

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**December 11, 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 7:12 P.M. by **Mayor Ken Chew**.

ROLL CALL

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

Councilmembers absent: Vice Mayor Roger Wykle

II. PLEDGE OF ALLEGIANCE

Councilmember Arth 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

Satinder Malhi, representing State Senator Mark DeSaulnier's Office, advised that Senator DeSaulnier was unable to attend the meeting but wanted to extend his heartfelt congratulations to Mayor Ken Chew and outgoing Mayor Dave Trotter, and looked forward to a continued working relationship with the Town Council and the Town of Moraga. A Certificate of Recognition from Senator DeSaulnier was presented to outgoing Mayor Trotter.

Iris Obregon, District Director, representing Assemblymember Joan Buchanan, advised that Assemblymember Buchanan also sent her regards to Mayor Chew, the Town Council, and staff on the reorganization of the Town Council. She too looked forward to working with the Town Council and staff, providing assistance in any way possible, and offered her congratulations to outgoing Mayor Trotter and to the Town of Moraga. A Certificate of Recognition was presented on behalf of Assemblymember Buchanan to Dave Trotter for his service to the Town of Moraga and for his distinguished service as Mayor.

Edy Schwartz, Moraga, reported that she had attended the December 9, 2013 Design Review Board meeting at which time there had been no heat in the building. She asked that the Town Council consider changing the heating system for the Moraga Library Community Meeting Room.

Parks and Recreation Director Jay Ingram reported that the heating issue in the Moraga Library Community Meeting Room had been resolved.

Dale Walwark, Moraga, noted that Town streets were being repaired and would be maintained in the future because of Measure K, schools were being defended against decline as a result of the recent passage of the Moraga School District (MSD) tax, the fourth bore of the Caldecott Tunnel was now open, and the Town had outstanding staff.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

Consent Agenda Item 2 was removed from the agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to approve Consent Agenda Items 1, 3, and 4. Vote: 4-0-1. Absent: Wykle.

- | | | |
|----|---|----------------|
| 1) | Accounts Payable Claims for: 11/15/13 (\$125,686.69)
11/27/13 (\$360,467.47) | Approved |
| 2) | <i>Approve Minutes for Town Council Regular Meeting
October 23, 2013</i> | <i>Removed</i> |
| 3) | Approve Minutes for Town Council Special Meeting
November 13, 2013 | Approved |
| 4) | Laguna Creek Wall Repair and Bank Stabilization Project
(CIP 08-203) Close-out: | Approved |
| a) | Consider Resolution 79-2013 Authorizing the Town
Manager to Execute Contract Change Orders
with Pavex Construction (San Jose) for an
Additional \$2,981.60 for a Total Contract Change
Order Amount of \$105,572.60 that is Included in
the Total Construction Contract Amount of
\$709,512.60 for the Project; | |
| b) | Consider Resolution 80-2013 Authorizing the Town
Manager to Amend the Consultant Services
Agreement with BKF Engineers (Walnut Creek) by
an Additional \$2,900 for a Total Contract Amount of
\$61,400 for Construction Engineering for the Project; | |
| c) | Accept Wall Repair and Bank Stabilization
Improvements Installed by Pavex Construction
(San Jose) for the Project; and | |
| d) | Authorize the Town Manager to File the Certificate
of Completion for the Project with the County | |

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for Town Council Regular Meeting October 23, 2013

Councilmember Trotter advised that he had submitted redline changes to the regular minutes of the October 23, 2013 meeting with copies provided on the dais and to the public that night. He asked that the meeting minutes be approved, as amended.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to approve Minutes for Town Council Regular Meeting for October 23, 2013, subject to the redline revisions provided to staff and the Town Council. Vote: 3-1-1. Absent: Wykle. Abstain: Chew (due to absence).

VII. ADOPTION OF MEETING AGENDA

ACTION: It was M/S (Chew/Arth) to adopt the Meeting Agenda with the elimination of the reorganization items as shown on the agenda. Vote: 4-0-1. Absent: Wykle.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew - Reported that he had attended a number of meetings including the Central Contra Costa Solid Waste Authority Personnel Subcommittee meeting on December 12, followed by a discussion on the new franchises Request for Proposals (RFPs) and followed thereafter by the holiday party for the agency. He looked forward to a continued partnership with Saint Mary's College (SMC) for the Town Gown event.

