

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**October 12, 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 7:04 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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Trotter led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Mayor Mendonca acknowledged the special meeting and closed session that had been held prior to the regular meeting and reported that there was nothing to report from the closed session.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Proclamation Declaring October as National Americans with Disabilities Act (ADA) Awareness Month

Mayor Mendonca presented the proclamation declaring October as National Americans with Disabilities Act (ADA) Awareness Month. On behalf of the Town Council, she expressed her appreciation to the ADA Advisory Committee for its efforts on behalf of the Town of Moraga.

Public Works Director/Town Engineer Jill Mercurio accepted the proclamation as the liaison for the ADA Advisory Committee, and reported that the Committee had been actively working to remove physical barriers within the public right-of-way. She encouraged interested parties to attend the Committee meetings and express any concerns.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Beverly Sowa, Moraga, referenced a proposal for a new home that included new drainage and a new pool located at 8 Kimberley Drive in the Kimberley Oaks Maintenance Association (KOMA). The new home would be located adjacent to her property and she believed the proposal violated a number of the conditions of approval. She reported that she had provided copies of correspondence which had been hand delivered on October 12 detailing the history of the property at 8 Kimberley Drive, with details of the violations of many of the conditions of approval from Resolution 13-99. She expressed concern that the project had already been reviewed and approved by the Design Review Board (DRB) absent a required geotechnical report. She asked that the application be withdrawn from consideration by the Planning Commission at its October 17 meeting given the concerns that had been outlined in the submitted correspondence. Not wanting to stop the project, she emphasized her desire that the construction on the property be consistent with Town regulations. She added that the same situation applied to the property located at 10 Kimberley Drive.

Margaret de Priester, Moraga, reported on a situation with two small walkways at Camino Pablo which had been installed to allow children easier access to the schools but which had not been cleared of debris.

Town Attorney Michelle Kenyon explained that the item was not on the agenda and she asked the Council not to deliberate on the issue. She acknowledged the receipt of a hand delivered letter from Ms. Sowa and explained that she would be contacting staff on the context of the letter and how the Town should respond.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

No Consent Agenda items were 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 adopt the Consent Agenda, as shown. Vote: 5-0.
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| 1) | Accounts Payable Claims for 9/09/11 (\$152,973.03);
9/23/11 (\$98,268.55); 9/27/11 (\$63,806.40) | Approved |
| 2) | Minutes for the Town Council Regular Meeting
September 14, 2011 | Approved |
| 3) | Adopt Resolution 35-2011 Adopting the Updated Charter
for the Americans with Disabilities (ADA) Advisory Committee | Approved |
| 4) | Motion to Cancel Town Council Meetings on November 23
and December 28, 2011 and Schedule a Special Joint Meeting
of the Town Council and Planning Commission on
November 30, 2011 | 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 (Harpham/Chew) to adopt the Meeting Agenda, as shown. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Mendonca - Reported that she had attended a Moraga Youth Involvement Committee (MYIC) meeting on September 15; the Mayor and Chairs and Ask the Mayor and Town Manager meeting on September 16; a Green Rheem meeting on September 20 with the movie *End of the Line* regarding the overfishing of oceans; the League of California Cities Conference in San Francisco; the Pear and Wine Festival on September 24; and the Mayors and Town Managers had met on September 26 to discuss events in the Lamorinda community. She had been interviewed by a Boy Scout for a merit badge on September 27; had chaired the Central Contra Costa Solid Waste Authority Board meeting on September 29, and attended the Blue Mass at Saint Mary's College on September 30. In addition, she had attended the Preserve Lamorinda Open Space Art Show; the Town and Gown conference on October 6-7; the Saint Mary's College Relay for Life (she commended Town staff's participation); and was a guest at the Moraga Movers Dinner on October 10. She also reported that the State of the Town Address and the Volunteer Recognition Night would be held on November 16 at 6:00 p.m. at the Soda Center at Saint Mary's College; and Oktoberfest would be held on October 16 at the Hacienda from 2:00 to 6:00 p.m.

Vice Mayor Metcalf - Reported that he had attended two recent RECON meetings with outreach sessions and presentations to various groups in the Town; and that he and Councilmember Harpham would be participating in a field trip with the Town Engineer to the City of Napa to watch the installation of Cold In-Place Recycling.

