

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**February 13, 2013
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 Dave Trotter**.

ROLL CALL

Councilmembers present: Mayor Dave Trotter, Vice Mayor Ken Chew, and Councilmembers Phil Arth, Michael Metcalf, and Roger Wykle

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Wykle led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

- A. Proclamation Honoring Campolindo High Schools Girls 2012 Varsity Water Polo Team

Mayor Trotter read into the record a proclamation honoring the Campolindo High School Girls 2012 Varsity Water Polo Team and declared February 13, 2013 as 2012 Campolindo Girls Varsity Water Polo Day in honor of the team winning the Diablo Foothill Athletic League (DFAL) title, the NorCal Championship, and the North Coast Section (NCS) Division II Championship.

PUBLIC COMMENTS OPENED

Kim Everest, Campolindo High School Girls 2012 Varsity Water Polo Head Coach, expressed appreciation to the Town Council for the recognition, commended the efforts and commitment of the student athletes, and expressed appreciation to all parents, school administration, and the community for its support.

John Walker, Principal, Campolindo High School, also expressed appreciation for the Town Council's recognition of the students' educational and athletic efforts, and the athletes' representation of the Town of Moraga.

The Town Council congratulated the Campolindo High School Girls 2012 Water Polo Team for its achievements.

PUBLIC COMMENTS CLOSED

B. Presentation by Al Dessayer on Central Contra Costa Transit Authority

Al Dessayer, Town of Moraga representative to the Central Contra Costa Transit Authority (CCCTA), provided an update on the County Connection and Emergency County Service; reported on a small fire at Aegis assisted living which had resulted in the evacuation of the facility when the County Connection had dispatched a bus for evacuation efforts, which service was available through the County in the event of an emergency. He also updated the Council on the financial status of the County Connection and the potential impacts from state funding, gasoline prices, and the Public Employees' Retirement System (PERS) projections. He also identified the County Connection Bus Tracker service using smart phones to allow customers to obtain real time information when a bus would be at a specific bus stop and provided the Town Council with written material on the new service.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

C. Presentation by District Attorney Mark Peterson Regarding State of the District Attorney's Department

Mark Peterson, Contra Costa County District Attorney, provided a PowerPoint presentation on the District Attorney's Department, identified the Department's Mission Statement, and outlined the duties of the Department which served over 25 police agencies in Contra Costa County with over 95 attorneys; identified the Department's budget at 4.5 percent of the County's General Purpose funds; identified the priorities for the Department including prosecuting misdemeanors, gang prosecutions and injunctions, prison system realignment, crime prevention, restoring confidence in the office, and communication.

In response to the Council, Mr. Peterson affirmed that the community of Bay Point and the City of Pittsburg had experienced a reduction in crime and that the challenge was in the City of Antioch. He clarified that the District Attorney's Department had little contact with Saint Mary's College (SMC) Public Safety Administration. He advised that there had been no representation from SMC at the District Attorney's Department annual meetings but expressed the willingness to speak with the Moraga Chief of Police on the possibility of meeting jointly with SMC to discuss any issues.

Chief of Police Robert Priebe spoke to his experience with the District Attorney's Department and commended its attorneys and inspectors. He found District Attorney Peterson to be accessible on the important issues and a voice of reason, particularly with respect to the prison system realignment and prosecution.

PUBLIC COMMENTS OPENED

J. D. O'Connor, Moraga, asked whether some of the problems faced by the District Attorney's Department related to funding had contributed to a perception that the Department had been unable to expeditiously bring some cases to trial.

Mr. Peterson explained that funding had not played a role in such cases, noting that some cases, particularly murder cases, required a great deal of research before they reached trial. The funding problem related to the court system that needed to be expedited.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Edy Schwartz, Moraga, announced that the Rheem Theatre would be holding its Oscar Party on February 24, and a Shredding Party to be held at 5A-Rent-A-Space on February 16. She also reported on a recent meeting of Lamorinda Presents, which was comprised of a group of non-elected community leaders working together to find ways for Lafayette, Moraga, and Orinda to support one another. More information on this effort would be provided to the Council when available.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

Mayor Trotter noted that the Town Council had been provided with minor redline changes to Consent Agenda No. 5.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Chew/Arth) to adopt the Consent Agenda, with Consent Agenda Item No. 5, as amended. Vote: 5-0.

