

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**July 13, 2011
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 7:00 P.M. by **Mayor Karen Mendonca**.

ROLL CALL

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

* (Councilmember Chew arrived after roll call)

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Vice Mayor Metcalf led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation Honoring Campolindo Varsity Baseball Team 2011

Mayor Mendonca read into the record a proclamation honoring Campolindo Varsity Baseball Team 2011 members and declared July 13, 2011 as "Campolindo Varsity Baseball Team Day" in honor of the Campolindo Varsity Baseball Team 2011, winning the 2011 North Coast Section Championship.

PUBLIC COMMENTS OPENED

Max Luckhurst, Campolindo Varsity Baseball Team Head Coach, thanked the Town Council for the proclamation honoring the team and stated that he looked forward to returning the next year.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Jennifer Johnston, representing the American Cancer Society (ACS) and Saint Mary's College (SMC), reported that the 24-hour team event Relay for Life would be held at Saint Mary's College on October 7 and 8, 2011. The purpose of the event was to raise money for all ACS

services, remember those who had fought the battle and to celebrate the survivors. Additional information was available on all ACS events at www.relayforlife.org.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of Consent Items

Consent Agenda item 2 was removed from the agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

- | | | |
|----|--|----------|
| 1) | Accounts Payable Claims for 6/17/11 (\$648,920.30);
6/30/11 (\$128,983.99); 6/30/11 (\$12,830.00);
7/01/11 (\$107,625.14) | Approved |
| 2) | <i>Minutes for Town Council Regular Meeting June 22, 2011</i> | Removed |
| 3) | Consideration of Report from the Traffic Safety Advisory
Committee (TSAC) Regarding Crosswalk Improvements
on Moraga Road at Corliss Drive and at Woodford Drive | Approved |
| 4) | Request to Grant Town Manager Authority to Sign the
2011-2013 Contra Costa County Forensic Services
Agreement and Fee Schedule | Approved |

B. Consideration of Consent Items Removed for Discussion

1. Minutes for Town Council Regular Meeting June 22, 2011

The following revisions were made to the Regular Town Council Minutes of the June 22, 2011 meeting. To Page 5 to the comments under Item A. Reports, Mayor's and Councilmembers' Reports, **Councilmember Chew** revised the second sentence to read:

He [Councilmember Chew] noted that it had been rumored that the High Speed Rail Department would be administered by Caltrans.

To the second paragraph of comments made by **Councilmember Chew** under Item B. Town Manager Update on Page 6, to be revised to read:

Councilmember Chew recommended that donation cans be distributed so that the Council could collect donations at the event.

ACTION: It was M/S (Harpham/Chew) to approve the minutes of the June 22, 2011 Town Council Regular Meeting, as amended. Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Mendonca - Reported that she had chaired the Central Contra Costa Solid Waste Authority meeting on June 30; attended a Saint Mary's College Subcommittee to discuss the Memorandum of Understanding (MOU) between the Town and the College; attended the Lifelong Learning Advisory Board meeting with Councilmember Chew at Saint Mary's College with discussions on community outreach; and had attended the Mayors' Conference which had been hosted by the Town of Moraga. She commended the venue at Saint Mary's College and particularly commended Town Clerk Marty McInturf and Clerk's Assistant Kelly Clancy for their hard work in preparing for the event. She also reported that she had attended the 4th of July festivities and expressed her appreciation to the staff, organizations, and volunteers who had been involved in that event.

Vice Mayor Metcalf - Reported that he had attended a RECON meeting with the institution of two subcommittees for Engineering and Outreach. The engineering group would be discussing the various revenue measures that could be considered and would meet again on July 14.

Councilmember Harpham - Reported that the RECON Outreach Subcommittee had viewed photographs of the Pavement Condition Index, and that the Economic Development Action Committee (EDAC) had been split into groups: marketing, vision, and streamlining. He had also attended the 4th of July festivities.

Councilmember Chew - Reported that he had attended the EDAC meeting with Councilmember Harpham; had attended the Saint Mary's College Subcommittee on July 11 to discuss potential revisions to the MOU between the Town and the College, and that staff had prepared a draft copy of revisions to the MOU and it was hoped that another meeting of the subcommittee would be held soon prior to the MOU coming back to the Town Council for approval. In addition, he had attended the Lifelong Learning Advisory Board meeting at Saint Mary's College on July 12.

