

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**January 11, 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 7:02 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

Councilmember Trotter 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

Barry Behr, Moraga, reported that he discussed the use of Measure WW funds for the playground at Rancho Laguna Park with staff and Council. He understood that Measure WW funds might be used for other Town projects and expressed concern that the Town would be asking for community support for the repair of roadways and storm drains in the near future and asked that Measure WW funds not be taken from the Rancho Laguna Park playground project which had community support.

Jeanne Moreau, Moraga, spoke to Lamorinda Dogs' proposal for Option A and suggested that there was a misunderstanding that this option would provide an all-day dog park, and suggested that the plan approved by the Town Council would be more costly and would have difficulty meeting Americans with Disabilities Act (ADA) compliance standards. She noted that there were no plans for funding contingencies in the Council's approved proposal to make the area of Rancho Laguna Park ADA compliant and given that no upgrades could be made to the park without meeting minimal ADA standards, Measure WW funds could not be used.

Seth Freeman, Moraga, reported that the Town Council meeting was being webcast live on the Internet and was available at www.livestream.com/moragaca. He stated that the issues of the

replacement of the playgrounds and the spatial and temporal separations at Rancho Laguna Park were combined on one estimate provided to the Town Council at its last meeting. He suggested it was inappropriate to combine the two issues and asked that the Council refrain from making any changes, or provide any funding for improvements, at Rancho Laguna Park while disputes were ongoing.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of Consent Items

Consent Agenda Items 2 and 3 were removed from the agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to approve Consent Agenda Items 1, 4, 5, and 6. Vote: 5-0.

- | | | |
|----|---|----------------|
| 1) | Accounts Payable Claims for 12/16/11 (\$143,696.47) | Approved |
| 2) | <i>Approve Revised Minutes for Town Council Regular Meeting November 9, 2011</i> | <i>Removed</i> |
| 3) | <i>Approve Minutes for Town Council and Planning Commission Joint Meeting November 30, 2011</i> | <i>Removed</i> |
| 4) | Approve Minutes for Town Council Special Meeting November 30, 2011 | Approved |
| 5) | Adopt Resolution 1-2012 Authorizing Funding Changes for the Previously Approved Streetlight Energy Efficiency Project, CIP Project No. 11-101 | Approved |
| 6) | Adopt a Motion Authorizing the Town Manager to Deem Identified Town-owned Vehicle Equipment as Surplus | Approved |

B. Consideration of Consent Items Removed for Discussion

1. Approve Revised Minutes for Town Council Regular Meeting November 9, 2011

A revision was requested to the first sentence of the first paragraph under Item IV. Proclamations and Presentations on Page 1 of the November 9, 2011 Town Council minutes, as follows:

Mayor Mendonca read into the record a proclamation acknowledging November 2011 as National Hospice/Palliative Care Month and noted that no one was present to receive the proclamation.

ACTION: It was M/S (Mendonca/Harpham) to approve the November 9, 2011 Town Council Regular Meeting Minutes, as amended. Vote: 5-0.

2. Approve Minutes for Town Council and Planning Commission Joint Meeting November 30, 2011

Revisions were requested to the November 30, 2011 Town Council and Planning Commission Joint Meeting Minutes, as follows:

To the first sentence of the seventh paragraph on Page 8:

Councilmember Trotter pointed out that there was nothing in the staff report to prevent a cooperative winery or wine sales area at the Rheem Center and that could be permitted under the MCSP.

To the last sentence of the ninth paragraph on Page 9:

The virtue of a Specific Plan for the MCSP was that while there had been delays, once the Council determined it to be a priority it had not taken as long as some had suggested.

ACTION: It was M/S (Trotter/Harpham) to approve the November 30, 2011 Town Council and Planning Commission Joint Meeting Minutes, as amended. Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Ellen Beans, Moraga, asked the Council to consider the public interest in agenda Item XI. Ordinances, Resolutions and Requests for Action, Item E and move it up on the agenda.

PUBLIC COMMENTS CLOSED

The Town Council modified the meeting agenda for Item XI. Ordinances, Resolutions and Requests for Action by moving Item A to Item C, Item C to Item D , Item D to Item E, and Item E to Item A.

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf - Reported that he had attended a recent Southwest Area Transportation Committee (SWAT) meeting and had been elected Chair of SWAT with meetings to be held at the Hacienda for the next year. He reported that he had also attended the January 4 Revenue Enhancement Community Outreach to Neighborhoods (RECON) meeting.

