

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**December 12, 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

Frank Comprelli, Moraga, thanked and offered mementos of recognition from the Moraga residents for the efforts of Town Manager Jill Keimach, Town Clerk Marty McInturf, and Planning Director Shawna Brekke-Read.

Joan Bruzzone, Moraga, thanked Councilmember Mendonca and Vice Mayor Harpham for their service on the Town Council; commended their honor, honesty, and integrity; apologized for how some had treated Councilmember Mendonca; described the Warm Winter Nights program sponsored by St. Monica's Church; and encouraged community participation.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

Councilmember Trotter requested an amendment to the Councilmembers' Reports on Page 5 of the minutes of the October 10, 2012 meeting, as follows:

***Councilmember Trotter** - Reported that he had been in New Mexico with his wife Debby celebrating their 30th wedding anniversary.*

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

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| 1) | Accounts Payable Claims for 11/16/12 (\$247,547.77); 11/30/12 (\$109,267.44); 11/30/12 (\$4,072.70) | Approved |
| 2) | Approve Minutes from the Town Council Regular Meetings for October 10, 2012, as amended, and October 24, 2012 | Approved |
| 3) | Approve Minutes for Town Council Special Meeting for November 28, 2012 | Approved |
| 4) | Adopt Resolution 75-2012 Approving and Authorizing the Second Amendment to the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager | Approved |
| 5) | Adopt Resolution 76-2012 Authorizing the Town Manager to Execute a California Multiple Award Schedules (CMAS) Contract with The Mohawk Group to Install Carpet as part of the Town Hall Tenant Improvements Project (CIP 08-302) for an Amount not-to-exceed \$30,000 inclusive of a Town-Administered Contingency for Contract Change | Approved |

B. Consideration of Consent Items Removed for Discussion

No Consent Items were removed for discussion.

VII. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Mayor Metcalf advised that the meeting agenda would be amended to allow for public comment prior to the reorganization of the Town Council.

PUBLIC COMMENTS CLOSED

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf - Reported that he had attended the Mayors' Conference in the City of Oakley on December 6.

Vice Mayor Harpham - No report.

Councilmember Chew - No report.

Councilmember Mendonca - Reported that she had attended the Mayor's State of the Town Address on November 15; and the Tree Lighting Ceremony at the Commons Park on December 1.

Councilmember Trotter - Reported that he had attended the Moraga Chamber of Commerce Holiday Party on December 4; and the Contra Costa Mayors' Conference in the City of Oakley on December 6.

- B. Town Manager Update – Town Manager Jill Keimach reported that due to the efforts of the Chief of Police, the Town of Moraga had been able to purchase a surplus police vehicle from the East Bay Regional Park District (EBRPD) to be used for emergency response.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Adopt Resolution 77-2012 Authorizing Town Manager to Implement Voter Approved Measure K, a One-Cent Local Transactions and Use (Sales) Tax by Executing Agreements for:
1. Preparation to Administer and Operate Town's Transactions and Use Tax Ordinance; and
 2. Agreement for State Administration of Town's Transactions and Use Taxes.

Ms. Keimach reported that Measure K had been placed on the November 2012 ballot by the Town Council; and over 70 percent of voters had approved the measure. The Council was being asked to approve a resolution authorizing the Town Manager to implement the voter approved Measure K, a One-Cent Local Transactions and Use (Sales) Tax by executing the two agreements. She advised that the documents had been revised in redline format to reflect the City, not the Town of Moraga, throughout the document pursuant to requirements of the State Administration's attorneys and with an effective date of the local sales tax of April 1, 2013.

PUBLIC COMMENTS OPENED

John Haffner, Moraga, spoke on behalf of the Moraga Measure K Campaign and expressed his appreciation to the Council for its leadership and guidance, and the community for its support.