Councilmember Trotter - Reported that he had attended the Central Contra Costa Solid Waste Authority meeting on June 30; attended the 4th of July festivities and participated in many of the events; and had chaired the Mayors' Conference which had been held in the Town of Moraga on July 7. He asked for a future update from the Town Manager on the status of emergency preparedness given that the Moraga-Orinda Fire District (MOFD) had retained an individual to partner with the Town on that effort.

B. Town Manager Update – No report.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

A. Adopt Resolution 28-2011, Confirming the Diagram and Levying Assessments within the Moraga Street Lighting Assessment District 1979-1, Levy of Assessments

Randy Leptien, Leptien, Cronin, Cooper, Morris & Poore Inc., reported that the Landscaping and Lighting District Act of 1972 was the statute the district had been formed under which had annual requirements for the proposed annual assessment, the preparation of an Engineer's Report, a public hearing on the scope of work to be performed, and the budget for the next fiscal year. The Engineer's Report had been filed and a Notice of the Public Hearing published as required. The assessments would affect those properties that had street lights in the Town of Moraga, and were calculated according to the special benefits as determined in the Engineer's Report and as ratified by the Council, and for a single-family dwelling would be \$58 per year, the same amount as last year. He added that the Town was undertaking a street lighting conversion program to convert a number of existing street lights to LED with an initial outlay cost to be recovered in the future given that LED lights were more energy efficient.

Mr. Leptien asked that the Town Council open the public hearing, allow any interested persons to speak, close the public hearing, and consider the resolution. Should the resolution be adopted, it would constitute the levy to be collected in the next fiscal year. When asked, he stated that the LED conversion estimate for this fiscal year was \$50,000.

Jill Mercurio, Public Works Director/Town Engineer, identified the street lights to be converted this year including street lights along Moraga Road, Moraga Way, portions of St. Mary's Road, and Canyon Road in combination with a previously approved energy efficiency program loan/grant. The loan/grant and participation through Landscaping and Lighting District funds would convert a number of the lights. An estimated 75 lights were planned for conversion for this fiscal year out of a total of 900 lights. She acknowledged that the work would take some time with the Town working with PG&E on the possibility of obtaining a consistent low price on the LED conversion.

Ms. Mercurio explained that as the conversion project proceeded, the material costs should continue to decrease. The objective of the program was to have more energy efficient lights where the Town would pay less for its operating costs. She had not received any complaints about the quality of the LED lights from the public at this time and had, in fact, found the opposite to be true. She cited the City of Walnut Creek as an example, which had completed LED conversions along Ygnacio Valley Road which had proven to be better at directional abilities, no uplighting, and the like. She noted that LED lights also came in different wattages and that the existing Town street lights would be replaced with equivalent lumens.

Mr. Leptien explained why the Engineer's Report had been revised to increase the assessments so that the street lighting program would be self-supporting and to conform to the requirements of Article 13(D) of the State Constitution including a public ballot proceeding on the proposal. He added that confirming the Engineer's Report to the requirements of Proposition 218 was necessary in order to identify any benefits received that were not special to the properties within the District. He noted that there was a general contribution in the amount of \$24,000 in this year's Engineer's Report.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Chew) to adopt Resolution 28-2011, Confirming the Diagram and Levying Assessments within the Moraga Street Lighting Assessment District 1979-1, Levy of Assessments. Vote: 5-0.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Designate Town of Moraga's Voting Delegate and up to two Alternates at the League of California Cities Annual Meeting on September 21 to 23, 2011 in San Francisco, for the Purpose of Voting on League Resolutions Regarding Issues of Statewide Concern

Town Manager Jill Keimach reported that the item was an annual request from the League of California Cities for the Town Council to designate a voting delegate. Once the bills to be considered at the annual conference were available, they would be provided to the Town Council at its next meeting at the end of August or the first meeting of September.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to Designate Mayor Mendonca as the Voting Delegate, and Vice Mayor Metcalf and Councilmember Chew as the Two Alternates at the League of California Cities Annual Meeting on September 21 to 23, 2011, in San Francisco, for the Purpose of Voting on League Resolutions Regarding Issues of Statewide Concern. Vote: 5-0.