Vice Mayor Harpham – Reported that he had attended a RECON and Traffic Safety Advisory Committee (TSAC) meeting during the first week of January 2012.

Councilmember Trotter - No report.

Councilmember Mendonca - Reported that she had attended the Mayors' Conference in the City of Martinez and had also received a brief report from the Moraga Youth Involvement Committee (MYIC) which had a successful meeting with the Lamorinda teens. The next meeting of the MYIC would be Thursday, January 12.

Councilmember Chew - No report.

- B.** Town Manager Update – Town Manager Jill Keimach reported that the Town's Public Works Director/Town Engineer Jill Mercurio had accepted a position with the City of Vallejo. A farewell reception would be held on Thursday, January 19, at the Hacienda, in recognition of Ms. Mercurio's service to the Town of Moraga and would be open to the public. She added that the Town of Moraga had received tentative approval from the City of El Cerrito (which was working on a roadway planning effort similar to that of RECON), to partner with El Cerrito's City Engineer who had been involved from the start in their planning process. She also reported that there had been a single vehicle accident on January 6 on Moraga Way, which had closed the roadway and which raised conversations in the Lamorinda community on the need to better inform the public of potential road closures. Staff would submit a potential concept to the Council on January 25 for public messaging options to address such situations.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearing items.

IX. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A.** Endorsement of Proposed Membership on Climate Action Plan (CAP) Task Force

Ms. Keimach reported that on November 9, 2011, the Town Council had considered the adoption of a charter for the creation of a Climate Action Plan (CAP) Task Force and decided to continue the item to the meeting of November 30. At that time, the Town Council had adopted the CAP Task Force Charter and had directed staff to propose members to that Task Force with the intent to create a CAP and prepare a list of potential mitigations for improving the environment. The CAP Task Force would meet monthly with guest speakers from other communities that had gone through the process, hear lessons learned, and work together with local experts on making presentations on different categories for the CAP. The Town Council had determined that the Task Force should be comprised of 13 members absent Town Council representation, with staff directed to return with a list of potential members. A list of the recommended CAP Task Force members had been identified in the January 11, 2012 staff report outlining the experience and background of each. Ms. Keimach asked the Town Council to endorse the proposed 13 members of the CAP Task Force as identified in the January 11, 2012 staff report.

PUBLIC COMMENTS OPENED

Barbara Simpson, Moraga, stated that she was familiar with the recommended CAP Task Force members but asked that the Task Force include one or two members who would challenge

some of the positions of the recommended members to ensure a balanced and defensible position of the CAP. She sought more information on the level of participation that would be involved and would be willing to serve as a member of the CAP Task Force, if asked.

In response to the Council, Ms. Keimach advised that she had spoken with the recommended CAP Task Force members to affirm their commitment to a lengthy process. If the Council chose to add another member, the CAP Task Force Charter would have to be amended, which action would have to be brought back for Council consideration. She clarified that the CAP Task Force was required pursuant to State regulations to ensure a CAP product that was defensible.

Town Attorney Karen Murphy affirmed that any modification to the CAP Task Force Charter would require action at a future meeting given that it had not been agendaized but could be returned as a clean-up item on the Consent Agenda.

Ms. Simpson stated that the intention of her comments had been to ensure a balance. In her opinion, it would not hurt to have different points of view serving on the CAP Task Force.

In response to Ms. Simpson, **Councilmember Chew** clarified that the intention was to create a working Task Force to develop an action plan. As such, it might not be the appropriate Task Force if the intent of the members was to debate the topics being discussed.

Motion by **Councilmember Chew**, seconded by **Vice Mayor Harpham** to endorse the proposed membership on the CAP Task Force and increase the membership to 14 members.

Larry Beans, Moraga, one of the recommended members to the Task Force, asked that the Town Manager/staff recommend an additional member to the Task Force.

Seth Freeman, Moraga, requested clarification of the process used in selecting volunteers for the CAP Task Force membership. He was uncertain that the opportunity had been well publicized to allow the opportunity for a broader group of members.

Mayor Metcalf clarified that the discussion of the CAP Task Force membership had been noticed to the public and had been discussed by the Town Council at length as evidenced by the Town Council minutes from the last couple of meetings.

Edy Schwartz, Moraga, urged the Town Council to spend more time on the consideration of additional members to the CAP Task Force.

