TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING

November 14, 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 7:00 P.M. by **Mayor Michael Metcalf**.

ROLL CALL

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

Councilmembers absent: Councilmember Ken Chew

Mayor Metcalf reported that **Councilmember Chew** was out of the country due to the recent passing of his father. He requested a moment of silence for Councilmember Chew's father.

II. PLEDGE OF ALLEGIANCE

Vice Mayor Harpham led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

The order of agenda items for Proclamations and Presentations was modified.

A. Proclamation Honoring Ryan Andresen for Creation of a "Tolerance Wall" at Joaquin Moraga Intermediate School

Mayor Metcalf presented a proclamation honoring Ryan Andresen for the creation of a "Tolerance Wall" at Joaquin Moraga Intermediate School.

Ryan Andresen, Moraga, thanked the Town Council for its recognition of his "Tolerance Wall" at Joaquin Moraga Intermediate School and their support of his efforts.

PUBLIC COMMENTS OPENED

Renee Zeimer, Moraga, understood that Mr. Andresen was in the process of preparing applications for college. She commented the proclamation recognized the importance of the creation of the "Tolerance Wall," and also thanked the Mayor, Vice Mayor, and Councilmember Mendonca for their assistance in the creation of the proclamation.

Barry Behr, Moraga, expressed his appreciation to the Mayor and the Town Council for allowing the opportunity for the public to speak to the "Tolerance Wall." He commended Mr. Andresen's integrity and tenacity on his project.

Karen Lewis, Moraga, thanked Mr. Andresen for being out and proud which she acknowledged was a difficult thing to do.

Lynda Deschambault, Moraga, suggested that Mr. Andresen's story spoke volumes for many in the world and she thanked him for all he had done for the community.

The Town Council commended the creation of Mr. Andresen's "Tolerance Wall," honored the Andresen family, and acknowledged the importance of tolerance, the prevention of bullying, and the need to embrace and celebrate differences with kindness and open-mindedness.

PUBLIC COMMENTS CLOSED

B. Swearing in of New Moraga Youth Involvement Committee (MYIC) Members for 2012/13

Kimberly Nelson, Recreation and Facilities Coordinator, introduced the new Moraga Youth Involvement Committee (MYIC) members for the 2012/2013 term which included Trent Capurro, Julia Shen, and Justin Targett. MYIC member Nikhil Suri was to be sworn in separately.

Town Clerk Marty McInturf presented the Oath of Office to the new MYIC members.

The Town Council welcomed the new MYIC members and commended MYIC for its service to the Town of Moraga.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

C. Introduction of New Community Library Manager, Diane McDonnell

Town Manager Jill Keimach introduced the new Senior Community Library Manager Diane McDonnell and described her educational and library system background.

Diane McDonnell, Senior Community Library Manager, expressed her appreciation to the Town Council for the opportunity to introduce herself, and noted she was excited to join the Contra Costa County Library team. She reported that the Contra Costa County Library had recently been awarded a National Medal from the Institute of Museum and Library Services in recognition of outstanding community and customer services, the highest honor for libraries. She outlined her background and experience with public library services, commended the Moraga Library, and said she looked forward to meeting and partnering with local volunteer organizations, the Moraga Library staff and the community.

The Town Council welcomed Ms. McDonnell to the Moraga Library and thanked her for choosing Moraga.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Karen Lewis, Moraga, asked the Town Council to consider videotaping Town Council meetings for those unable to attend the public meetings in person.

Mayor Metcalf advised that videotaping of Council meetings was anticipated to occur in 2013 as part of the improvements to 331 Rheem Boulevard.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

No Consent Agenda items were moved from the 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: 4-0-1. Absent: Chew.

1)	Accounts Payable Claims for 10/19/12 ($74,764.22); 11/02/12 ($157,191.96)	Approved
2)	Motion to Cancel the Town Council Regular Meeting on November 28, 2012	Approved
3)	Review, Accept and File the AB 1600 Development Impact Fees Annual Report for the Fiscal Year Ended June 30, 2012	Approved
4)	1) Adopt Resolution 73-2012 Supporting an Administrative Purchasing Policy Amendment Clarifying the Existing Recycled Materials Section so that the Town of Moraga is Eligible to Apply for CalRecycle Grants; and 2) Adopt Resolution 74-2012 Authorizing the Town Engineer to Execute in the Name of the Town of Moraga all Grant Documents for the Rubberized Pavement Grant Program; Including but not Limited to, Applications, Agreements, Amendments and Requests for Payment, Necessary to Secure Grant Funds and Implement the Approved Grant Project	Approved
5)	Review and Accept First Quarter Revenue and Expenditure Report for Fiscal Year 2012/13	Approved
6)	Approve Re-Appointments to Contra Costa Mosquito & Vector Control District (CCMVCD); Library Commissioner for Moraga; and Contra Costa Transportation Authority	Approved

Citizen's Advisory Committee (CAC)

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/Trotter) to adopt the Meeting Agenda, as shown. Vote: 4-0-1. Absent: Chew.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf - Thanked Councilmember Trotter for representing the Town at the November 1 Mayors' Conference and reported that the East Bay Regional Communications System Authority (EBRCSA) had completed the Alta Mesa site.