PUBLIC COMMENTS CLOSED

The Town Council discussed the items, as previously identified, and provided the following recommendations and direction to staff:

- Revise the third WHEREAS clause to Attachment A, Resolution 77-2012 Authorizing Town Manager to Implement Voter Approved Measure K, a One-Cent Local Transactions and Use (Sales) Tax by Executing Agreements, to read:

WHEREAS, the voters of the Town of Moraga approved Measure K by a majority vote of more than 70 percent; and

ACTION: It was M/S (Chew/Harpham) to adopt Resolution 77-2012 Authorizing Town Manager to Implement Voter Approved Measure K, a One-Cent Local Transactions and Use (Sales) Tax by Executing Agreements for: 1) Preparation to Administer and Operate Town's Transactions and Use Tax Ordinance; and 2) Agreement for State Administration of Town's Transactions and Use Taxes, as amended. Vote: 5-0.

- B. Adopt Resolution 78-2012 Accepting the Certification of the Canvass of Vote for the November 6, 2012 General Election and Confirming the Passage of Measure K (Ordinance 238), the Town of Moraga's One-Cent Local Transactions and Use (Sales) Tax

Ms. Keimach reported that the Town had received certification from the County for the election results of the General Election to select Michael Metcalf, Roger Wykle, and Phillip Arth to the Town Council, and to confirm the election results for the passage of Measure K, One-Cent Local Transactions and Use (Sales) Tax.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 78-2012 Accepting the Certification of the Canvass of Vote for the November 6, 2012 General Election and Confirming the Passage of Measure K (Ordinance 238), the Town of Moraga's One-Cent Local Transactions and Use (Sales) Tax. Vote: 5-0.

- C. Town Council Reorganization

Mayor Metcalf allowed public comment at this time prior to the formal Town Council reorganization.

Emlynn Struthers, Walnut Creek, representing Senator Mark DeSaulnier, thanked outgoing Councilmember Mendonca and Vice Mayor Harpham for their service to the community; congratulated Mayor Metcalf on his re-election; congratulated Roger Wykle and Phillip Arth on their election to the Town Council; and advised that Senator DeSaulnier looked forward to working with the Town Council and Town staff.

Supervisor Candace Anderson, congratulated the Town Council on the recent passage of Measure K; presented resolutions passed by the Contra Costa County Board of Supervisors recognizing outgoing Councilmember Mendonca and Vice Mayor Harpham; and looked forward to working with the Town Council and newly elected Councilmembers Wykle and Arth.

Debbie Look, Pleasanton, representing Assemblymember Joan Buchanan, also recognized outgoing Councilmember Mendonca and Vice Mayor Harpham; commended their commitment to the public; and looked forward to working with the Town Council and newly elected Councilmembers Wykle and Arth.

Brandt Anderson, Lafayette, representing the Lafayette City Council, recognized outgoing Councilmember Mendonca and Vice Mayor Harpham for their work for the entire Lamorinda community; welcomed new Councilmembers Arth and Wykle; looked forward to working with the Town Council; and commended the Moraga Town Council for its recent honor and recognition of Ryan Andresen.

1. Remarks by Outgoing Mayor

Mayor Metcalf referenced the recent State of the Town Address; emphasized the most important thing the Town had accomplished during his tenure was addressing its financial situation assisted by the formation of the Revenue Enhancement Committee (REC) with the Town of Moraga spending less per capita than other cities in Contra Costa County through its tradition as a minimal government; spoke to the successful passage of the Measure K Campaign; and emphasized and commended the efforts of the Measure K Campaign volunteers and Town staff.

Councilmember Trotter thanked the Mayor for his leadership through 2012, particularly the efforts of the Mayor and Vice Mayor by spearheading the Revenue Enhancement Community Outreach to Neighborhoods (RECON) and its efforts.

Ms. Keimach presented Mayor Metcalf with a plaque from the Town Council and staff representing his year as Mayor, in recognition of his efforts on the RECON, and for the Town Council's efforts for the passage of Measure K.