Ms. Simpson reiterated her willingness to serve on the CAP Task Force at the discretion of the Council.

PUBLIC COMMENTS CLOSED

Councilmember Chew indicated his agreement with Barbara Simpson's placement on the CAP Task Force given her track record on the Traffic Safety Advisory Committee (TSAC).

Councilmember Chew accepted an amendment to his motion to modify the CAP Task Force Charter to 15 members, to add Barbara Simpson as a member, with the 15th member to be recommended by staff.

The Town Council offered the following comments and/or direction to staff on the recommended CAP Task Force membership:

- The Town Council liked the diversity of the recommended members proposed;

- The Town Council agreed that the CAP Task Force membership should include alternative views;
- By consensus, the Town Council directed staff to add Barbara Simpson as a member to the CAP Task Force; and
- By consensus, the Town Council increased the CAP Task Force Charter to 15 members with the 15th member to be recommended by staff.

ACTION: It was M/S (Chew/Harpham) to endorse the Proposed Membership of a Climate Action Plan Task Force with the Climate Action Plan Task Force to be increased to 15 members, with Barbara Simpson to be added to the roster, with staff to return at a later date with a recommendation for a 15th member, and with the Climate Action Plan Task Force Charter to be modified, as discussed, to be returned as a Consent Agenda Item for Town Council consideration at its next meeting. Vote: 5-0.

- B.** Consideration and Approval to Allow Saint Mary's College Athletics to Display Two Temporary Signs Notifying the Community of Saint Mary's College Basketball Games at McKeon Pavilion and Direct Staff to Amend the Sign Ordinance

Parks and Recreation Director Jay Ingram reported that the Town Council was again being asked to approve a request by Saint Mary's College to display two temporary signs notifying the community of Saint Mary's basketball games at McKeon Pavilion. The signs would be the same as those approved in 2010, to be placed in the same location, and to only be displayed during game days and be posted by Saint Mary's Athletic staff.

Mr. Ingram stated that the Town Council had also been asked to direct staff to amend the Town's Sign Ordinance for Community Events, Temporary, and Special Event Signs. He recommended in the reevaluation process for the Sign Ordinance that four issues be addressed to allow portable signs that meet specific design, location and direction conditions; allow special event signs that can be located off-site; amend the conditions of the administrative process (staff-level review) for temporary special event signs; and clarify the definitions and regulations.

Mr. Ingram asked the Town Council to approve Saint Mary's request to display two temporary signs subject to the conditions of approval as contained in the January 11, 2012 staff report and direct staff to prepare amendments to the Sign Ordinance as part of the annual update and amendments to Title 8 (Zoning Ordinance) of the Moraga Municipal Code (MMC) to address the four issues earlier identified.

Planning Director Shawna Brekke-Read explained, when asked, that the MMC contained some anomalies regarding temporary banners which could be displayed twice a year and community event signs which include a regulation of 15 days per year. She acknowledged that there was nothing in the regulations to prevent the approval of the subject permit to allow the same signs to be erected during the 2011-2012 basketball season for 15 games, and nothing to prevent the Council from taking action that would approve the same temporary sign program for the 2012-2013 season or a longer period of time, so that Saint Mary's College did not have to make such requests annually. Staff had recommended revisiting a portion of the Sign Ordinance given a recurring issue with requests for erecting Community Event Signs and staff must either bring the request to the Town Council if the request met the Sign Ordinance criteria or pursue Design Review Board (DRB) review. While approval could be made by the Town Council in perpetuity, staff also recommended revisiting a portion of the Sign Ordinance, as proposed.

Ms. Keimach advised that one example was the Town's concert series signs which were technically subject to the same regulations as the signs for Saint Mary's College.

PUBLIC COMMENTS OPENED

Edy Schwartz, Moraga, supported a streamlined process for such sign requests.

Councilmember Mendonca stated for the record that she had spoken with Tim Farley of Saint Mary's College who was in support of the staff recommendations.

Ellen Beans, Moraga, agreed that it was time to streamline the process for similar sign requests.

PUBLIC COMMENTS CLOSED

Councilmember Trotter offered a motion, seconded by **Vice Mayor Harpham** to approve the request from Saint Mary's College Athletics to display two temporary signs notifying the community of Saint Mary's College basketball games at McKeon Pavilion in perpetuity during the Saint Mary's College basketball season, subject to the conditions identified in the January 11, 2012 staff report.