Councilmember Chew - Reported that he had attended a Lifelong Learning session at Saint Mary's College; the Mayors' Conference on behalf of the Mayor on October 6 with a presentation on health care reform and a presentation from the County Superintendent of Schools on choosing civility in schools with a sample resolution anticipated to be sent to all 19 jurisdictions in the County soliciting support for civility in schools; and that he would be participating in a tour of the Caldecott Tunnel on Friday, October 21.

Councilmember Harpham - Reported that he had attended the recent RECON meetings and would also be participating in the field trip to the City of Napa to watch the installation of the Cold In-Place Recycling; and that he had addressed a RECON outreach group at Ellen Beans' home.

Councilmember Trotter - Reported that he had chaired the Mayors' Conference in the City of San Pablo on October 6; and he and Councilmember Harpham would be meeting with the Moraga Chief of Police and the Moraga-Orinda Fire District (MOFD) Emergency Preparedness Coordinator this month to discuss the Emergency Preparedness Plan in order to protect residents during a major emergency event.

- B. Town Manager Update – Town Manager Jill Keimach reported that the About Town electronic newsletter included all Town events and activities; she encouraged those who would like to receive the newsletter to sign the sign-in sheet. She also took the opportunity to introduce the new Administrative Services Director Stephanie Hom.

Administrative Services Director Stephanie Hom thanked the Council for the opportunity to address everyone, and stated that she looked forward to starting her new position on Monday, October 17.

Councilmember Chew also reported on the recent passage of legislation banning the sale of shark fins in the State of California. .

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Provide Direction to Staff to Prepare a Resolution regarding Potential Subdivision of the 1.91 Acre Project Site Located near the Southwest Corner of St. Mary's Road and Rheem Boulevard and Financing Approach for 331 Rheem Boulevard

Planning Director Shawna Brekke-Read explained that the Town Council had initially asked staff to look into the sale of two pieces of property to finance the purchase of 331 Rheem Boulevard, including placing Lot 13 on Devin Drive behind the Hacienda on the market for sale. The Devin Drive property had been placed on the market for \$375,000 with little or no interest in the site and the property had been taken off the market. The other property involved the subdivision of property located near the southwest corner of St. Mary's Road and Rheem Boulevard.

Ms. Brekke-Read reported that the Planning Commission had met in February, June, and October 2011 to discuss the potential subdivision of the property. At its meeting in June, the Planning Commission had been asked to comment whether a one-, two-, or three-lot subdivision would be appropriate. The Commission expressed discomfort with that question and asked to comment on the subdivision as a whole but had been instructed by staff to follow the initial direction to consider one, two, or three lots. The Commission was uncomfortable with the subdivision of the property and questioned whether or not the MOSO [Moraga Open Space Ordinance] findings could be made. She noted that a subdivision of two or three lots would require special MOSO findings for an increase in density. The Commission determined if it was forced to subdivide the property it preferred two small lots with two smaller homes rather than one large estate home.

At the end of September, Ms. Brekke-Read explained that the Park and Recreation Commission had been asked to opine on the subdivision of Town-owned property. The Commission expressed reservations and made a recommendation that the Town Council not pursue the subdivision of the property.

The Planning Commission met again on October 4 to discuss the merits of the subdivision of the property and took public comment. Of the five members present, Commissioners expressed opposition to the subdivision of the land for a variety of reasons including concerns with respect to meeting the findings of MOSO for an increase in density, inconsistency with the General Plan, impacts to the Lafayette-Moraga Trail, and the location of the property on two scenic corridors. The Commission decided not to make a motion and rather decided that each member's individual comments included enough content to explain their decision to the Council. The Commission also recognized that the Town Council faced fiscal constraints.

Ms. Brekke-Read reiterated that the genesis of the item was the financing for the purchase of 331 Rheem Boulevard with the promissory note due in March 2012. She advised that there were options for the financing that could be pursued if the Council desired. If the Town Council decided to subdivide the property there would be a subdivision process to do so.

In response to the Council, Ms. Brekke-Read outlined the funds spent on the process for potential subdivision of the property thus far noting that the survey work would not have to be redone if the Council chose to subdivide or develop the land in the future. If the Council desired to subdivide the property into one residential lot, there were no special findings required. Based on the Town's existing regulations, policies, and Zoning Ordinance, she explained that it would be difficult to subdivide the property into two residential lots.

