

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

October 24, 2012

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 7:01 P.M. by **Mayor Michael Metcalf**.

ROLL CALL

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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Vice Mayor Harpham led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations.

V. PUBLIC COMMENTS AND SUGGESTIONS

There were no public comments or suggestions.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

No items were moved from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Harpham/Mendonca) to approve the Consent Agenda, as shown.
Vote: 5-0.**

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|----|---|----------|
| 1) | Accounts Payable Claims for: 10/05/12 (\$121,551.83);
10/05/12 (\$2,893.00) | Approved |
| 2) | Approve Minutes for Town Council Regular Meeting for
September 12, 2012 | Approved |
| 3) | Proclamation Declaring Contra Costa Community
Awareness Emergency Response (CAER) Sponsored
"Shelter-in-Place Education Day" on November 7, 2012 | Approved |
| 4) | Adopt Resolution 70-2012 Granting and Recording an
Approved Easement to the East Bay Municipal Utility District
(EBMUD) for Water Pipeline Crossing Town-owned Moraga
Country Club Property for the Moraga Country Club
Expansion Development Located at the end of Augusta
Drive (Property Owner: Moraga CC Holdings LLC) | 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 (Mendonca/Harpham) to adopt the Meeting Agenda, as shown. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf - Reported that he had enjoyed his recent trip to Europe.

Vice Mayor Harpham - Reported that he had attended the American Israeli Political Action Committee meeting on October 23 at Temple Isaiah.

Councilmember Chew - No report.

Councilmember Mendonca - Reported that she had attended the Oktoberfest festivities on October 14; chaired the Central Contra Costa Solid Waste Authority workshop regarding the new franchise agreement on October 17; attended the Moraga School District (MSD) Strategic Planning Commission meeting on October 18; and with the Town Manager, Councilmember Trotter, and members of the Central Contra Costa Solid Waste Authority attended a rate group meeting on October 22.

Councilmember Trotter - Reported that he had attended the Central Contra Costa Solid Waste Authority workshop on October 17 and rate group session on October

22; the Central Contra Costa Solid Waste Authority Finance Committee meeting on October 15; the Oktoberfest festivities; and two Yes on Measure K committee meetings.

- B.** Town Manager Update – Town Manager Jill Keimach reported that most of the Town staff spent October 18 with Moraga-Orinda Fire District (MOFD) personnel for Emergency Operations Center (EOC) training at Station 42, the Town's backup EOC, to test the facility and staff response capabilities.

MOFD Fire Chief Randy Bradley reported that the October 18 training session had gone very well. He had been pleased with the partnership between the MOFD and the Town, the use of Fire Station 42 as the EOC, agreed with the desire to see the training continued, and suggested they keep moving forward. Regarding a partnership with the Lamorinda schools, he looked forward to working with the schools and reported that the Orinda Schools Superintendent had participated in the latest training session, and he anticipated greater participation at future training sessions.

Ms. Keimach thanked the MOFD for its training of Town staff, adding that there would be information in the About Town newsletter regarding the training session and any future sessions.

Chief Bradley added that a successful drill had also been held with the Community Emergency Response Team (CERT) on Saturday, October 20 with 100 participants at Donald Rheem Elementary School.

Ms. Keimach also reported that she was pleased with continued compliments received after a year of the commencement of the Town's new website, the most recent received this week.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A.** Discuss City of Orinda Planning Commission Adoption of Initial Study/Mitigated Negative Declaration for, and Approval of, 13-Lot J & J Ranch Subdivision at Moraga Adobe Site and Provide Direction to Staff

Planning Director Shawna Brekke-Read explained that the item had been submitted to the Town Council pursuant to a request from Councilmember Trotter at a prior Council meeting for a presentation on a project in the City of Orinda which involved the historic Joaquin Moraga Adobe.

Ms. Brekke-Read reported that the City of Orinda had prepared an Initial Study and Environmental Analysis and had found that there would be no significant impacts to the environment that could not be mitigated or conditions imposed that could not mitigate any impacts to an acceptable level. The Orinda Planning Commission approved the project on October 9, 2012, and two appeals had been filed on the Commission's decision, one from the

property owners in the neighborhood and the other from the Friends of the Joaquin Moraga Adobe. The Moraga Historical Society had also submitted a resolution to Town staff requesting Town Council take action on the issue regarding the Moraga Adobe. The appeal hearing had been set for the Orinda City Council on November 27, 2012.