Councilmember Chew offered an amendment to the motion with approval only for the 2011-2012 Saint Mary's basketball season with the Council to then revisit the issue and consider different options consistent with a streamlined process.

As the maker of the motion, **Councilmember Trotter** did not accept the amendment in that the motion as stated would be a streamlined process.

Ms. Keimach clarified for the record that the request was for Saint Mary's College men's and women's basketball. Mr. Ingram stated that the sign banners could be modified to clarify that point.

ACTION: It was M/S (Trotter/Harpham) to approve the request from Saint Mary's College Athletics to display two temporary signs notifying the community of Saint Mary's College basketball games at McKeon Pavilion, in perpetuity, subject to the conditions as identified in the January 11, 2012 staff report and subject to amendment of Condition 1 (g) as follows: *Sign approval is for the men's and women's basketball season in perpetuity.*
Vote: 5-0.

Ms. Brekke-Read reiterated that there were community groups that would like to have a streamlined process and not require Town Council approval. The portability of signs was also an issue that needed to be addressed. She asked the Town Council to again consider the staff recommendation to amend the Sign Ordinance, as proposed, as part of the annual update to the Zoning Ordinance in the next few months, noting that portable signs were specifically prohibited, including A-frame signs. Signage for the Town's concert series currently required a permit.

ACTION: It was M/S (Mendonca/Harpham) to direct staff to prepare amendments to the Sign Ordinance as part of the annual update and amendments to Title 8 (Zoning Ordinance) of the Moraga Municipal Code (MMC) to consider allowing portable signs that meet specific design, location and duration conditions; allow special event signs that can be located off-site; amend the conditions for the administrative process (staff-level review) for temporary special event signs; and clarify the definitions and regulations.
Vote: 5-0.

- C. Adopt Resolution 2-2012 Approving the Association of Bay Area Governments (ABAG) Report *Taming Natural Disasters* as the Town of Moraga's Local Hazard Mitigation Plan (LHMP)

Chief of Police Robert Priebe explained that adoption of the resolution would allow the Town of Moraga to continue to use ABAG's multi-jurisdictional Local Hazard Mitigation Plan (LHMP), entitled *Taming Natural Disasters*. He noted that each local agency was required as part of the LHMP to submit and adopt an Annex to the Bay Area-wide LHMP to reflect local conditions and activities. The issue had been considered by the Town Council in 2007 and approved as Resolution 15-2007. The Town's Annex had already been submitted to ABAG and the Federal Emergency Management Agency (FEMA), and received pre-approval from ABAG and was awaiting FEMA approval.

Chief Priebe stated that any suggested changes to be implemented into the plan would have to occur in the next cycle since the document was already under review by FEMA. If the Annex was not approved by Council resolution, the Town may not be eligible for a number of funding opportunities. Approval and continuation of the program would improve the Town's eligibility for funding opportunities. He also noted that the proposed continuation of the ABAG plan includes by reference the latest list of staff reviewed mitigation strategies as attached to the January 11, 2012 staff report.

Chief Priebe recommended that the Town Council adopt the proposed resolution approving the Annex to the 2010 ABAG LHMP titled *Taming Natural Disasters* as the Town of Moraga's LHMP which included by reference the latest list of staff reviewed mitigation strategies. In response to the Council, he explained that the list of mitigation strategies was an outline for the Town to identify potential hazards that needed to be addressed. The Town's efforts for an Emergency Operations Plan (EOP) would be the framework and outline as to how the Town would address any type of disaster that would require activation of an Emergency Operations Center (EOC). He added that the cities of Lafayette and Orinda, and the Moraga-Orinda Fire District (MOFD) were also in the process of gaining access to ABAG's continued use of the multi-jurisdictional plan. In the event a jurisdiction's plan did not meet the outline and criteria supplied by ABAG, as approved by FEMA, the plan would not be approved and would not be included in the Regional LHMP. The Town had expended between \$1,500 and \$2,000 for the consultant on the project.

Ms Keimach also explained that Moraga's list of mitigation strategies, as contained in the January 11, 2012 staff report, had been in process and had not changed much year to year. Every year Department Heads met to review the strategies and public meetings were held to review the list. The list of mitigation strategies also included notations as to applicability to Moraga and what mitigation strategies were funded or not funded.