As to whether or not there was sufficient funds in the operating budget to pay for the promissory note for 331 Rheem Boulevard without the sale of the subject property, Ms. Keimach explained that was something she and the new Administrative Services Director would research and report back to the Council. She suggested it could be done over a number of years with a payment plan. As to whether or not any monies from the Palos Colorados Fund could be used for the payment of the promissory note, she noted that staff would have to evaluate that issue but could return to the Council with payment options.

Councilmember Chew asked staff to address the process when in September 22, 2010, the Town Council made a decision to sell the excess land for potential subdivision with direction to the Planning Commission to assist the Town Council in deciding whether a one - two- or three lot subdivision was the best. During the June 6, 2011 Planning Commission meeting, three of the Commissioners appeared to gravitate towards the two-lot option based on the information they had. He asked staff to clarify how they had gone from the June 6 Planning Commission meeting with another meeting last week, with no action taken by the Planning Commission.

Ms. Brekke-Read explained that during the most recent Planning Commission meeting, the Commission had commented that it wanted to discuss whether or not a subdivision was appropriate and made a motion that two lots would be better than one in terms of size, although the Commission had made it clear that the MOSO findings that were required would be difficult to make for a two- lot subdivision. Because the property adjoined park land and was part of the Town's open space lands, staff had referred the issue to the Park and Recreation Commission resulting in an open-ended question. Staff had decided to bring the matter to the Planning Commission to ask the same open-ended question.

Councilmember Chew expressed concern with the Planning Commission seeing the item twice and changing the Town Council direction. He suggested that the Planning Commission should have come back with a request for more information, or a no project option along with the one -

two - or three-lot option. He questioned the appropriateness of an advisory body deciding what action the Council should take.

Ms. Brekke-Read explained that the Planning Commission had requested a zero lot subdivision option but were told during their meeting they did not have that as an option and were not given the option to come back and ask the Town Council to consider a zero lot subdivision.

Ms. Brekke-Read detailed the process for a two-lot subdivision with the first step being the preparation of technical reports, a geotechnical investigation, arborist report, and consultation with other agencies to determine whether or not any other reports were required as part of an Initial Study, which she recommended the Town contract with a consultant to produce.

In response to the Council, Ms. Brekke-Read suggested that it could take two months to prepare the technical reports and obtain a consultant to prepare the Initial Study, which process could take from 30 days to six months depending on the outcome of the Initial Study and which would include public hearings. In terms of the potential costs, said process could cost \$25,000. If an Environmental Impact Report (EIR) was required, she suggested that the Town should plan for a three- to six-month process for its preparation, another couple of months of public hearings, a 30-day Notice of Availability, and responses to comments to the EIR, which could take two to three months. An EIR process could take up to a year but would be done concurrently with the subdivision of the property. If the property was sold, staff recommended the sale of unimproved lots, which along with the subdivision and potential EIR processes could take to the spring of 2013 to complete.

Vice Mayor Metcalf asked what the expenditures would be to process the two-lot option, commented that the staff report showed a total of \$327,000 of expenditures for a two-lot subdivision, and asked what the net proceeds would be if two lots sold for \$400,000 each.

In response to **Vice Mayor Metcalf**, Ms. Brekke-Read estimated processing the subdivision could cost \$60,000 to \$70,000 optimistically. The total costs outlined in the staff report included East Bay Municipal Utility District (EBMUD) utilities and other costs which would be paid by a buyer and not the Town and which would affect the sales price. The planning process costs would reduce the net proceeds of the two lots to \$320,000.

Councilmember Trotter clarified that the added costs, including costs associated with utilities and in-lieu fees, would not require a Town expenditure. Ms. Brekke-Read concurred but stated the sales price would be affected.

Ms. Keimach added that one of the sales price estimates had been \$700,000 for one or two lots. There had been a difference in opinion as shown in the attachment, but not an actual amended sales figure. The processing costs would be around \$60,000 to \$80,000 not including the legal review of the EIR document and other staff costs. Deducting all the costs for the subdivision of two lots, the Town could net \$275,000, assuming the costs dollar for dollar were deducted from the purchase price, all dependent on the market conditions a year and half from now.

Vice Mayor Metcalf summarized that in fifteen (15) months the Town might realize a quarter of a million dollars (\$250,000) for each lot.