PUBLIC COMMENTS OPENED

Kent Long, Orinda, President of the Friends of the Joaquin Moraga Adobe, explained that the Friends was a nonprofit 501(c)3 organization formed in February 2009 with the intent to preserve the Joaquin Moraga Adobe. The Adobe, built in 1841, was the oldest building in the County, and the Friends' goal was to preserve the structure and make it a community asset through historical programs and public access to the site. He described in detail the legacy and history of the Joaquin Moraga family and Moraga Adobe rancho property, and displayed historical photographs of the building.

Mr. Long identified the Friends' concerns with the project as it related to the future use of the Adobe as a private facility under private ownership. He noted that the Friends had met with representatives from J & J Ranch in an effort to negotiate on behalf of the public an increase in the size of the lot and the relocation of some homes in the subdivision. The discussions had resulted in no changes to the proposal and only minor revisions to the plans. He understood that the developers planned to improve the Adobe infrastructure on the site with the homes in the subdivision to be built as the lots sold subject to review by the Orinda Planning Commission. He understood that a less than one acre lot had been reserved for the Adobe with the structure to be improved for use only as a clubhouse for the 13-lot subdivision and maintained by a Homeowners' Association (HOA) with no public access.

Mr. Long identified Lots 12 and 13 of the 13-lot subdivision as the most contentious given that one of the most defining characteristics of the Adobe was its rural setting and views from the property, and that the building envelopes of Lots 12 and 13 would extend to the finished floor of the Adobe, which would impact the view from the Adobe porch. He explained that the Friends had appealed the Orinda Planning Commission's approval of the 13-lot J & J Ranch Subdivision based on the Adobe's site which had not been adequately protected and that an Environmental Impact Report (EIR) had not been prepared. He urged protection of the Adobe, suggested a clubhouse use was not appropriate, but recognized the private ownership of the property, and suggested that the one-acre parcel offered little opportunity for future space uses. He did not want to preclude educational programs at the Adobe.

Mr. Long asked the Moraga Town Council and the City of Orinda to consider operating the Adobe as a public facility through a joint operating authority between the two jurisdictions or through a nonprofit foundation such as the Friends. He suggested that through private donations, Friends may meet an operating budget similar to that realized by the City of Pleasanton which had a similar arrangement for the Alviso Adobe with approximately \$50,000 spent annually for its operations.

In response to the Council, Mr. Long commented that there had been some outreach to the Irvine family who had lived in the Adobe for many years, along with presentations to the local historical societies. He noted that the prospect of a transfer to a third party had been discussed with the developer early in the negotiations and although there appeared to be a willingness to transfer the property for a nominal or no fee, that had been eroded back to no transfer, with the Adobe to be a clubhouse as part of an HOA. He reiterated his suggestion for consideration of a joint operating authority with the City of Orinda and the Town of Moraga, suggested that raising money to purchase the property could be a viable goal for the Friends, while recognizing that the city/town may not be able to purchase the property outright at the current market rate.

Responding to Council, Mr. Long stated that the Friends had made a presentation to the Orinda City Council earlier in the year at which time the question of eminent domain had been raised and there had been a reluctance to take that step. He characterized that issue as a question of narrow versus broader interest with a lot of public interest in the Adobe. He commented that he had not perceived that level of willingness at either the Orinda Planning Department or Planning Commission level, and suggested that such a process could be warranted but as a last resort since there was a bona-fide trade-off that may be supported by the Friends. He also affirmed that the Friends had not made an offer to purchase the Adobe property because the property owners were not receptive to anything but the current proposal.

Mr. Long added that as part of the proposal made to the City of Orinda by the developers, the Adobe would be restored historically accurate as a public benefit. Compensation back to the developer for the restoration had been discussed during the negotiations between the Friends and the developer in written proposals although the negotiations had faltered and no agreement had been reached. Friends would be open to such a repayment scheme and did not preclude that in the future although the Friends had to back off those negotiations at this time. He commented that the recommendations outlined in Exhibit B to the October 24, 2012 staff report from the Historic Landmark Committee had also been raised by the Friends with the developer, to enhance the usefulness of the Adobe site.