- B. Authorize Response to Grand Jury Report "County and City Vehicle Maintenance and Usage" (Report 1103)

Town Manager Keimach explained that the Grand Jury had been conducting a number of investigations over the past several months to review best governmental practices and saving taxpayer dollars, including an analysis on the compensation of elected officials. In that case the Town of Moraga was not required to respond to that report given that Moraga was one of three cities in the County that did not provide its elected officials compensation, health benefits, or pensions. The County and City Vehicle Maintenance and Usage Report required the Town to report whether or not it maintained its inventory of parts as efficiently and cost effectively as possible and how many take-home vehicles were allowed to be taken home during non-work hours.

Ms. Keimach advised that the Town did not have an inventory of parts and did not have to respond to that portion of the investigation. There was a list of 19 cities that allowed vehicles to be taken home during non-work hours. Staff had reviewed that issue as an opportunity to reevaluate the take-home policy. Initially the policy was to allow employees who were emergency first responders to take home vehicles as a time-saving measure. That policy had worked well although over the years accountability and responsibility of some of those positions had changed given a shortage of staff and the responsibility for one employee to be the one person who had to be the first responder. The report had stated that the Town of Moraga had three take-home vehicles. She explained that the Town did have three take-home vehicles and one take-home vehicle for a position that was not filled but which by policy allowed a take-home vehicle. The three take-home vehicles were from the Police Department for the Chief of Police,

a Lieutenant, and a Detective. Staff had reviewed the three take-home vehicles and determined that it was in the taxpayers' best interests to have those vehicles taken home since for emergency purposes it was the quickest way to respond absent any backup.

Ms. Keimach reported that the Public Works Superintendent had been on call all the time and during staff changes and in reviewing efficiencies in the Department that responsibility was now being rotated amongst four different Public Works staff. That one take-home vehicle was no longer transferred logistically on a daily basis. Staff had changed the policy and would be reducing the number of take-home vehicles by one, with the Public Works Superintendent no longer having a take-home vehicle although he did utilize a Town-designated vehicle for that position as did other Public Works staff depending on their duties.

Ms Keimach explained that a draft letter had been prepared to the Grand Jury identifying the change in the Town's policy. She asked the Town Council to discuss whether or not it was in agreement with the staff-recommended change, and acknowledged that the letter had been reviewed by legal staff and that no changes had been made to the policy or to the draft letter. She stated she would verify with legal staff whether the letter should be sent to the Grand Jury Foreperson or to the Judge and would state in the letter that a public meeting had been held. The appropriate individual to sign the letter, either the Mayor or the Town Manager, would also be clarified with the Town Attorney.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Chew) that the Town Council was comfortable with the content and substance of the letter in response to Grand Jury Report "County and City Vehicle Maintenance and Usage" (Report 1103), but asked rather than addressing the letter to the Judge and signed by the Mayor the letter should be sent to the Foreperson of the Civil Grand Jury and signed by the Town Manager, unless there was a legal reason why that should not occur. Vote: 5-0.

In response to the Grand Jury Report "County and City Vehicle Maintenance and Usage" (Report 1103), Town Attorney Mr. Winig advised that the letter had been prepared properly under the code and that the Mayor may send the letter to the presiding Judge.

- C. Consideration of Report from the Traffic Safety Advisory Committee (TSAC) Regarding Neighborhood Request for Installation of a Four-Way Stop at the Intersection of Campolindo Drive and Calle la Montana

John Valentine, Chair of TSAC, reported that residents of Campolindo Drive had expressed an interest in having the intersection at Campolindo Drive and Calle la Montana converted from a two-way to a four-way stop. The item was an action item before the Town Council rather than a consent item given ambiguities in the Traffic Calming Guide on the approval of a project at the request of a citizen, as related to the percentage requirements of respondents in favor of a traffic calming measure as outlined in detail in the July 13 staff report.

In response to the Council, Mr. Valentine acknowledged that the installation of a stop sign was a Level Two traffic calming measure which required Town Council approval regardless of whether or not it was on the Council's Consent Agenda.