Ms. Keimach stated that the sales price estimate from Ron Carter, Dirt Brokers, Inc., was \$700,000, whether one lot or two lots, a number that was debatable.

Vice Mayor Metcalf clarified that the Town's profit might be \$250,000 total for two lots.

PUBLIC COMMENTS OPENED

Jim Townsend, Manager of Trail Development, East Bay Regional Parks District (EBRPD), explained that the EBRPD appreciated the Town's efforts to examine all possible sources of revenue to meet the Town's obligations, vet the proposal seeking input from the Planning Commission and the community, and consider the fiscal impacts facing the Town, although he reported that the EBRPD agreed with the Park and Recreation Commission and all of the Planning Commissioners that the proposal to subdivide open space property was a bad idea, and once gone could not be reclaimed once the economy improved. He noted that the EBRPD had worked collaboratively and cooperatively with the Town for years to preserve open space in the surrounding hills, providing funds for local projects through Measures A and WW, and the development of the Lafayette-Moraga and Old Moraga Ranch Trails. The EBRPD encouraged the Town to explore other options to meet its short term financial commitments and take the long view when preserving the Town's natural heritage.

Suzanne Jones, Moraga, representing Preserve Lamorinda Open Space, expressed concern with the practice of selling public open space for development. Preserve Lamorinda Open Space supported the recommendations of the Park and Recreation and Planning Commissions to preserve open space land that was designated MOSO, and publicly owned. She questioned a suggestion that the project may be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) given the potential visual and biological resources that may be adversely impacted by the development of the property, including potential impacts to existing trails and the proximity to two protected scenic corridors. She also expressed concern with the potential development of the property given the lengthy appeal process of the Rancho Laguna project in the effort to protect the ridgelines, particularly if there was no buffer between the homes and the trail. She pointed out that revenues from the sale of the property may not be collected in time for the Town to meet its deadline for the promissory note for the property at 331 Rheem Boulevard, and saw no reason for the Town to pursue the subdivision of the property to address the Town's long-term financial issues.

Sam Shapiro, Moraga, echoed the comments of the previous speakers, characterized the property as not excess open space but the heart of the community, questioned the potential sale of the property for a small net gain, and emphasized the value of preserved and protected open space.

Margaret de Priester, Moraga, urged the Town Council not to sell any portion of the trail which was well used. If the property was sold she understood that any development must be approved by the Town Council. Given the cost of studies and reports which the Town did not have, she suggested it was a bad proposition to sell the property and urged the Town Council to make the best use of the property.

Peter Bennett, Moraga, agreed with the comments made by the previous speakers and asked the Town Council to give serious thought to the proposal.

Seth Freeman, Moraga, agreed with the principles expressed by Mr. Townsend, noted that Moraga had limited public lands and suggested that the same principle should also apply to Rancho Laguna Park given that there were plans to possibly reconfigure that property. He suggested that there were some inconsistencies in terms of the direction from the Town Council to the Planning and Park and Recreation Commissions as to the process and suggested that the Town Council should not be the body making the decision on public lands but rather the residents of Moraga through a ballot measure should make that decision.

Roger Poynts, Moraga, explained that he was neither an opponent nor proponent of the sale of land and mentioned that the staff report contained the testimony he had prepared for the

Planning Commission. He suggested that the findings for the MOSO density increase were the same whether the density was maximized or the property subdivided into two lots. He suggested that the Town should be able to realize the same amount of money for one lot as it would for the sale of four lots. From an engineering standpoint, he stated that the development of a higher density project was not a factor and would involve the same costs. If the Town Council were to move forward with the proposal, he urged the Council to consider all options.

For the record, a letter dated October 12, 2011 had also been received from Moraga resident Barry Gross but had not been included in the Council packets.

PUBLIC COMMENTS CLOSED

In response to the Town Council, Ms. Kenyon explained that the property was covered by MOSO, which was an initiative which had been adopted by the voters. She was unaware of anything else that would be applied to the property. As to whether or not the Town was at liberty to rezone the land to park land, a change in MOSO for the property would require a vote of the people, even if the Town Council desired a change to park land.