Chief of Police Robert Priebe reported that the EBRCSA was currently testing the East County portion of the system while West County was currently operational. He anticipated by the end of the year that the entire County would switch to the new system. The EBRCSA Board would meet in the next week with further information provided to the Town Council once available.

Vice Mayor Harpham - No report.

Councilmember Chew - No report.

Councilmember Mendonca - Reported that she had attended a meeting of the Central Contra Costa Solid Waste Authority Board and had served as the Chair for a special meeting of the Central Contra Costa Solid Waste Authority Board; attended the Veteran's Day ceremony at Commons Park; the November 1 Mayors' Conference; and the Moraga Chamber of Commerce Mixer.

Councilmember Trotter - Reported that he had attended two meetings of the Central Contra Costa Solid Waste Authority Board; represented the Town at the November 1 Mayors' Conference; and attended a Franchise Subcommittee for the Central Contra Costa Solid Waste Authority on November 12.

B. Town Manager Update – Ms. Keimach reported that the Holiday Tree would be lit on December 1 and the Buy-a-Bulb Campaign was ongoing. In addition, the annual State of the Town Address would be held on November 15 at the Moraga Country Club at 6:00 p.m. and would include recognition of all volunteer commission and board members.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Review and Accept Library Commissioner Rodger Lum's Recent Accomplishments and Goals for 2013

Library Commissioner Rodger Lum advised the Town Council that the Library Commission's focus for 2012 was to restore State and Federal library funding though letter writing and personal appeals, which ultimately led to the State's partial restoration of funding for Fiscal Year 2011/12; and advocacy of County inspection of possible mold at the Moraga Public Library.

Mr. Lum stated that the Library Commission's 2013 Annual Work Plan and ongoing efforts included an increase in public awareness, support and utilization of the Moraga Library with objectives to collaborate with the County Library Commission to identify and promote strategies toward these goals; increase social media presence, improve website links, promote the use of e-books, increase use of the Moraga Library resources; advocacy of amendments to the County Library Lease and Services Agreement to reflect the Town's concerns; and a plan to continue to serve as a Boardmember of the Friends of the Moraga Library. Another goal was to improve funding and sustainability of the Moraga Library through continued advocacy of County and State funding of the Contra Costa County Libraries and collaborate with the Friends of the Moraga Library to increase charitable donations and book sale revenues. He also looked forward to working with the new Senior Community Library Manager.

In response to the Town Council, Mr. Lum explained that the County had indicated that if the Town did not like the template language in the County Library Lease and Services Agreement, the Town Attorney and Town Council were free to recommend changes although that would require the formal submittal of proposed amendments.

Ms. Keimach reported that she and the previous County Librarian had met with Mr. Lum to discuss the Town Council's concerns with the Library Agreement, with the County having indicated it would take those comments under advisement. That issue could be addressed by the Council again, although she expected the same outcome from the County who preferred that the template agreement be the same for all cities.

Mr. Lum suggested that there was leverage for other cities and towns to indicate how they would like to see changes made to the template agreement to better reflect a jurisdiction's wishes. He understood that the cities of Danville, Martinez, San Ramon, and Brentwood had signed the Library Agreement. He clarified that there was a long-standing agreement between the County and all of the cities/towns in the County, which remained in place until a city/town signed the new County Library Lease and Services Agreement.

Town Attorney Karen Murphy advised that any discussion on the status of the terms of the existing Library Agreement had not been agendized and must be agendized before a discussion could be pursued by the Town Council.

Mayor Metcalf requested that a future agenda item include a discussion on the Library Agreement, encouraged Mr. Lum to participate in those discussions, and thanked Mr. Lum on behalf of the Council for his service to the Town.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Receive Status Report on Hacienda Pavilion Improvement Project

Parks and Recreation Director Jay Ingram provided the background of the Hacienda Pavilion Improvement Project, a joint renovation project between the Hacienda Foundation and the Town of Moraga, consisting of renovations to old restrooms which were in need of updates as detailed in the November 14, 2012 staff report. He noted that $42,000 of Measure WW funds would be used specifically for this project, which approval process had gone through the Park and Recreation Commission, the Town Council, and subsequently the East Bay Regional Park District (EBRPD). He identified the aggressive project timeline to award a contract to the lowest bidder to complete the entire project by the middle of April 2013. He commented that through the project, the Hacienda Foundation would be able to achieve its mission to enhance, promote, and preserve the Hacienda. The Hacienda Foundation would enter into a Memorandum of Understanding (MOU) similar to one between the Town and the Park Foundation for recent improvements to the Commons Bandshell.