Ms. Mercurio commented that a similar issue had occurred with respect to a request for a traffic calming measure on Larch Avenue which had also involved the 75 percent rule. In that situation, there had been approval of greater than 70 percent of impacted residents but not the 75 percent approval requirement of abutting neighbors. In that case, the request had been withdrawn by the project proponents. She reported that the Town Council had been provided copies of a letter from the project proponents, Chris and Becky Maher, dated July 12, 2011, who were unable to attend that evening's Town Council meeting. She acknowledged that she had reviewed the letter and clarified that the affected neighborhood included 61 homes.

Mr. Valentine commented that there had been some initial opposition to the stop sign by opponents during the TSAC meetings although after hearing testimony from the proponents those residents were no longer opposed to the four-way stop. He also understood that the Council had the authority to approve the four-way stop sign even if it did not meet the 70 percent affected neighborhood support threshold requirement.

As to the 75 percent threshold requirement for immediate adjacent neighbors, Ms. Mercurio noted that some intersections configurations do not lend themselves easily to a 75 percent rule. The Council indicated they might want staff to revisit the issue in the future.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed the report from TSAC and the request for the installation of a four-way stop sign at the intersection of Campolindo Drive and Calle la Montana and offered the following comments and/or direction to staff:

- The Town Council acknowledged the ambiguities within the Traffic Calming Guide as it related to the 70 and 75 percent threshold requirements and suggested that TSAC review the ambiguities further and recommend continuous improvements to the Traffic Calming Guide as part of its advisory authority;
- The Town Council sought provisions in the TSAC guidelines to address, as an example, a remedy for the public whereby if the extended neighborhood was almost unanimous in support of a request but those residents affected in the exact intersection were not as supportive there be clarifications in the guidelines that TSAC was an advisory body and the Town Council would make decisions on such requests;
- The TSAC was directed to review the Traffic Calming Guide to ensure that it included an appeal procedure in the event that a traffic calming measure request did not meet the guidelines to ensure that the process was not terminated abruptly and to ensure that resident grievances were appropriately addressed;
- The Town Council cited correspondence dated December 13, 2010 from the California Highway Patrol (CHP) which had stated that a search of their records had found negative results for traffic collisions in the affected area; correspondence from the Moraga Chief of Police which had found no record of speed related collisions on Campolindo Drive between certain dates; speed survey data taken from the area in question which had shown average speeds with no confirmation in the record of the concerns alleged by the proponents; a letter from Moraga Lieutenant Jeff Price who acknowledged the proponents' concerns with limited sight distance for motorists entering the roadway from southbound Calle la Montana; and acknowledged that a four-way stop at the intersection would slow the speed of traffic at Campolindo Drive for the safety of residents backing into Campolindo Drive from their residential doorways;

- The Town Council suggested that copies of the TSAC meeting minutes should be incorporated by reference which would substantiate the finding that the matter was a traffic safety issue and that a four-way stop should be installed; and
- The Town Council supported the conversion of the two-way to a four-way stop at the intersection of Campolindo Drive and Calle la Montana;

Town Attorney Ben Winig stated that a complete review of the Traffic Calming Guide would be a new agenda item.

Ms. Mercurio clarified that the installation of two stop signs and related red curbing and associated pavement markings by the Town would cost approximately \$750, to be borne by the project proponents with no initial cost to the Town. The costs would not cover maintenance in the future which the Town would bear. She also clarified, when asked, that staff had not received any comment from the MOFD which had been represented during the TSAC meetings.

ACTION: It was M/S (Harpham/Metcalf) to approve a Request for the Conversion of a Two-Way Stop to a Four-Way Stop at the Intersection of Campolindo Drive and Calle la Montana. Vote: 5-0.