The Town Council discussed the issue regarding the potential subdivision of the 1.91-acre project site located near the southwest corner of St. Mary's Road and Rheem Boulevard and offered the following comments and/or direction to staff:

Councilmember Trotter - Spoke to the background of the Town Council's policy decision and direction to staff to explore the potential subdivision of the property in order to assist in the purchase of 331 Rheem Boulevard and noted the process had not gone as quickly as desired. Given that the promissory note for 331 Rheem Boulevard would mature in March 2012 and the sale and subdivision of the property would not occur in time to meet that deadline, and acknowledging that this was not the best time to be in the real estate market given the economic conditions, he made a motion to table the discussion indefinitely to potentially subdivide the property and give direction to staff to consider other methods to refinance the promissory note for 331 Rheem Boulevard consistent with the comments made by the Town Council and staff earlier in the discussion.

Councilmember Harpham - Seconded Councilmember Trotter's motion to table the item indefinitely. He commented on the efforts to relocate Town staff and the Corporation Yard from the Hacienda, which was what the community wanted, and the Town Council's direction to staff to explore the option of selling off surplus land to pay for 331 Rheem Boulevard. He opposed changing MOSO rules and zoning for a short-term gain and he opposed the Town's expenditure of future monies that could be involved for a short-term gain if the property were sold. He suggested that the Town may be able to accommodate the promissory note for 331 Rheem Boulevard from its current operating costs. He otherwise referenced the September 20, 2011 Draft Minutes for the Park and Recreation Commission meeting where Commissioner Haffner had been quoted as being "Violently opposed to any development on that space." He asked the record to reflect that he had contacted Commissioner Haffner who had confirmed that while he had made that statement, the record should reflect that Commissioner Haffner meant to use the word "vehemently" opposed to the development of open space.

Vice Mayor Metcalf - Explained that the Corporation Yard had been existing on the Hacienda grounds on unprepared land adjacent to a sensitive creek which drained into the reservoir. The interest was to move the Corporation Yard away from the creek area given that it was violating the Federal Clean Water Act, with the Town incurring debt to do so. Also, there had been interest in getting the Town functions out of the Hacienda. He agreed with the comments made by Councilmember Harpham and supported Councilmember Trotter's motion.

Councilmember Chew - Agreed that the item should be tabled indefinitely given the current economic impacts to the value of the property, given that the potential costs of the sale and subdivision of the property was unknown, and given his concern with the limited gain for the Town if the property was sold. He asked that the motion be amended to also direct staff to consider a more refined estimate of the costs for one, two, or three lots.

Councilmember Trotter - Suggested that the item be tabled indefinitely until such a time as the Town Council desired to reactivate it when more staff time could be incurred.

Mayor Mendonca - Expressed her appreciation to everyone who had provided correspondence and public testimony to the Town Council, expressed her appreciation to staff for the options outlined in the October 12 staff report, and agreed with consideration of other options to finance the purchase of 331 Rheem Boulevard rather than rush to sell and subdivide the property.

ACTION: It was M/S (Trotter/Harpham) to table indefinitely the potential subdivision of the 1.91-acre project site located near the southwest corner of St. Mary's Road and Rheem Boulevard and directed staff to research and return with financing options for 331 Rheem Boulevard. Vote: 5-0.

- B. Accept Improvements Constructed by Canyon Construction of Moraga for the Construction of the Elevator at 329 Rheem Boulevard, CIP Project No. 10-302 and Adopt Resolution 36-2011 Transferring \$73,680 from Public Works Operating Accounts to CIP Project No. 10-302, Elevator at 329 Rheem Boulevard

Ms. Mercurio advised that the Town had applied for and had received an American Recovery and Reinvestment Act (ARRA) Community Development Block Grant (CDBG-R) of \$80,000 to partially fund the installation of an elevator, which had been augmented with asset replacement monies. A construction contract with Canyon Construction for \$136,000 approved in March 2010 was to have commenced in June. Due to unforeseen change orders and paperwork, the construction of the elevator had been delayed with the equipment installed in September 2010, State approval in December 2010, and a ribbon cutting ceremony in January 2011. The final project costs had come to just under \$230,000 creating a \$73,680 shortfall due to the unexpected construction change orders, project management, and staff oversight costs. She recommended that the Town Council accept Improvements Constructed by Canyon Construction of Moraga for the Construction of the Elevator at 329 Rheem Boulevard, CIP Project No. 10-302 and adopt Resolution 36-2011, Transferring \$73,680 from Public Works Operating Accounts to CIP Project No. 10-302, Elevator at 329 Rheem Boulevard.