Mr. Long further noted that a draft agreement titled Joaquin Moraga Adobe and drafted in 2010, as contained in the Town Council packets, had been prepared for J & J Ranch and contained language that the developer would restore the Adobe at the developer's cost with a plan to convey the property at that time to Friends at nominal or at no cost. He also acknowledged that one of the conditions imposed by the Orinda Planning Commission was that the developer would pay for the renovation of the Adobe irrespective of who owned the property. He emphasized that during the Orinda Planning Commission hearing, the developer had been very clear that there would be no public access to the Adobe although he noted that there was an existing pathway leading from the bottom of the driveway of the Adobe up to the building. Once one reached the end of the pathway it was unclear whether or not someone would be trespassing.

Ms. Keimach acknowledged that although the Adobe was a Registered Historic Landmark Building built in 1841, it was not Americans with Disabilities Act (ADA) compliant.

Mr. Long explained that ADA regulations and restrictions on the physical building had not been discussed between the Friends and the developer. The Friends did not anticipate a lot of outside access in order to be sensitive to existing and future homeowners. He was uncertain of the specific estimates the owners had been using for the restoration of the Adobe, understood that the developer's recommendation to use the Adobe as a clubhouse likely included ADA renovations, and also understood that the most generous interpretation of the parking for the Adobe as a clubhouse would be two public parking spaces, one handicapped parking space and one parking space for deliveries.

As to whether or not the Town would be responsible for ADA compliance for public access for a historical landmark, Town Attorney Karen Murphy explained that she was uncertain of ADA regulations for historical landmarks and could not speak to that issue at this time.

In response to a question, Mr. Long stated that if the Adobe was relocated it would likely involve disassembling the building. He emphasized the importance of the Adobe in its current setting which had commanding views. If the choice was to either tear down or move the Adobe, he supported moving the Adobe. He also acknowledged correspondence submitted to the Town Manager dated October 24, 2012 from City of Orinda City Manager Janet Keeter, who had referenced the draft resolution from the Moraga Historical Society. He reported that the Friends

had met with Ms. Keeter on more than one occasion and with the former Moraga Town Manager to discuss a possible joint powers agreement (JPA). Based on his recollection of those discussions, it had been noted that any decision would be left up to the respective Councils.

Ms. Keimach affirmed that there had been a discussion of a possible joint powers agreement, that she had been involved in those discussions, and it had been decided that the JPA issue be left up to the respective Councils with the managers expressing financial concerns given that the jurisdictions in Lamorinda had tight budgets.

Mr. Long clarified that the Friends were comprised of not only members in Lamorinda but interested members throughout the State, and those interested in the history of Joaquin Moraga. He detailed the building materials of the Adobe and understood that some of the interior stucco covering was to be peeled back and covered with Plexiglas as part of the clubhouse proposal.

Ron Louis, Member, Friends of the Joaquin Moraga Adobe, spoke to the viewshed and noted that the developer's own report had indicated that they wanted more view space. He suggested there was a legal way to view the building by following the Ivy Drive extension up the hill behind Miramonte High School. He suggested that the developer may be accommodating to anyone desirous to see the facility and commented that during the Orinda Planning Commission meeting one Planning Commissioner had opposed the development given the Adobe's importance, history, and background. He expressed a willingness to clarify the language contained in the resolution from the Moraga Historical Society since he had been involved in its preparation.

Susan Sperry, Recording Secretary for the Moraga Historical Society, explained that she had written the history of the Moraga curriculum at Joaquin Moraga Intermediate School. She reported that many school field trips had been made in the past to the Adobe with the founding families and noted the Moraga Adobe was an essential part of Moraga's history. She emphasized that the Moraga Historical Society was very concerned with the potential loss of this history. She also commented that she did not see that a future HOA for the clubhouse would allow school field trips to the Adobe based on potential liabilities and given that the Adobe would no longer be historically the same. She spoke to the efforts of Saint Mary's College (SMC) Brother Dennis to preserve the Adobe, to catalog artifacts and write the book Moraga Pride, with the archives under the purview of the Moraga Historical Society. If the Adobe were to become a museum, she suggested it would be a nice place to display those archives.

