

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**January 8, 2014
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 7:11 P.M. by **Mayor Ken Chew**.

ROLL CALL

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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Vice Mayor Wykle led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Mayor Chew advised that there was no reportable action from the Special Town Council Closed Session meeting held prior to the Regular Town Council meeting.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Presentation on the State of the Contra Costa Mosquito & Vector Control District (CCMVCD) by Myrto Petreas

Myrto Petreas reported on her service to the Town over the past fourteen years as the Town Council appointee to the CCMVCD; provided an update on the background, purpose and services provided by the CCMVCD; and noted that due to Moraga's topography and temperature, the community had experienced minimal problems with mosquitoes. She added that there was a link to the CCMVCD's website on the Town of Moraga's website to access additional information; advised of good practice measures that homeowners could take to prevent the need for vector control; and reported on the status of the Advance Planning Committee. Responding to the Council, Ms. Petreas reported that Lyme disease, while prevalent on the East Coast, was rare on the West Coast. She urged the use of good practices to prevent the potential for Lyme disease.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Presentation on the State of the Moraga Library by Rodger Lum

Rodger Lum, Town Council Appointee to the County Library Commission, provided an update on the 2013 and 2014 Annual Library County Work Plans; the Library Services and Lease Agreement; and the expansion of Sunday hours as reflected in his written correspondence dated January 8, 2014, which had been provided to the Town Council.

Responding to the Council, Mr. Lum spoke to the previous Town concerns on the draft for the Library Services and Lease Agreement, including a concern that the agreement was the same for all jurisdictions in the County; concern the agreement contained no language for dispute resolution; and concern that the County required each city/town to replace its equipment at the city's/town's own cost while the County was not held to the same standard. He asked for direction from the Town Council on the possibility of revising the standard agreement to address the concerns identified and noted that if the County agreed to the changes, a revised proposal could be brought to the Town Council for consideration. In the meantime, he would continue to have discussions with the Moraga Librarian on the Library Services and Lease Agreement.

Assistant Town Attorney Karen Murphy advised that such a discussion had not been agendized at this time but could be discussed by the Town Council as a future agenda item.

Town Manager Jill Keimach commented that based on past efforts to make the three identified changes to the County's Library Services and Lease Agreement, she did not expect that the County would consider a revised agreement. Mr. Lum affirmed that he had spoken with County Counsel and understood there was no interest on behalf of the County to change the Library Services and Lease Agreement.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Trotter referenced the past unsuccessful efforts for the County to consider revisions to the Library Services and Lease Agreement and he saw no reason to waste the Council's time. He recommended dealing with the current Library Services and Lease Agreement and waiting for a change in attitude from the County. The Town Council thanked Mr. Lum for his work with the County Library Commission.

C. Presentation on the State of the Contra Costa Transportation Authority - Citizens' Advisory Committee by Russell Driver

Russell Driver, a member of the Contra Costa Transportation Authority (CCTA) Citizens' Advisory Committee (CAC), noted the purpose of the CCTA CAC was primarily to review the Growth Management Compliance Checklist for all towns/cities within the County seeking local streets and roads funding. He spoke to the change in the CAC's perspective toward the Town, noting that with the development of the Moraga Center Specific Plan (MCSP) and the Housing Element of the General Plan, the process had become smoother and the Town of Moraga was being used as an example of good work. The focus of the CAC in 2014 would include an update to the Countywide Transportation Plan (CTP), with Moraga's participation through the Southwest Area Transportation Committee (SWAT). He offered to work with the Town Council and Town staff on any issues and keep Town staff updated of any grant opportunities.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council thanked Mr. Driver for his work with the CCTA CAC.

V. PUBLIC COMMENTS AND SUGGESTIONS

There were no public comments or suggestions.

VI. ADOPTION OF CONSENT AGENDA

A. Approval of Consent Items

Consent Agenda Items 2 and 3 were removed for discussion.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Wykle) to approve Consent Agenda Item 1. Vote: 5-0.

- | | | |
|----|--|----------------|
| 1) | Accounts Payable Claims for 12/13/13 (\$180,538.24) | Approved |
| 2) | <i>Approve Minutes for Town Council Regular Meeting on November 13, 2013</i> | <i>Removed</i> |
| 3) | <i>Approve by Motion a Proclamation Honoring George and Julie Fisher for their Dedicated Service to the Town of Moraga</i> | <i>Removed</i> |

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for Town Council Regular Meeting on November 13, 2013

Councilmember Metcalf requested an amendment to the third paragraph of Page 3 of the minutes of the November 13, 2013 regular meeting, as follows:

Councilmember Metcalf reported that the Lamorinda Fee and Finance Authority (LFFA) had decided to update its Nexus Study.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Wykle) to approve Minutes for Town Council Regular Meeting on November 13, 2013, as amended. Vote: 5-0.