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| 1) | Accounts Payable Claims for 1/25/13 (\$107,860.55) | Approved |
| 2) | Approve Minutes for Town Council Regular Meeting on January 9, 2013 | Approved |
| 3) | Approve Minutes for Town Council Special Goals Workshop on January 12, 2013 | Approved |
| 4) | Adopt Resolution 9-2013 Authorizing the Town Manager to Execute a Contract with Caltronics Business Systems for 48-Month Lease on a Multi-Function Copier for the Planning Department with a Base Contract Amount of \$20,509.44, Plus Copy Charges | Approved |
| 5) | Approve Proclamation Honoring the Moraga Chamber of Commerce's Business Person of the Year, Bill Snider, Moraga Hardware and Lumber, <i>as amended</i> . | Approved |

B. Consideration of Consent Items Removed for Discussion

No items were removed from the Consent Agenda.

VII. ADOPTION OF MEETING AGENDA

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Trotter - Reported that he had attended a Central Contra Costa Solid Waste Authority (CCCSWA) Board meeting and a meeting of the East Bay Division of the League of California Cities on January 31; hosted the Mayors' Conference at the Moraga Country Club on February 7; attended the Moraga Liaison meeting on February 8; and participated in a Read-A-Thon at Rheem Elementary School on February 12.

Vice Mayor Chew - Reported that he had attended Assemblymember Joan Buchanan's legislative update at Terzetto Cuisine on January 25; the first regular meeting of the CCCSWA Board on January 31; the CCCSWA Personnel Committee meeting on February 6; the Mayors' Conference hosted by the Town of Moraga on February 7; visited the Newby Island Resource Recovery Park in the City of San Jose hosted by the CCCSWA Board on February 12; and attended the Budget Workshop for Fiscal Year 2013/14 at the East Bay Municipal Utility District (EBMUD) on February 13.

Councilmember Arth - Reported that he had participated in the Bay Area Rapid Transit System (BART) Dust and Rail Tour; walked the Rancho Laguna II development; and attended a neighborhood meeting in the Bluffs regarding the intramural playing field lights at SMC on February 1; a Moraga Chamber of Commerce Board of Directors meeting and the Mayors' Conference on February 7; a Liaison Meeting at the Moraga Library; and he and Councilmember Wykle had been interviewed by the local newspaper as to the type of training they received in Sacramento on February 8.

Councilmember Metcalf - No report.

Councilmember Wykle - Reported that he had attended the Mayors' Conference on February 7.

- B.** Town Manager Update – Town Manager Jill Keimach reported that the Tri-City meeting would be held on February 21 at the Lafayette Community Center at 7:00 p.m. She also reported on the status of Citizens' Option for Public Safety (COPS) funds and advised that the money was now a given amount of \$100,000, defined as an enhancement of existing services and no longer requiring Town Council approval as to how the funds were spent.

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 and Waive Second Reading of Ordinance 239 Adding Chapter 9.10 of the Moraga Municipal Code Entitled "Peddlers and Solicitors"

Chief Priebe asked that the Town Council adopt and waive the second reading of Ordinance 239 Adding Chapter 9.10 of the Moraga Municipal Code entitled "Peddlers and Solicitors," with the item having been brought to the Town Council twice in the month of January, with changes having been proposed to the permit approval process. As previously discussed, staff had established a need for the ordinance, which would allow the Town necessary control and enforcement capabilities while ensuring and maintaining the rights of all parties. Fiscal impacts would be determined once the permit renewal costs had been established to cover the staff time to conduct background investigations, create permits and informational brochures, and to retain associated records. The costs, once determined, would be brought to the Town Council for approval as a new item on the Moraga Fee Schedule.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Metcalf) to adopt and Waive Second Reading of Ordinance 239 Adding Chapter 9.10 to the Moraga Municipal Code Entitled "Peddlers and Solicitors." Roll Call Vote: 5-0.

- B. Council Consideration of Vice Mayor Chew's Request to Join the National League of Cities and/or Attend National League of Cities Annual Congressional City Conference from March 9 to 13, 2013 at the Marriott Wardman Park in Washington, D.C.

Ms. Keimach explained that the request from Vice Mayor Chew to join the National League of Cities (NLC) and/or attend the NLC Annual Congressional City Conference from March 9 to 13, 2013 at the Marriott Wardman Park in Washington, D.C. required Council consideration, noting that all out-of-state travel (pursuant to the 2006 Town Business Expense Reimbursement Policy) required Council approval. She advised that Moraga was not a member of the NLC and the fiscal impact of attending would be \$1,500 for the Town to join, and between \$2,500 to \$3,000 for a non-member fee and the associated travel and accommodation costs. She asked the Town Council to discuss the request and provide direction to staff.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Vice Mayor Chew provided the Council with written information on the benefits of joining the NLC including discounts on prescription drug programs for residents of the member city. He emphasized the valuable lessons and experiences that may be achieved through his attendance at the upcoming NLC Annual Congressional City Conference. If the Town Council did not agree to expend the funds to send him to the conference, he asked that the Town Council at least consider joining the NLC as a member which could be discussed during a future Council meeting.