Kay Norman, Member of the Orinda Historic Landmarks Committee and the Orinda Historical Society, spoke to her background as a long-term member of the Orinda Historic Landmarks Committee and the efforts to have the Adobe designated as a Historic Landmark. She advised that the Orinda Historical Society had not been able to bring the children to the Adobe, and any educational opportunity would be lost if the Adobe was converted into a clubhouse with no public access. She expressed her hope that the Moraga Town Council could provide support and encourage the Orinda City Council to request that J & J Ranch provide public access to the Adobe for the Lamorinda community and beyond. If the Adobe was converted into a clubhouse, she asked that public access for school children be considered by the developers.

Corri Jimenez, a Professional Architectural Historian and Architect, noted that the Adobe was a National Registered Resource with no mandate that required its preservation in a certain period and while the structure could be demolished, she was not advocating demolition. She spoke to the requirements of the State Historic Building Code which could be applied to any historic building and which allowed some exceptions to the requirements for new buildings. As to the

ADA requirements, she commented that the back half of the adobe was an addition to the 1841 portion of the Adobe where access could be provided.

Bobbie Landers, Orinda, a charter member of the Friends of Joaquin Moraga Adobe, also spoke to the history of the Adobe and the importance of public access. She reported that one of the J & J Ranch developers had met with her and other Friends members in the past to discuss the developer's acquisition of the property and the Friends' desire for public access. She emphasized that the Friends and the developers had spent a great deal of time on negotiations regarding the Adobe and she detailed those discussions at length. As to the ADA requirements, she noted that Friends had proposed that the Adobe be returned to the original (circa 1841) rooms and that a separate building be constructed as a separate unit to be used as a meeting room, sanitary facilities, and kitchen. She too expressed concern with the potential loss of the Adobe as an educational and historical tool for Lamorinda students. She thanked the Moraga Town Council for taking the time to hear the testimony regarding the Adobe.

Margaret de Priester, Moraga, further spoke to the educational and historical significance of the Adobe to Lamorinda students and urged the Moraga Town Council to consider the importance of the Adobe and for local school children to have the exposure to historical background. She added that the Moraga Historical Society had dedicated docents but, in terms of staffing a future Adobe museum, she did not see that the Moraga Historical Society would be able to staff the Adobe with docents unless there could be a joint effort with other volunteers.

Brother Mel Anderson, Saint Mary's College Alumnus, expressed concern with the potential loss of a treasure built in 1841 with the Adobe the only existing building representing the Town of Moraga and its past. He suggested that there were many options that could be considered for the interior to make the Adobe an educational model for the community. He urged that everything be done to save the Adobe.

Tania DeGroot, Orinda, referenced her interest in historic structures and questioned what would connect the future homeowners of the 13-lot subdivision to the Town of Moraga.

PUBLIC COMMENTS CLOSED

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

- Emphasized the importance of taking action to be on the right side of history;
- Recognized that the Moraga Adobe was located in the City of Orinda but expressed concern that the 13-lot J & J Ranch Subdivision proposal would turn a precious historic resource, the Moraga Adobe, into a private clubhouse with no public access;
- Emphasized the importance for the Town of Moraga to state its position on the potential use of the Moraga Adobe, and to interact with the City of Orinda to attempt to change the negotiation dynamic with the J & J Ranch development in order to preserve the Adobe and the area around the Adobe with the goal to preserve the existing viewshed;
- Suggested making the Moraga Adobe a public museum with educational and historical significance;
- Recommended that the Town Council make its views known on the 13-lot J & J Ranch Subdivision to achieve the goals that had been stated for the Moraga Adobe with an appropriate amount of space and preservation of the cultural ambience, especially given

that the Moraga Adobe bore the Town's name and was the only historical resource in the Lamorinda area;

- Recommended that the Town Council work with Town staff to allow presentations to be made to the Orinda City Council at the appropriate time (i.e. appeal hearing for the Orinda Planning Commission's decision to approve the 13-lot J & J Ranch Subdivision);
- Expressed concern that the Moraga Historical Society had not demonstrated a defensible and specific mechanism to provide for ownership of the Moraga Adobe by an historical organization, local public agency, or a combination of public agencies as referenced in a resolution from the Moraga Historical Society Board of Directors;
- Suggested that the Irvine family be encouraged to come forward and provide assistance in the negotiations for the Moraga Adobe; and
- Recommended that the Town Council appoint an Ad Hoc Subcommittee comprised of two Councilmembers to be present at the Orinda City Council meeting, to present a cogent position regarding the status of the Moraga Adobe;

In response to the recommendation for an Ad Hoc Subcommittee comprised of two Councilmembers, Ms. Keimach suggested the preparation of a list of specific recommendations to be presented to the Orinda City Council.