2. Approve by Motion a Proclamation Honoring George and Julie Fisher for their Dedicated Service to the Town of Moraga

Councilmember Arth advised that he had submitted redline changes to the proclamation honoring George and Julie Fisher with copies provided on the dais and to the public that night. He asked that the item be approved, as amended.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Arth/Metcalf) to approve by Motion a Proclamation Honoring George and Julie Fisher for their Dedicated Service to the Town of Moraga, as amended. Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew - Reported that he had attended a Central Contra Costa Solid Waste Authority (CCCSWA) Board meeting on December 12; and prior to that meeting had attended the CCCSWA Personnel Subcommittee with a discussion on the short list of candidates for the position of Executive Director with interviews of the candidates prior to a recommendation to the full board.

Vice Mayor Wykle - Reported that he had attended the Tree Lighting Ceremony on December 6; and along with a small gathering of Moraga citizens the Big 10 Football Conference on January 1.

Councilmember Arth - Reported that he had attended the Moraga Chamber of Commerce meeting on January 8.

Councilmember Metcalf - Reported that he had attended a meeting of the Audit & Finance Committee (AFC).

Councilmember Trotter - Reported that he had attended the AFC meeting with Councilmember Metcalf; a CCCSWA Board meeting with a continued discussion on the garbage franchise with CCCSWA staff on December 12; attended a Town Council Subcommittee meeting to interview potential consultants for the Hillside, Open Space and Ridgelines policies update on January 8; reported that he would be unable to attend the Mayors' Conference in the City of Hercules on January 9 and encouraged another Councilmember to attend; and reported on a January 8 article in the Contra Costa Times regarding an Independent Citizens' Review Committee in El Cerrito regarding the use of general sales tax dollars on matters unrelated to road repair. He urged the Council to read the article to ensure that the Town of Moraga would not be placed in the same position as El Cerrito.

B. Town Manager Update – Ms. Keimach reminded the Town Council and the public of the Town Council Goal Setting Workshop scheduled for Tuesday, January 14, 2014 in the La Sala Room at the Hacienda de la Flores at 6:30 p.m.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Consider Introducing and Waiving the First Reading of an Ordinance Repealing and Replacing Moraga Municipal Code Chapter 15.04 and Adopting the 2013 California Building Code, the 2013 California Residential Code, the 2013 California Green Building Standards Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, and the 2013 California Mechanical Code, with Changes, Additions and Deletions

Planning Director Shawna Brekke-Read explained that the agenda item was a routine request brought to the Town Council every three years. The County updated the Building Code (UBC) with any changes, additions, or deletions based on local conditions. She recommended that the Town Council introduce and waive the first reading of the proposed Ordinance. Responding to the Council, Ms. Brekke-Read affirmed that the staff recommended action was similar to the County's action, with the exception to exclude boat launches which would not apply to the Town of Moraga.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Wykle) to Introduce and Waive the First Reading of an Ordinance Repealing and Replacing Moraga Municipal Code Chapter 15.04 and Adopting the 2013 California Building Code, the 2013 California Residential Code, the 2013 California Green Building Standards Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, and the 2013 California Mechanical Code, with Changes, Additions, and Deletions. Roll Call Vote: 5-0.

- B. Consider Resolution 1-2014 Approving a Charter for the Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee to Establish Responsibilities, Purpose, Composition, and Term

Parks and Recreation Director Jay Ingram reported that the Town Council had discussed the item on October 22, 2013, and since that time staff had worked on the formation of a Joint Ad Hoc Facilities Planning Subcommittee and a Charter. The intent of the Subcommittee was to inventory current fields and facilities, with Saint Mary's College (SMC), the Moraga School District (MSD) and Campolindo High School. Both long- and short-term goals would be discussed. He identified the composition and term of the Charter and clarified that if the Town Council approved the proposed Charter, it would not have to go back to the MSD Board for approval, which was a correction to a statement from the staff report. In response to the Council, Mr. Ingram explained that if the Council modified the term of the subcommittee, whether six or nine months, it would not require MSD review and approval.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed Attachment B, Charter Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee Charter and made the following modification:

- Amend Page 1 of Attachment B, Charter Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee, to revise the language under the heading Deliverables/Scope, eliminate the word "maximize" to be replaced with the language "*enhance*" or "*optimize*;"

Mr. Ingram highlighted the conversations between the MSD Governing Board and the Town Council, as reflected in Attachment C, a copy of the minutes from the October 22 joint meeting. In response to the Mayor, he noted that a conversation on shared use and joint use agreements had been held, along with putting in place a planning process whereby projects could be planned at the current time for future potential funding.