Chief Priebe commented that the Annex had addressed whether or not the listed mitigation strategy was socially appropriate, financially feasible, or met the Town's goals.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Chew/Trotter) to adopt Resolution 2-2012, Approving the Annex to the 2010 Association of Bay Area Governments (ABAG) Local Hazard Mitigation Plan *Taming Natural Disasters* as the Town of Moraga's Local Hazard Mitigation Plan (LHMP).
Vote: 5-0.**

- D. Adopt Resolution 3-2012, Authorizing Town Staff to Apply for Priority Development Area (PDA) Designation under the FOCUS Program for the Town of Moraga and Clarifying the Priority Development Area Boundaries Requested for Designation for the Rheem Planning Area

Ms. Brekke-Read explained that the item had been considered by the Town Council twice; once during a joint meeting with the Planning Commission on November 30 and again on December 14, 2011, when the Town Council directed staff to amend the proposed Priority Development Area (PDA) boundaries. Staff had submitted an application to ABAG and included a revised map based on the Town Council's direction on December 14. She noted that the issue remained size and the maximization of the size of the PDA. The Town had a deadline of January 30, 2012 to submit a signed resolution to ABAG. She asked the Council to approve a revised resolution approving the revised PDA boundaries.

Ms. Brekke-Read identified the scenarios ABAG had identified for PDAs and noted that the funding for transportation and infrastructure projects would be more limited and would have specific criteria that would have to be met. One of the criteria was the requirement of a Certified Housing Element and another, areas within PDAs. As a result, staff recommended as much area within the PDA as possible to allow the maximization of future grants. She asked the Town Council to approve the expanded PDA which excluded the Moraga Open Space Ordinance (MOSO)-zoned property located at the northeast corner of Moraga Road and Rheem Boulevard (painted rock property) but did include some of the high density residential development at Ascot and Donald Drives, included Moraga Road up to Campolindo High School but excluded the open space at Carroll Ranch.

Ms. Brekke-Read explained that the inclusion of Campolindo High School would increase the acreage in the PDA and would make the intersection eligible for Metropolitan Transportation Commission (MTC) or other transportation funds in the future. She noted that the Contra Costa Transportation Authority (CCTA) had asked that funding criteria include corridors linking PDAs.

Ms. Keimach clarified that the CCTA was making recommendations to ABAG for criteria for a One Bay Area grant, essentially a combination of different transportation funds which would be more competitive. CCTA's recommendation had not been added or approved as part of MTC's criteria. She noted that the boundaries for the Rheem Planning Area had been carried down on the east side of Moraga Road as far south as possible. If the criteria were approved by ABAG, there was significant area along Moraga Road that could be eligible for funding.

Ms. Brekke-Read acknowledged that Rheem Elementary School could be included in the PDA boundaries. Campolindo High School was located on a major arterial generating traffic around it. Staff anticipated a One Bay Area grant for infrastructure and public funds for public improvements. She did not anticipate the expenditure of any funds on private properties within the PDA. She added that the Town Attorney had requested that the resolution of approval be amended to reflect that the resolution amends and replaces Resolution 45-2011, which would be rescinded in its entirety.

Ms. Murphy recommended that Page 2 of Attachment A, Resolution 3-2012, be amended with a new NOW, THEREFORE BE IT RESOLVED, CLAUSE to be inserted prior to the PASSED AND ADOPTED clause to read:

This resolution amends and replaces Resolution 45-2011, which is rescinded in its entirety.

PUBLIC COMMENTS OPENED

Roger Poynts, Moraga, understood that the resolution had been approved by the Town Council during its December 14, 2011 meeting and requested clarification of the action before the Town Council. He found the boundary map to be simple rather than professionally drawn, understood that a PDA meant that something would be developed within the PDA, questioned the inclusion of Campolindo High School and the existing residential development along Ascot and Donald Drives and Moraga Road within the PDA, and asked the Town Council to deny approval of the resolution. He suggested that the PDA should include links to parks and trail areas and recommended the inclusion of the MOSO-zoned property at the northeast corner of Moraga Road and Rheem Boulevard (painted rock property) or any other property that would assist with the agricultural, parks, and recreation of the Rheem Planning Area.

PUBLIC COMMENTS CLOSED

Ms. Brekke-Read reiterated that the Town must submit a signed resolution to ABAG by January 30, 2012, which was essentially the boundary map the Town Council had modified and approved on December 14, 2011. She acknowledged that the Town's application for the PDA included property that was already developed although if ABAG reopened the process the Town may then apply for an amendment to the PDA in the future.