- D. Direction to Staff to Prepare Contract and Bid Documents for Seismic Retrofit and Remodel of 329 Rheem Town Offices to Include Community Meeting Room and Solar Panels

Ms. Keimach reported that the item was a continuation of Council direction on May 9, 2011, at which time the Council had considered five different locations for a new or remodeled community hall and at which time the Council had selected 329 Rheem as Alternative A with 77 seats within the existing exterior walls of the building, and Alternative B which extends the second floor out six feet to create a community meeting room with 105 seats. The Council direction had been selected for a number of reasons, particularly since 329 Rheem had three projects already authorized by the Council and it was determined to be the most efficient way to pursue the three different projects at 329 Rheem including Phase 2 of a seismic retrofit project which had started in 2004 and which would complete the seismic structural improvements on the first floor Police Department and which would meet code once it was tied into the roof above. The second project was the reconfiguration of the Town offices with the goal of combining all Town staff with the exception of Parks and Recreation staff into one building. Parks and Recreation staff would remain in the Hacienda as envisioned by the Hacienda Foundation and the overall concept of the Hacienda would be to retain it as a recreation facility for the community. The third project was an energy efficiency project, to be partially funded through federal funds, an incentive loan program, and a PG&E rebate program to install solar panels on the roof of 329 Rheem.

Ms. Keimach explained that staff had met with design staff on Alternatives A and B and had modified the design to reduce the overall costs of the project leading to a redesign of the first floor permit center. The redesign would reduce the scope of the first floor remodel to just what was needed, not what was desirable. The same occurred in the upstairs offices. Most of the offices would remain the same and did not have to be redesigned to the extent initially envisioned. The amount of funds the Council had already appropriated, \$1.4 million, had also been reviewed and there were funds available. With the redesign of the first floor and contingencies to ensure the project was completed in the budget assigned by the Council, Alternative A would require an additional \$40,000 in appropriation from the Council. Alternative B would add to the estimates slightly under \$200,000 for a community meeting room. She emphasized that the costs were not defined until the Town received bids.

Ms. Keimach asked the Town Council to provide direction on three alternatives; Alternative A, which would create a community meeting room within the existing exterior walls for 77 seats the exact cost of which would be determined when the construction bids were considered by the Council; Alternative B, which would carve out a community meeting room and extend out the east wall of 329 Rheem six feet to create 105 seats for the public, which would involve the same contracts for Alternative A but cost slightly more; or Alternative 3, where the Town Council could decide on which option to pursue by completing the design development on both projects and only then select Alternative A or B on the results of the construction bids which would require design development and construction documents for both projects and which would add approximately \$25,000 in addition to design, engineering, plan review, and permitting costs with no decision made until those contracts had been brought back and bids opened. She noted, however, that option would complicate the review of the bids with staff having to ensure that the bidders were aware of how the base bid and alternates would be evaluated.

In response to the Council, Ms. Mercurio clarified the estimated cost savings based on 2009 utility rates with the power costs for the building running in the \$20,000 range. With the installation of the solar panels, approximately 60 percent of the power would be generated on site. The solar panels would cover the entire roof facing the street but would not require the replacement of the entire roof in that just a third of the roof would have to be replaced. The entire roof would have to be reinforced to meet the additional loads of the solar panels. She commented that it was also likely the existing emergency generator would have to be upgraded.

Ms. Keimach explained that staff had looked at the cost savings as covering the cost of the solar panels and the buyback of those solar panels. There was also a rebate program the Town could utilize. The meeting room would be wired for all necessary audio and visual equipment.

PUBLIC COMMENTS OPENED

Larry Beans, Moraga, suggested that the Council only consider Alternatives A and B and not the third alternative being recommended by staff. He supported Alternative B which would provide a nice community room for all time.

Ellen Beans, Moraga, suggested that the project would be a wonderful addition without costing the Town more and completing the goal of placing Town leadership in one location. She suggested it made more sense to move forward with Alternative B given the potential for the Town Council Chambers to be large enough to accommodate future growth and meeting the long-term needs of the Town.

PUBLIC COMMENTS CLOSED

Ms. Keimach stated that the potential for the receipt of impact fees as outlined in the staff report was probable and possible, with the funds available in Fund 780 General Facilities Impact Fees, but which were only allowed to be used for government facilities and for government facilities expanding use, not for maintenance. The funds must be in the account for five years and if they were not used there was a question as to whether they must be returned unless appropriated to a project. In order to be prudent and protect the General Fund as much as possible, if the process to reimburse the General Fund was followed in this case, it would pay for the cost of expanding governmental facilities with the Town to be reimbursed as those funds came in.