Councilmember Trotter expressed the willingness to serve on the Ad Hoc Subcommittee. He asked that the Town Manager provide assistance in drafting a written submission for presentation to the Orinda City Council in the hopes that the Orinda Council would be willing to direct the developer to consider alternatives; and that the Ad Hoc Subcommittee solicit support from other interested parties including the Moraga and Orinda Historical Societies, Friends of the Joaquin Moraga Adobe, and possibly the J & J Ranch ownership group. He affirmed with the Town Attorney that the Ad Hoc Subcommittee would not have to conform to the regulations of the Brown Act and would likely have the lifespan of about one month depending on the outcome of the appeal before the Orinda City Council.

Ms. Murphy advised that the next meeting of the Moraga Town Council would allow time for staff to prepare written correspondence for Council review prior to the Orinda City Council meeting.

On the discussion, Ms. Keimach recognized the importance of preserving the Moraga Adobe although she was uncertain of the leverage the Town would have other than commenting along with Friends of Joaquin Moraga Adobe and other interested parties at the Orinda City Council meeting. She said it would be possible for staff to return on November 14 with options the Council may discuss.

Mayor Metcalf asked the Town Manager to contact Orinda's City Manager to advise of the current discussion in order to notify Orinda prior to the Orinda City Council meeting.

Mayor Metcalf advised that the Ad Hoc Subcommittee would be comprised of the Mayor and Councilmember Trotter.

- B. Adopt Resolution 71-2012 Authorizing the Town Manager to Approve a Contract Amendment to AJW Construction, Oakland, in the Amount of \$28,160 for Installation of Streetlights as part of the High Visibility Crosswalk Improvements Project (CIP 09-103)

Public Works Director/Town Engineer Edric Kwan presented the request for the adoption of a resolution authorizing the Town Manager to approve a contract amendment to AJW Construction, Oakland, in the amount of \$28,160 for installation of new streetlights as part of the High Visibility Crosswalk Improvements Project (CIP 09-103). He explained that when the project was initially approved, streetlights were not part of the project but were included as part of this Fiscal Year's Capital Improvement Program (CIP). Streetlights existed on Moraga Road at Woodford and Corliss Drives; however, they were located on the opposite side of the intersection away from the new crosswalks. In order to increase visibility at the new crosswalks, additional streetlights were needed. In evaluating whether to move forward with a new project or to amend the existing contract, staff recommended that the contract be amended to save cost and time and to install the new streetlights during the current crosswalk improvements.

Mr. Kwan explained that conventional streetlights cost approximately \$98,000 versus \$28,000 for solar-powered lights. He recommended the use of solar-powered lights, not only for the cost savings but because there would be no cutting into the existing pavement. The streetlight technology also used a solar skin which adhered to the pole itself and would blend in better with the scenic corridor. He added that the foundations for the solar lights were not as heavy as conventional streetlights and more easily replaced if knocked down. He added staff had received positive references from other agencies on the use of this technology. As to converting other existing streetlights in the Town with this solar technology, he acknowledged that it could be considered in the long-term plan for Moraga Road.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Mendonca/Chew) to adopt Resolution 71-2012 Authorizing the Town Manager to Approve a Contract Amendment to AJW Construction, Oakland, in the Amount of \$28,160 for Installation of Streetlights as part of the High Visibility Crosswalk Improvements Project (CIP 09-103). Vote 5-0.