Councilmember Metcalf spoke to the discussions held during the joint MSD and Town Council meeting on October 22, 2013, as related to new facilities.

Councilmember Trotter referenced a broader discussion beyond the joint use of facilities and fields on school property, where the Ad Hoc Subcommittee could also consider SMC sports facilities as possible resources.

Vice Mayor Wykle also affirmed the discussions during the October 22, 2013 meeting and supported moving forward with the item.

Mayor Chew did not want to repeat the same error that had occurred in 2009 for the use of the Camino Pablo fields with Measure WW funds, which had not involved a use agreement.

Councilmember Metcalf emphasized the intent of the long-term planning was to find ways to enhance and improve existing facilities. He offered further amendment to Page 1 of Attachment B, Charter Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee, to revise the language under the heading Deliverables/Scope, to read:

***Deliverables/Scope:** Inventory existing resources and recommend short-term (ways to partner through joint facilities) and long-term facilities planning (ways to improve and enhance sports fields/facilities) within the Town of Moraga.*

Councilmember Trotter recommended the following modification to Page 1 of Attachment B, Charter Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee, Term of Subcommittee:

***Term of Subcommittee:** Sunset nine months from date of initial meeting, subject to extension by the Town Council and Moraga School District Governing Board.*

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 1-2014 Approving a Charter for the Town of Moraga and Moraga School District Joint Ad Hoc Facilities Planning Subcommittee to Establish Responsibilities, Purpose, Composition, and Term, as modified. Vote: 5-0.

C. Review and File the Audited Financial Reports for the Year Ended June 30, 2013 Including:

1. Comprehensive Annual Financial Report (CAFR)
2. Memorandum on Internal Control (MOIC)
3. 2012/2013 Appropriation Limit Calculation

Administrative Services Director Stephanie Hom reported that the Town Council had been presented with the final audit for the last fiscal year ending June 30, 2013 along with additional financial reports as required by the State. Ms. Hom emphasized staff's commitment to complete the annual audit by December 31, 2013, in order to comply with requests for the financial statements by various agencies including credit rating agencies, Metropolitan Transportation Commission (MTC) for the Transportation Development Act (TDA) monies, and Trustee for the Town's security issuances. She thanked the AFC and the Town Treasurer for their valuable assistance in completing the reports.

Ms. Hom presented the highlights of each report. She stated the value of developing a CAFR as a way to provide up-to-date financial information and to comply with Securities and Exchange Commission (SEC) Continuing Disclosure requirements. She also detailed the efforts of the Town's auditors, Maze & Associates, which had started working in June 2013 to field test the Town's internal controls. Its conclusions had been outlined in the MOIC. She recommended that the Town Council review and file the Audited Financial Reports for the Year Ended June 30, 2013 including the CAFR, MOIC, and the 2012/2013 Appropriation Limit Calculation.

Responding to the Council, Ms. Hom detailed the outstanding liability as discussed on Page 46 of the CAFR; and reported that through the draft phases, she had asked the auditors if the CAFR would pass the required Government Finance Officers Association (GFOA) checklist to receive a Certificate of Achievement in Excellence in Financial Reporting. In regards to the status of Measure K, she reported that the Town was doing well and she would provide more information during the Mid-Year Budget Review.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council expressed its appreciation to Ms. Hom for all of her hard work on the preparation of the CAFR, MOIC, and the 2012/2013 Appropriation Limit Calculation.

ACTION: It was M/S (Metcalf/Wykle) to receive and file the Audited Financial Reports for the Year Ended June 30, 2013 Including: 1) Comprehensive Annual Financial Report (CAFR); 2) Memorandum on Internal Control (MOIC); and 3) 2012/2013 Appropriation Limit Calculation. Vote: 5-0.