Councilmember Chew also expressed his appreciation to the Mayor for his efforts over the last year, particularly as a member of RECON and the Measure K Campaign Committee.

2. Remarks by Outgoing Councilmembers

Councilmember Mendonca congratulated the winners of the Moraga Town Council race including Mayor Metcalf and newly elected Councilmembers Phillip Arth and Roger Wykle; thanked those who had supported her 2008 and 2012 campaigns; expressed appreciation to her husband/campaign manager for his countless hours on two campaigns and participation in numerous community events; commended the Town Attorney, Town Manager, and all staff members; commented on the numerous committees and organizations on which she had served; highlighted the numerous projects and goals accomplished by the Town Council during her tenure; and thanked everyone for the opportunity to serve.

Vice Mayor Harpham hoped that the very best was in store for the Town; expressed his appreciation for having the ability to work with great staff; commended the Town Manager as a great leader who had formed a great staff; wished the best to the new Councilmembers; was pleased with the successful passage of Measure K; urged Saint Mary's College (SMC) to continue to produce great graduates; and wished everyone well.

Mayor Metcalf presented outgoing Councilmember Mendonca and Vice Mayor Harpham with flowers and plaques and appreciation for their dedicated service to the Town of Moraga.

Councilmember Chew thanked Councilmember Mendonca and Vice Mayor Harpham for their service to the Town and their tenure on the Council; commended their professionalism; and particularly commended Councilmember Mendonca for bringing civility to the Council. He wished them both good fortune in the coming year.

Councilmember Trotter also commended Councilmember Mendonca and Vice Mayor Harpham for their service to the Town and wished them both the best in future endeavors.

Mayor Metcalf further commended Councilmember Mendonca and Vice Mayor Harpham for their service to the community, wished them well, and stated they would be missed.

PUBLIC COMMENTS OPENED

Ms. Keimach thanked Councilmember Mendonca and Vice Mayor Harpham for doing the work, making the tough decisions, and showing integrity throughout the entire process; she was impressed with their ability to consider things from all sides; and had been honored to have been able to work with them in making a difference in the Town of Moraga.

Brother Dominic, Saint Mary's College, also expressed his appreciation to Councilmember Mendonca and Vice Mayor Harpham; wished them well in their new endeavors; recognized the entire Town Council for its work partnering with SMC; and looked forward to working with the new Town Council.

Dale Walwark, Moraga, pointed out that the Moraga Town Council was not paid; was comprised of volunteers with Councilmembers working many hours; and suggested that the citizens of the Town should be grateful for the Council's willingness to do the work for the people.

Ellen Beans, Moraga, commended Councilmember Mendonca for her enthusiasm and support for many local events and programs; commended her establishment of the Mayor/Town Manager Breakfast meetings and development of a Five-Year Financial Plan; and commended Vice Mayor Harpham for his hard work, contributions to RECON, and for his storytelling.

Bob Reynolds, Moraga, respected both Councilmember Mendonca and Vice Mayor Harpham for their service on the Town Council, and commended Vice Mayor Harpham for his efforts for the Summer Concert Series.

Chief of Police Robert Priebe commended the support he had received from the entire Town Council for the past four years and commended Councilmember Mendonca and Vice Mayor Harpham for their respect and personal interest in Police Department personnel.

PUBLIC COMMENTS CLOSED

3. Administration of the Oath of Office by the Town Clerk to:
 - a. Roger Wykle
 - b. Phillip Arth

Town Clerk Marty McInturf presented the Oath of Office to newly elected **Councilmembers Roger Wykle, Phillip Arth**, and re-elected **Michael Metcalf**.

4. Recess to Seat New Town Council

Mayor Metcalf declared a recess at 8:25 P.M. The Town Council meeting reconvened at 8:32 P.M. with all Councilmembers present.