In response to concerns with respect to parking, Ms. Keimach advised that the Planning Commission would be considering the parking issues with the two recommended alternatives for 329 Rheem during its July 18 meeting. There was on-street parking and 25 unused parking spaces at 329 Rheem, and she suggested that parking for 80 percent of the meetings at 329 Rheem would be certain with 20 percent of the meetings where people would have to park in

the neighborhood or across the street depending upon the arrangements reached. Ms. Keimach further clarified that based on their experience, the Construction Manager and Swatt Miers Architects had recommended the base bid for the larger project since it was more cost effective than a smaller project and that more competitive bids could be received.

The Town Council provided direction to staff on the preparation of contract and bid documents for the seismic retrofit and remodel of 329 Rheem Town Offices to include a Community Meeting Room and Solar Panels, and offered the following comments and/or direction to staff:

Vice Mayor Metcalf stated that the Town already had most of the funding in the bank for the project which was not escalating over time and the purchasing power of which would decrease. He suggested that the Council consider the third alternative where the Council would wait to decide on which option to pursue pending the completion of the design, development, and construction documents for both projects, to then select Alternative A or B, depending on the construction bids. He did not like Alternative A, and did not believe that the Town Council had enough information on cost estimates to consider either Alternative A or B. While he liked Alternative B, he stated that the Council was not aware of the potential financial impacts at this time. He suggested that waiting for additional information was worthwhile sending a signal to the public that the Council had not made a determination. He also recognized that proceeding with the third alternative would cost the Town additional funds for the preparation of the additional information being requested.

Councilmember Trotter expressed concern with Alternative B, the proposed extension of 329 Rheem in terms of the public perception of the best use of public funds as the Town was also considering potential tax measures to repair its roads. He referenced a letter from Gary Irwin, a resident opposed to Alternative B who supported Alternative A, and the testimony from Mr. and Mrs. Beans, with no other interest from the public at this time. He expressed concern that the public hearing notice on the item may have been too vague in terms of educating the public on the item. The agenda description had not disclosed the different sizes under consideration for a Council Chamber leading him to be concerned about the amount of public participation. He otherwise concurred with the comments from the Vice Mayor to proceed with the third alternative, and when the item returned to the Council to attempt to do a better job with the public as to whether or not this was the best use of public funds.

On the discussion, Ms. Keimach acknowledged that it was good policy to allow the public to have another opportunity to weigh in on all three alternatives, particularly since the contracts and bid documents would come back to the Council for consideration. She emphasized that the item had been well publicized, including discussions she had with the Moraga Movers on all five options, publication in the About Town newsletter, liaison meeting minutes and information in the Lamorinda Weekly, and with a strong effort on the part of staff to get the issue out in the community. One letter had been received in response to the outreach efforts out of a discussion at the Community Faire. She did not believe that the way staff had publicized the item had hidden it in any way.

Mayor Mendonca respectfully disagreed with a postponement of the item and asked the Council to consider either Alternative A or B. Having reviewed the fiscal realities and given that the community meeting room project would be for every government-related entity, she supported Alternative B as the best alternative, which had a capital improvement fund for Town planning and which was different from other infrastructure issues. She expressed the willingness to educate the public on why that alternative was the best decision, particularly when the funds designated for the project were not interchangeable.

Councilmember Chew supported Alternative B as the optimum and responsible expenditure of Town resources. He concurred with the comments made by the Mayor that a decision should be made at this time for what was best for the Town. He did not support the third alternative which would result in further delays, and while it may be beneficial to have additional information, he did not agree that the additional funds should be spent for that information.

Councilmember Harpham stated that he had not been persuaded that the third alternative was the right decision. He supported moving forward with Alternative B as fiscally responsible and in the best interests of the Town. He reported that he had read and considered all correspondence and disagreed with the opposition to Alternative B. In response to concerns with respect to parking, he was confident that adequate parking would be accommodated when the structure was built. He also disagreed that the Town would lose its uniqueness as a result of the project. He expected the community's volunteer efforts would continue and the project would enhance the community. In response to the argument that the community had not had enough opportunity to address the item before the Council, he did not believe that was the intent or the effect. However, in an excess of caution, he was prepared to make a decision on the merits of the project, if not at this time, at the next meeting of the Town Council to allow everyone to have the opportunity for input. He was otherwise prepared to adopt language in the staff report, as recommended by staff, in support of Alternative B.