- C. Adopt Resolution 72-2012 Amending the Salary Schedule to Add the Regular Full-time Classifications of Senior Civil Engineer and Engineering Technician/Inspector; Amend Senior Planner/Economic Development Coordinator; Associate Planner and Assistant Planner; and Delete Staff Engineer, Engineering Inspector, and Assistant/Associate Planner

Administrative Services Director Stephanie Hom presented the request to amend the salary schedule to add the regular full-time classifications of Senior Civil Engineer and Engineering Technician/Inspector; amend Senior Planner/Economic Development Coordinator; Associate Planner and Assistant Planner; and delete Staff Engineer, Engineering Inspector and Assistant/Associate Planner positions. She reported that the Town Council adopted the salary schedule for all Town employees as part of the Memorandum of Understanding (MOU) Agreement for each of the employee groups. In April 2012, staff had presented another salary schedule which added some employee classifications that had not been previously included relating to part-time positions for the Parks and Recreation and Police Departments.

Ms. Hom reviewed the details of Attachment B to the staff report dated October 24, 2012, updated classification job descriptions for Assistant Planner, Associate Planner, Engineering Technician/Inspector, Senior Civil Engineer and Senior Planner, and the proposed amendments to the salary schedule noting that given the vacancies in both the Planning and Engineering Departments, it was a good time to review the entire organization and salary schedules. In

terms of the fiscal impacts for the current year, she explained that it would be a cost-neutral proposal given that the positions had been filled by long-time employees who had reached the highest level of the salary step.

The proposed new salary schedule would involve an estimated variance of \$8,135 for a full year which was available within the Planning Department budget and would be transferred from Supplies/Services to Personnel accounts to cover the estimated variance. In the Engineering Department, the variance estimate was \$10,747 for a full year, with the amount available from the Public Works/Engineering Department, to also be transferred from the Supplies/Services Contract Services account to the Personnel account to cover the estimated variance. Given the prior year expenditures in the Contract Services accounts, staff did not anticipate any negative impact from these transfers.

In response to the Council, Mr. Kwan explained that in the event that Measure K was approved by the voters in November, the proposed amended salary schedule would not necessarily be for staffing needed to implement the Measure K program although Measure K would require a higher level of management for the projects. He noted the reason the Senior Civil Engineer position must be amended was that the position was currently vacant with no requirement for engineering licensing or experience. In order to ensure the best engineering service to the community, he wanted the Senior Civil Engineer position filled by an individual who was licensed, experienced, and qualified to manage community projects. As to the Engineering Technician/Inspector, he wanted that position to be filled with an experienced individual who would conduct various routine inspections for Town projects and to provide civil engineering support to the Engineering Department.

Ms. Hom described the structure of the Public Works/Engineering Departments with the Superintendent reporting to the Public Works Director. She reiterated that the fiscal impact to the Planning and Public Works/Engineering Departments would be cost-neutral, noting that the salary schedule would be shifted, which would increase the Senior Planner/Economic Development Coordinator, creating a new one for the Associate Planner and increasing the salary schedule range for the Senior Civil Engineer. As to the recommendation to transfer monies from the Supplies/Services Contract Services Account to cover these salary schedule amendments, she suggested there were sufficient funds left in those accounts for the remainder of the year. Both Department Heads had been asked to monitor those accounts closely to determine any contingency needs. She was confident there would be sufficient funds in those accounts.

Ms. Keimach added that some of the work on applications had also been done by staff and those hours would be taken from the deposit accounts.

Ms. Hom added that her figures were conservative given that the end of the year was close.

Mr. Kwan recognized that the Senior Civil Engineer position was a higher salary than the Staff Engineer. He planned to increase the billable rate due to the higher salary as part of the next fiscal year's Master Fee Schedule update to hopefully cover the \$10,000 difference in salary.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Chew/Harpham) to adopt Resolution 72-2012 Amending the Salary Schedule to Add the Regular Full-Time Classifications of Senior Civil Engineer and Engineering Technician/Inspector; Amend Senior Planner/Economic Development Coordinator; Associate Planner and Assistant Planner; and Delete Staff Engineer, Engineering Inspector, and Assistant/Associate Planner. Vote: 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Metcalf reminded staff that the issue regarding the Moraga Adobe, as discussed, would return to the Town Council at its November 14 meeting.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

ACTION: It was M/S (Mendonca/Trotter) to adjourn the meeting at 10:00 P.M. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Michael Metcalf, Mayor