5. Nominations and Election of Mayor

Ms. Keimach reported that last year, at the request of the public, there had been consideration of the process to nominate the Mayor and Vice Mayor. While the Vice Mayor generally became

the Mayor, in this case since the Vice Mayor had not run for re-election, a Mayor would have to be elected by the Council. The current Mayor could not be Mayor two years in a row and three affirmative votes would be required to seat a new Mayor.

Mayor Metcalf nominated **Dave Trotter** as **Mayor**. **Councilmember Arth** seconded the nomination. There being no other nominations, the nominations were closed.

PUBLIC COMMENTS OPENED

Karen Lewis, Moraga, supported the motion as stated.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Arth) to elect <i>Dave Trotter</i> as the <i>Mayor</i> of the Town of Moraga. Vote: 5-0.

6. Remarks of Newly Elected Mayor

Mayor Trotter thanked everyone for their support of the Town Council and support for his years of service on the Town Council; thanked his wife for her support; presented the Town Council and staff with his written *Goals for Moraga 2013: Continuity and a New Look*; expressed his appreciation to all Town staff for their support; and identified his draft categories of goals: (1) Exercise Continued Fiscal Discipline; (2) Implement Measure K Road Repair Program for Moraga; (3) Initiate/Complete Targeted General Plan Amendments and Rezoning During 2013; (4) Outreach and Partner with Moraga School District (MSD) Board on Matters of Common Interest; (5) Complete Laguna Creek Storm Damage Repairs Project at the Hacienda de los Flores; (6) Negotiate with Moraga Country Club Regarding its Land Lease with the Town; and (7) Consider Annexation into Moraga of Lands within Town's "Sphere of Influence" at end of Camino Pablo.

Mayor Trotter requested that staff place his draft goals on the Town's website and stated that he looked forward to working with the new Council on these and other matters of importance to the Town.

PUBLIC COMMENTS OPENED

Teresa Onoda, Moraga, was pleased to learn of the Mayor's goals and the desire to strengthen the Town's open space plan.

PUBLIC COMMENTS CLOSED

7. Nominations and Election of Vice Mayor

Councilmember Wykle nominated **Ken Chew** as the **Vice Mayor**. **Councilmember Arth** seconded the nomination. There being no other nominations, the nominations were closed.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Arth) to elect <i>Ken Chew</i> as the <i>Vice Mayor</i> of the Town of Moraga. Vote: 5-0.
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8. Remarks by Newly Elected Vice Mayor

Vice Mayor Chew congratulated Councilmembers Arth and Wykle on their election to the Town Council; commented that he would be meeting with the Mayor and the Town Manager to discuss goals and committee assignments with public input during the next Council meeting; and was confident the Town would have another productive year and ensure Moraga continued to be a wonderful place to live and raise a family.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

9. Remarks by Newly Elected Councilmembers

Councilmember Wykle described his campaign as a team effort; commended the support of his family and campaign volunteers; was pleased that the Mayor's goals for the next year aligned with his own; and looked forward to joint meetings with the Moraga School District (MSD) and the Moraga-Orinda Fire District (MOFD) to discuss issues of mutual concern; to working with local businesses to revitalize the existing shopping centers; and working with the Town Council and Town staff in a civil, friendly and productive way.

Councilmember Arth thanked his wife for her support during the campaign; commended his campaign managers; expressed his appreciation for the honor to serve the community; and also looked forward to working with the Town Council and Town staff for the betterment of Moraga.

Mayor Trotter invited everyone to attend a reception at Ristorante Amoroma's upon the conclusion of the meeting.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

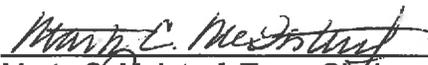
XIII. COMMUNICATIONS

There were no communications.

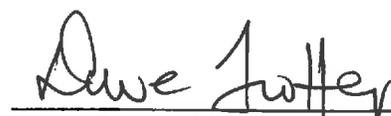
XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 8:54 P.M. Vote: 5-0.

Respectfully submitted by:


Marty G. McInturf, Town Clerk

Approved by the Town Council:


Dave Trotter, Mayor