In response to the Council, Ms. Mercurio explained that the Public Works Department staff time was typically transferred, or journal entried, from the General Fund to project accounts. In this case, the staff time would not be charged to the project but could go back to the Operating Budget. In addition, the Town had saved monies in the Public Works Operating Budget which could be used to cover project hard costs. In response to the Council, she noted that none of the delays had been caused by getting the grant cleared through the federal government and the county. The delays had been caused by unforeseen construction problems that had not been built into the contract which had only a \$4,000 contingency, and administrative delays with paperwork given that the contractor had little experience with the grant process.

As to why the item had not been submitted to the Council earlier in the process given the extent of the shortfall, Ms. Keimach explained that normally staff would not exceed the contract amount and would request an amendment to the contract earlier. She expressed her hope that with the new Administrative Services Director, the Town would be able to set up additional checks and

balances to ensure that this did not happen again. Additionally, future contracts should include a sufficient contingency given that unforeseen issues were typical.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed the item and offered the following comments and/or direction to staff:

Councilmember Trotter - Stated that he had become aware during the construction of the elevator that there were some unusual circumstances that had arisen once the building had been opened which had caused delays and which would likely increase the costs of the project. He did not necessarily believe that every change order should have to come back to the Council given the direction to staff in this case and since the elevator was required to be installed to meet ADA regulations. He recalled during a Town Manager report at a prior Council meeting when the Council had been made aware of some of the problems with the framing and sump pumps at the time the project construction had commenced.

Vice Mayor Metcalf - Given the circumstances with projects involving retrofitting of existing buildings, he recommended a more robust contingency in the future.

Ms. Keimach explained that legally the Council must act on items which exceed the authorized contract which was why a contingency should be incorporated into the maximum amount of the contract.

Ms. Kenyon added that one of the issues with the project was that the contract authorized by the Council was specific where the contract amount could not go over \$136,000 without coming back to the Council for a written amendment. In this case, that had not occurred and staff would have to ensure such processing did not occur in the future particularly given additional contracts that would be coming before the Council. She suggested that one way to address such situations would be to identify a reasonable contingency amount that could be incorporated into the contract to ensure that the Town did not run afoul of the legally mandated language in the contract.

Mayor Mendonca - Commented on her experiences with State finance and sought assurance that the Town include checks and balances in terms of its fiscal responsibility, to be transparent to the public.

**ACTION: It was M/S (Chew/Trotter) to accept Improvements Constructed by Canyon Construction of Moraga for the Construction of the Elevator at 329 Rheem Boulevard, CIP Project No. 10-302 and adopt Resolution 36-2011 Transferring \$73,680 from Public Works Operating Accounts to CIP Project No. 10-302, Elevator at 329 Rheem Boulevard.
Vote: 5-0.**

- C. Consideration to Continue Two-Member Subcommittee to Interview Applicant for Traffic Safety Advisory Committee (TSAC) and Direct Staff on Annual Interview Process for Upcoming Appointments for all Commissions and Boards

Ms. Keimach reported that during the annual reappointment and opening of positions on Commissions and Boards the full Council held a series of interviews and selected a number of positions annually in February. A two-member subcommittee had also been selected for

appointments to the Traffic Safety Advisory Committee (TSAC) and the Library Commission. A new position was open on TSAC and she asked whether or not the Council desired to proceed with the two-member subcommittee or the full Council to make the appointments for all Commissions and Boards.

Ms. Keimach acknowledged that the staff recommendation to extend the term for one of the vacant Planning Commission and TSAC positions from two to three years could also be shortened from a two- to a one-year term.

The Town Council discussed the item and made the following recommendations and/or direction to staff:

- Council supported shorter one-year terms to balance out the terms of the Commission and Committee members; and
- Council confirmed the continuation of a two-member subcommittee of Mayor Mendonca and Councilmember Harpham to fill mid-term vacancies and make a recommendation to the full Council.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Chew) that the Council supports shorter one-year terms to balance out the terms of the Commission and Committee members, and Council confirmed the continuation of a two-member subcommittee to fill mid-term vacancies and make a recommendation to the full Council. Vote: 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

ACTION: It was M/S (Trotter/Harpham) to adjourn the meeting at 8:57 P.M. Vote: 5-0.

Respectfully submitted by:

Marty C. McInturf, Town Clerk

Approved by the Town Council:

Karen Mendonca, Mayor