Mr. Ingram discussed the proposed Americans with Disabilities Act (ADA) improvements to the Pavilion. He also noted that the Hacienda was a historic building as defined by the California Environmental Quality Act (CEQA) and the project would meet the criteria of CEQA for historic buildings. The project would also not expand the use or function of the building space and the project would therefore be Categorically Exempt from CEQA. With the Town's Capital Improvement Program (CIP) Budget, an amount of $62,000 had been approved; $42,000 from EBRPD Measure WW Grant funds, and $20,000 from the Hacienda Foundation of Moraga. No Town general funds were scheduled to be used for the improvement project.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council looked forward to the completion of the project given the Pavilion's importance as a rental facility.

C. Discuss and Provide Comments Regarding Orinda City Council Appeal of Moraga Adobe as Part of Proposed-Lot Subdivision

Ms. Keimach reported that during the Town Council meeting of October 24, the Town Council discussed its role regarding the Moraga Adobe, with a unanimous vote to respect the Orinda City Council's role in the appeal of the 13-lot subdivision and to preserve the 1841 Moraga Adobe structure. During the October 24 Town Council meeting, testimony had been received from the community, Friends of the Joaquin Moraga Adobe, the Orinda Historic Landmarks Committee, and Orinda and Moraga Historical Societies. The Town Council had appointed two Councilmembers [Mayor Metcalf and Councilmember Trotter] to serve on a subcommittee to work with staff on ways to meet those two goals. She identified seven options which had been discussed by the subcommittee, as reflected in the November 14, 2012 staff report. She asked the Town Council to discuss and revise a draft letter to the Orinda City Council identified as Attachment A in the staff report, regarding the appeal of the Joaquin Moraga Adobe 13-lot subdivision and provide direction to staff. She clarified that the letter had been originally drafted

as if it were coming from the Council Subcommittee, but would have to be re-drafted as from the full Town Council to be signed by the Mayor on behalf of the Council.

Ms. Keimach added that a letter had been submitted to the Town Council from the Moraga Historical Society, dated November 13, 2012, which was consistent with the Town's draft letter and which was summarized at that time by **Councilmember Trotter**.

Ms. Keimach advised that the appeal before the Orinda City Council had originally been scheduled for November 27. The developer of the 13-lot subdivision had requested that the Orinda City Council postpone that meeting based on a willingness to discuss the options with the different groups to determine whether or not an agreement could be reached on the status of the Moraga Adobe. The City of Orinda had approved the postponement request with the appeal to be heard in January 2013, date yet to be determined.

PUBLIC COMMENTS OPENED

Kent Long, Orinda, President of the Friends of the Joaquin Moraga Adobe, thanked the Town Council and Town Manager for their work on the draft letter, which he directly attributed to the developer's willingness to voluntarily postpone the appeal date with the acknowledgment that public access may be worth a change in the plans. He commented that the postponement would allow more latitude for a plan for purchase to approach benefactors that the Friends had identified and would allow time for donations to be made. He commented that he had informal discussions with a member of the Irvine family over the past week, who supported a plan that might make a difference. He emphasized that the Friends looked forward to meeting with the developer to discuss the possible options and expressed his hope to be able to achieve the public access easement which would be a tremendous change to the current plan.

In response to the Council, Mr. Long affirmed that he had read and reviewed the Town's draft letter, that the Friends had submitted minor changes which had been reflected in the current version, and he was comfortable with the letter as written. As to the November 13, 2012 letter from the Moraga Historical Society, he had not seen the letter but thanked the organization for its efforts and support.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Mendonca) to authorize Staff to Finalize Town Letter Regarding Orinda City Council Appeal of Moraga Adobe as Part of Proposed 13-lot Subdivision in Accordance with the Redline Version and Send to Orinda City Council. Vote: 4-0-1. Absent: Chew.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Metcalf requested a future discussion on the Library Agreement.

Ms. Keimach explained that there had been no movement from the County on the proposed lease agreement. Staff had information from the last time the issue had been discussed and the item could be a future agenda item.

Mayor Metcalf allowed a member of the audience to address the Council at this time.

Ingrid Wood, a former resident of Moraga and current resident of Walnut Creek, advised that her husband's ancestors had been pioneers of Contra Costa County, having arrived in 1850, and the family residence located in the City of San Ramon was currently a museum and a 2006 designated historical landmark. As to the Moraga Adobe, she asked whether or not the Town

was interested in only the building or the family as well, noting the historical significance of the families involved. She suggested that the Town Council was heading in the right direction as it related to the efforts to preserve the Moraga Adobe.

Councilmember Trotter explained that the second edition of *Moraga's Pride* was available to the public and offered a detailed and complete history of the Moraga area.

XIII. COMMUNICATIONS

A. League of California Cities Final Report of Resolutions Approved from the 114th Annual Conference of September 7, 2012.

XIV. ADJOURNMENT

ACTION: It was M/S (Trotter/Harpham) to adjourn the meeting at 8:25 P.M. Vote: 4-0-1. Absent: Chew.

Respectfully submitted by:

Marty C. McInturf, Town Clerk

Approved by the Town Council:

Michael Metcalf, Mayor