Vice Mayor Wykle - Absent.

Councilmember Trotter - Reported that he had participated by conference call at a meeting of the Central Contra Costa Solid Waste Authority Ad Hoc Garbage Franchise Committee on November 15; attended another meeting of the agency on December 2; presented the State of the Town Address during the State of the Town and Volunteer Recognition Reception at Moraga Country Club on November 21, commending all the hard work by Town staff; the Mayor's and Chairs' Breakfast at Terzetto's on November 22; along with Councilmember Wykle attended the Tree Lighting Ceremony at the Commons Park on December 6; represented the Town at a Tree Lighting Ceremony for Hospice of the East Bay at the Moraga Country Club on December 8; attended a Ribbon Cutting Ceremony for the Fourth Bore of the Caldecott Tunnel on November 15; and along with Councilmember Arth and Mayor Chew attended the Moraga Country Club Holiday Party on December 10.

Councilmember Arth - Reported that he had attended the Moraga Chamber of Commerce Board meeting with a discussion of signage in the Town on December 4; and the Chamber of Commerce holiday mixer on December 10.

Councilmember Metcalf - Reported that he had attended a meeting of the Lamorinda Program Management Committee with a discussion on the preparation of the Lamorinda Action Plan (with the consultant invited to make a presentation to the Town Council at a future meeting); and at the invitation of the Executive Director of the Contra Costa Transportation Authority (CCTA) had participated in a tour of the Port of Oakland.

- B.** Town Manager Update – Town Manager Jill Keimach recognized Public Works Director/Town Engineer Edric Kwan and Senior Civil Engineer Laurie Suggang for their work on the Laguna Creek Wall Repair and Bank Stabilization Project; reported that she had met with both the Park and Hacienda Foundations to discuss the issues regarding the title and collateral for Moraga Commons as related to the bond measure for Measure K, reporting that the cloud on the title had been resolved through the efforts of the Town Clerk and Administrative Services Technician; that staff had started open recruitments for the Town's commissions/committees/boards through January 24, 2014 with applications available on the Town's website; and reported that there had been a request to hold a brunch on New Year's Day with extended evening and Saturday and Sunday brunches to be discussed by the committee that had been formed to review the uses at the Hacienda, including the Café Hacienda.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

There were no ordinances, resolutions or requests for action.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Metcalf requested that a future agenda item include a presentation on the Lamorinda Action Plan, with Ms. Keimach reporting that a presentation had been tentatively scheduled for January 22, 2014.

Councilmember Trotter asked that the first meeting of January include honoring Campolindo High School sports teams.

In response Ms. Keimach advised that staff was working with Campolindo High School on a preferred date for the recognition with a request for a date in January 2014.

Mayor Chew added that the Town Council Goal Setting Workshop had been tentatively scheduled for a Special Meeting during the week of January 13, 2014.

The Town Council discussed the issue of meeting on a Saturday for the Town Council Goal Setting Workshop. Councilmember Trotter requested that whatever date was chosen be one where all Councilmembers could be in attendance.

Councilmember Arth requested that a future agenda item include a proclamation honoring George and Judy Fisher who had contributed much to the Town and who would be moving to

Florida soon. He requested the proclamation be approved in time for a dinner to honor the Fishers.

Ms. Keimach advised that a draft of the proclamation had been prepared and should be approved in time for the dinner honoring the Fishers.

XIII. COMMUNICATIONS

The Town Council acknowledged receipt of the following correspondence:

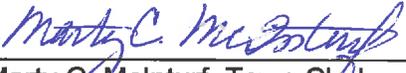
- A. Receive Town of Moraga's Response, dated December 3, 2013, to Grand Jury Letter *Questions Regarding Mandated Reporting of Abuse of Minors*, dated November 12, 2013

Mayor Chew acknowledged his family present in the audience.

XIV. ADJOURNMENT

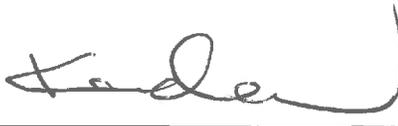
ACTION: It was M/S (Trotter/Arth) to adjourn the meeting at 7:51 P.M. Vote: 4-0-1.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Ken Chew, Mayor