Motion was made by **Councilmember Trotter**, seconded by **Vice Mayor Harpham** to adopt Resolution 3-2012, as amended by the Town Attorney, with staff to provide a more professional map to accompany the Town's application to ABAG.

Councilmember Chew requested an amendment to the motion to include Rheem Elementary School boundaries in the PDA.

Councilmember Trotter suggested that they would also have to include a substantial stretch of Donald Drive and at least one side of Laird Drive to make that amendment make sense given that the road network serving Rheem Elementary School was not inside the PDA area.

Ms. Brekke-Read commented that the focus of the grant was on walkable, compact communities, and the argument could be made that the inclusion of Rheem Elementary School would allow for some bicycle/pedestrian improvements.

As the maker of the initial motion, **Councilmember Trotter** accepted the amendment.

ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 3-2012, Authorizing Town Staff to Apply for Priority Development Area (PDA) Designation under the FOCUS Program for the Town of Moraga and Clarifying the Priority Development Area Boundaries Requested for Designation for the Rheem Planning Area, as amended by the Town Attorney, and to direct staff to provide a more professional map to accompany the application to ABAG and revise the PDA boundary map to include up to Donald Drive where it becomes Laird Drive, up to and turns around to the west bore of Rheem Elementary School and connecting to the PDA boundary on the west side at Ascot Drive. Vote: 5-0.

- E. Appointment of Town Council Representatives to Committees, Commissions, and Boards

Mayor Metcalf reported that he had met with each Councilmember to discuss the Committee and Commission appointments prior to the meeting.

The Town Council discussed and made the following Town Council Committee and Commission appointments:

Standing Committees	Primary	Second Appt/Alternate
AFC (Audit & Finance Committee)	Mendonca	Metcalf
TSAC (Traffic Safety Advisory Committee)	Harpham	None

Ad Hoc Committees

Country Club Golf Course Negotiating Team	Trotter	Chew
<i>*Revise Staff Support to read: "Town Manager/Administrative Services Director"</i>		
Open Space		
<i>*Status of this Committee to be discussed during the Town Council Goal Setting Workshop</i>		
Saint Mary's College Subcommittee	Mendonca	Chew
Moraga-Orinda Fire District (MOFD)		
<i>*Recommendation to eliminate with staff to verify whether or not the Ad Hoc Committee was required as an oversight committee as part of a tax measure</i>		

Liaison

ABAG (Association of Bay Area Governments)	Mendonca	Harpham
AUHSD (Acalanes Union High School District)	Harpham	Chew
<i>*Revise the Meeting Times and eliminate reference to "1st, 3d Wednesday of month"</i>		
Contra Costa County Mayors' Conference	Metcalf	Harpham
EBMUD (East Bay Municipal Utility District)	Chew	Mendonca
Emergency Preparedness Committee	Trotter	Harpham
League of California Cities (East Bay Division)	Harpham	Chew
Moraga Chamber of Commerce	Harpham	Trotter
MOFD (Moraga-Orinda Fire District)	Metcalf	Chew
Moraga School District	Mendonca	Trotter
MYIC (Moraga Youth Involvement Committee)	Mendonca	Harpham

Voting Delegate/Board Members

CCCSWA (Solid Waste Board)	Mendonca	Trotter
League of California Cities Delegate	Metcalf	Harpham
<i>*Second Alternate to be Elected</i>		
Lamorinda School Bus Transportation Agency	Metcalf	
SWAT/LPMC/LFFA (SWAT/Lamorinda Program Management Committee; Lamorinda Fee & Financing Authority)	Metcalf	Harpham
<i>*Revise meeting location as follows: "Meetings to be held at the Moraga Hacienda"</i>		
Specific Plan Implementation Subcommittee	Chew	Mendonca
RECON/Infrastructure Subcommittee	Metcalf	Harpham
Tri-Agency Subcommittee		
<i>* Eliminate this subcommittee</i>		

Non-Council Appointments

League of California Cities Transportation Communication and Public Works Committee	Chew
<i>* Revised from Liaison to Non-Council Appointments</i>	

Mayors' Conference Executive Committee Trotter
**Revise Committee/Representative to read "Non-Council Appointments," Re-title Description from Mayors' Conference Chair, to read "Mayors' Conference Executive Committee," revise the Meeting Times to read "Attend Executive Board Meetings," Revise Start Date/Sunset Date to read: "January 2012 to January 2014"*

Non-Council Liaisons

CCCTA (Contra Costa County Transit Authority)	Al Dessayer
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CCMVCD (Contra Costa Mosquito & Vector Control District)	Myrto Petreas
Library Commissioner for Moraga	Rodger Lum
Library Commissioner for Moraga Alternate	Unfilled
CCTA Citizens' Advisory Committee	Russell Driver

** Staff to confirm this appointment.*

*Revise the 2011 Moraga Town Council Committee Appointments matrix and eliminate the designation as shown on the first page reading "Alternate (Y/N)."