Ms. Keimach explained, when asked by the Mayor, that her professional recommendation would be Alternative B. She had included all three alternatives for consideration since all three alternatives were feasible and worthy of consideration. She saw the matter as a policy question, with strong benefit of the Council knowing the exact bid amounts which was a benefit as part of the third alternative. If the Council desired to proceed with Alternative B, the Council could take the risk it would receive a bid amount that was either more or less. She acknowledged that Alternative B would always be more expensive than Alternative A.

Councilmember Trotter suggested the issue was a policy and priority question given the potential interplay between choosing just Alternative B and the impacts that decision may have on the fact that the Town had limited funds and the Town would be approaching voters to pay for neighborhood street repairs. To ensure that the Town Council was being prudent with public funds, he reiterated his recommendation for the third alternative. He emphasized his concern with the public perception with the expenditure of funds for Alternatives A or B.

Vice Mayor Metcalf suggested that the third alternative would provide firmer numbers and better information where a decision could then be made which would signal the public that the Town Council was looking at the issue seriously and prudently which process would likely be appreciated by most residents of the Town.

Ms. Keimach clarified that none of the funds designated for this project could be used for pothole repair.

ACTION: It was M/S (Harpham/Chew) to authorize the Town Manager to proceed with Alternative B, amend the existing professional services contract with Swatt Miers Architects to add \$151,000 for a total contract not to exceed \$203,390, and authorize the Town Manager to sign a professional services agreement with Kalkbrenner Management Group for construction and project management services not to exceed \$61,050. Vote: 4-1-0. Noes: Trotter

Councilmember Trotter explained that he had voted 'no' on the motion given that he would like to see more information consistent with the third alternative. He reiterated his opinion that the public would appreciate a more modest community meeting room/Town Council Chamber that would not extend the footprint of the existing building. He was satisfied that a Council Chamber with 77 seats at 329 Rheem would accommodate 85 to 95 percent of Town Council meetings. He also had concerns with parking and safety issues. He otherwise would have supported Alternative A.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Vice Mayor Metcalf referenced a report that had been presented at the Mayors' Conference on Municipal Regional Water Funding as it related to the Clean Water Act, National Pollutants Discharge Elimination System (NPDES) requirements, and asked the Town Manager when the entire subject would be brought to the Town Council for discussion and consideration. Ms. Keimach explained that the Lamorinda Managers had e-mailed each other to meet to discuss the revenue measure. She expressed the willingness to provide more information to the Town Council after they met on the item.

Councilmember Chew referenced a recent e-mail from a resident regarding a potential animal ordinance, particularly for those who desired to raise chickens. He asked that the item be agendized to gauge the interest of the public and to allow public input.

By consensus, it was determined that the public should approach the Town Council on a potential animal ordinance rather than agendize the item at this time.

In response to Ellen Beans, Ms. Keimach reported that September 28, 2011 was a Jewish holiday. The Town Council meeting on that date could be canceled or rescheduled as needed.

XIII. COMMUNICATIONS

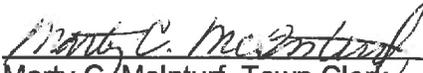
- A. Letter from United States Postal Service (Bay Valley District) to Mayor Mendonca, Town of Moraga, dated June 20, 2011
- B. Letter from Assemblymembers Susan Bonilla, Joan Buchanan, and Nancy Skinner to Executive Director Blubaugh, Contra Costa Mayors' Conference, dated June 21, 2011

The Town Council acknowledged receipt and discussed the content of each letter.

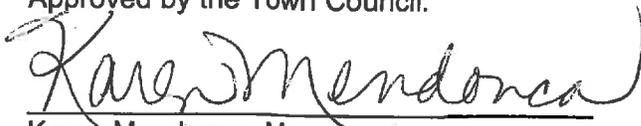
XIV. ADJOURNMENT

ACTION: It was M/S (Harpham/Chew) to adjourn the meeting at 9:53 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Karen Mendonca, Mayor