PUBLIC COMMENTS CLOSED

3. Nominations and Election of a Vice Mayor

Councilmember Chew nominated Michael Metcalf to serve as the Vice Mayor. **Councilmember Trotter** seconded the nomination. There were no other nominations and the nominations were closed. **Michael Metcalf** was unanimously elected to serve as the **Vice Mayor**.

4. Remarks by Newly Elected Vice Mayor

Vice Mayor Metcalf congratulated Mayor Mendonca on her election as Mayor. He also commended the selection of the new Town Manager and the efforts of previous Town Manager Michael Segrest who had been able to achieve quite a bit in a short period of time. He commented on the important efforts of RECON, the need to energize the Hacienda and for the Town Council to work with the Hacienda Foundation, address the future loss of long-time staff, and address existing staff members who were overworked. He looked forward to working with the Council over the next year. He commented on the success of the Kiwanis Club's fundraising efforts with See's Candies at the Rheem Valley Shopping Center.

Councilmember Trotter also looked forward to working with the Vice Mayor over the next year. He suggested that one of the ways for the Town to energize the Hacienda and work with the Hacienda Foundation would be to address the need to upgrade the Pavilion. He sought serious consideration of a capital improvement project in the future to improve the drainage capacity for the Pavilion where it would connect with Moraga Creek. He also looked forward to making presentations with the RECON team members.

Councilmember Chew also looked forward to working with the new Vice Mayor and Mayor.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Mendonca reported that refreshments would be served after the meeting. She invited everyone to join her, her family, and the entire Town Council at Terzetto's Restaurant after the refreshment period and after the close of the meeting.

XIII. COMMUNICATIONS - None

XIV. ADJOURNMENT

ACTION: It was M/S (Trotter/Chew) to adjourn the meeting at 8:17 P.M. Vote: 4-0-1. Absent: Harpham

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Ken Chew, Mayor