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Ms. Keimach advised that staff would make the corrections as discussed to the Appointment of Town Council Representatives to Committees and Boards, to be brought back for Council action after the Goal Setting Session.

- F. Adopt Resolution 4-2012, Approving and Authorizing the First Amendment to the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager

Ms. Murphy explained that the Town had entered into an Employment Agreement with Jill Keimach on November 1, 2010 to perform the duties of Town Manager. The Employment Agreement provided for annual reviews to set goals and objectives for the Town Manager's performance for the following year. The annual review has been performed. The Town Council now wanted to amend the Employment Agreement dated November 1, 2010 to modify certain terms. She referred to the First Amendment to the Employment Agreement with Jill Keimach which had been attached to the staff report and which contained modified terms. She noted that there was a correction to the First Amendment which should reflect that the effective date was November 1, 2011. A resolution approving the First Amendment to Employment Agreement was also attached to the staff report. Resolution 4-2012 included the correct information.

Mayor Metcalf understood that the Town Manager's salary would be adjusted and he understood that peer comparisons had been made; however, he asked that the staff report be modified to indicate where the Moraga Town Manager ranked as compared to his/her Lamorinda peers, to identify the salaries of the Lamorinda peers, and that the sources of funding and fiscal impacts for the Town Manager's position be outlined in the staff report.

Ms. Murphy acknowledged the comments from the Mayor would be part of the record as part of the meeting minutes, and which could augment the staff report in terms of input from the Council. If the Town Council desired additional information in the resolution, an additional WHEREAS clause could be added to memorialize and document the action taken by the Town Council. She added that the Town Council may direct staff to provide a supplement to the staff report, for the record, with the requested information sent to the Council as an update of information which would become part of the record.

Ms. Keimach explained that information on all City/Town Managers in Contra Costa County had shown that the Moraga Town Manager's position, even with an increase, was at the bottom of the list, and had been presented to the Town Council during a recent evaluation of the Town Manager's position, all of which was public information. That information could be posted on the Town's website and attached to the January 11, 2012 staff report for the subject item and could be identified as additional information the Town Council had requested.

PUBLIC COMMENTS OPENED

Seth Freeman, Moraga, reported that recently the *Wall Street Journal* had included some letters to the Editor regarding a switch to defined contribution plans as opposed to defined benefit plans. He pointed out that some members of the Town Council had taken positions during recent elections about pension reform although he had not seen that occur. He spoke to the critical nature of the issue, the latest financial statements published for the Town, and a list of benefits for the different levels of Town staff, which had shown the figures the same as the prior year. He suggested that this was a good time to modify the Town's benefit package.

PUBLIC COMMENTS CLOSED

Ms. Keimach explained that the chart that would be posted on the Town's website would include a column for retirement benefits which would illustrate that the Town of Moraga was among the lowest in salary and pension in Contra Costa County. Whether or not a defined benefit or defined contribution was a CalPERS (California Public Employees' Retirement System) discussion that was larger than the Town of Moraga which needed to occur at all government levels at the same time. In addition, she explained that the compensation package for the Town of Moraga for the last year as compared to this year had shown that health benefits would increase 19 percent. Town staff had worked hard to mitigate that increase, with Town staff having revised its health benefits choosing a different health package with higher deductibles, which was consistent with what it was previously. As a result, the Town was not faced with the 19 percent increase. Unlike other cities in the County and based on the goodwill of staff and the insight of the Town Council, the Town had a zero increase.

ACTION: It was M/S (Harpham/Mendonca) to adopt Resolution 4-2012, Approving and Authorizing the First Amendment to the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager, as modified, to be effective November 1, 2011. 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 (Harpham/Mendonca) to adjourn the meeting at 10:04 P.M. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Michael Metcalf, Mayor