Councilmember Metcalf commented that he had not heard anything favorable from the Council's peers as to the NLC as a cogent organization for local governments. While not opposed to staff researching the Town's possible membership in the NLC, he did not want to see too much staff time expended on that effort. He otherwise referenced concerns expressed by the public regarding the expenditure of Town funds. In this case, he did not see the request

to be an appropriate expenditure of Town funds as compared to the priorities already established by the Town Council and the community relating to infrastructure and roads. He did not support the cost of sending the Vice Mayor to the NLC Annual Congressional City Conference or the expenditure of Town funds for Moraga to join the NLC.

Councilmember Wykle agreed that staff could be given direction to return with a report on the possibility of the Town of Moraga joining the NLC and that the effort not involve too much staff time.

Councilmember Arth did not see the benefits for discounts on prescription drug programs worth the expense for the Town's membership in the NLC but agreed that staff could be directed to return with a staff report on the merits of the Town joining the NLC, as discussed.

Vice Mayor Chew clarified that his attendance at the conference was intended as an opportunity to obtain information which could be brought back to the Town Council.

Mayor Trotter advised of the Council consensus to devote a little staff time to explore the merits of the Town joining the NLC. He commented that when he had joined the Council in 2006, there had been funds in the budget each year for discretionary expenses for use by each Councilmember as part of the Town Council budget. He recalled that Councilmember Chew had made a request in the past to acquire the budgets from the other Councilmembers to allow his attendance at the Kennedy School of Government at Harvard, which request had been approved. He pointed out that had occurred prior to the recession in 2007/2008, with the Town Council later making a policy decision to eliminate all discretionary travel budgets for all Councilmembers and reallocating those monies to the Lamorinda Spirit Van program. The only travel budget expense the Council had regularly budgeted and funded had been attendance at the Annual League of California Cities Conference which he foresaw would continue in the future.

Councilmember Metcalf clarified he had not supported the past request for the expenditure of funds for Mr. Chew to attend the Kennedy School of Government at Harvard. He could see the possibility where the Council may want to authorize travel to Washington D.C. for the purpose of lobbying although the subject conference was not one of them. He urged care in protecting the Town's limited resources and the expenditures of those resources.

Vice Mayor Chew explained that his trip to the Kennedy School of Government at Harvard had involved travel fare only and he had not spent any monies for the tuition fees since he had received a scholarship.

Councilmember Arth stated that he had researched the National League of Cities on the internet but he did not have enough information to determine whether the Town should consider joining. At the current time, he could not support the expenditure of funds to send the Vice Mayor to the conference but was willing to review the request again in one year.

Councilmember Wykle commented that while he would like to support the Vice Mayor's request, he could not support the requested expenditure of funds at the current time.

Mayor Trotter agreed and acknowledged there was nothing to prevent the Vice Mayor from attending the conference by spending his own personal funds. He also sought a focus of the Town's resources on the infrastructure and road problems previously identified.

Ms. Keimach advised that the request for the Town to consider joining the National League of Cities could also be discussed during the budget discussions.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

XIII. COMMUNICATIONS

- A. Letter to the Contra Costa County Auditor-Controller, Regarding Property Tax Administration Fee, dated January 25, 2013
- B. Letter from Mary Bruns, Program Coordinator, Lamorinda Spirit Van Program, dated January 18, 2013
- C. Letter from Cliff Dochterman, Regarding the Contra Costa County Advisory Council on Aging, dated January 25, 2013

Referring to the correspondence received from Cliff Dochterman, **Councilmember Metcalf** requested that the Town's representative on the Contra Costa County Board of Supervisors be made aware of the situation that had been outlined by Mr. Dochterman.

On the discussion of Mr. Dochterman's correspondence, Assistant Town Attorney Karen Murphy explained that the item was on the agenda as a communication, not as an action item, although the Town Council may make a request for a future action item.

Vice Mayor Chew pointed out that anyone may attend the Board of Supervisors' meetings and address Mr. Dochterman's correspondence during the public comment period.

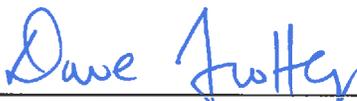
XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 9:10 P.M. to a Special Meeting of the Town Council Immediately Following the Regular Town Council Meeting to Conduct the Interview of Applicants and Appointments to the Audit and Finance Committee; the Design Review Board; and the Park and Recreation Commission. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Dave Trotter, Mayor