- D. Consider Resolution 2-2014 Transferring \$111,490 from the General Purpose Fund Reserve Balance as of June 30, 2013 to the Infrastructure Preservation and Improvement (IPI) Fund

Ms. Hom explained that the Town had ended the year with a surplus of \$386,462 which had gone into the Unassigned Fund Balance of the General Fund for a total amount of \$3,125,652, and which represented 51.8 percent of the actual General Fund operating expenditures for that year. The Town Council policy pursuant to Resolution 8-2012 had stated that any surplus

above the 50 percent target would be transferred to the Infrastructure Preservation and Improvement (IPI) Fund which was to be used for capital projects that preserved or improved the Town's infrastructure assets. The current balance in the IPI Fund was \$186,002.

Ms. Hom stated that during the November 5, 2013 AFC meeting, the AFC had discussed the continued necessity and transfer of the excess surplus to the IPI Fund in the context of the recent issuance of the \$7.72 million in 2013 Certificates of Participation (COPs) for street and storm drain rehabilitation, and whether it made sense to keep the IPI Fund. The AFC determined there was a distinction between large capital assets and minor capital assets that still needed funding and it made sense to keep the IPI Fund for large capital assets. There were also funds in the Asset Replacement Fund to cover smaller assets, whether computers or vehicles as examples. An AFC Subcommittee was also reviewing the entire structure of the Asset Replacement Fund to ensure savings were being made to cover needed replacement costs, with additional meetings between Town staff and the AFC, and with additional information and recommendations to be brought to the Town Council in the future. In the meantime with the Council policy in place, the resolution before the Town Council would transfer \$111,490 from the General Purpose Fund Reserve Balance as of June 30, 2013 to the IPI Fund. She affirmed that the 50 percent threshold had been set by the Town Council and while on the high end, the threshold had been used by other jurisdictions.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 2-2014 Transferring \$111,490 from the General Purpose Fund Reserve Balance as of June 30, 2013 to the Infrastructure Preservation and Improvement (IPI) Fund. Vote: 5-0.
--

- E. Consider and Appoint Town Council Representatives to Committees and Boards for 2014

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Trotter requested that the Joint Facilities Planning Subcommittee and the Hillside and Ridgeline Steering Subcommittee be added to the Ad Hoc Committee List.

Mayor Chew's recommendations for appointments were accepted with the exception of the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee. He recommended that he be a member of that Committee with Councilmember Arth to be the alternate. The full Council did not agree and there was a lengthy discussion of that appointment.

Assistant Town Attorney Karen Murphy advised that the appointments of Town Council Representatives to Committees and Boards for 2014 would be brought back as a Consent Agenda item at the next meeting of the Town Council. She recognized it appeared there was not a consensus for the appointments to the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee, but she encouraged consensus on the appointments to allow the item to be routinely adopted as a future Consent Agenda item.

ACTION: It was M/S (Trotter/Metcalf) to appoint Councilmembers Trotter and Arth to the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee. Vote: 4-1. Noes: Chew.

Mayor Chew explained that his no vote on the item was that in his opinion, Councilmember Trotter tended to negotiate outside of the Town Council, which was his primary concern with the appointments to the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee, and which he hoped would not occur in the future.

Councilmember Trotter stated in response that he was not concerned about serving on the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee, he had no concerns with the upcoming November 2014 election and upholding the interests of the Town as it related to the existing lease with the Country Club, and had no issue with being tough and aggressive in upholding those interests. He otherwise stated that constituents had a right to approach and speak to their elected officials about issues of public importance and issues before the Town.

Councilmember Metcalf also responded to comments made about him by the Mayor during the discussion of the appointments to the Moraga Country Club Golf Course Negotiating Team Ad Hoc Committee, which he refuted at that time.

The Town Council discussed and made the following appointments to the Town Council Representatives to Committees and Boards for 2014:

<u>Standing Committees</u>	<u>First Appointment</u>	<u>Second Appointment/Alternate</u>
AFC (Audit & Finance Committee)	Chew	Arth
TSAC (Traffic Safety Advisory Committee)* *Council to discuss sunset of committee at a future meeting	Arth	None
<u>Ad Hoc Committees</u>		
Moraga Country Club Golf Course Negotiating Team	Trotter	Arth
Saint Mary's College Subcommittee	Chew	Arth
<u>Liaison</u>		
ABAG (Association of Bay Area Governments)	Wykle	Arth
AUHSD (Acalanes Union High School District) Liaison	Wykle	Arth (Alternate)
Contra Costa Mayors' Conference	Chew	Wykle (Alternate)
East Bay Municipal Utility District (EBMUD) Liaison	Chew	Wykle (Alternate)
Emergency Preparedness Committee Liaison from Council to Citizen CORPS Council	Metcalf	Wykle
League of California Cities East Bay Division	Chew	Wykle (Alternate)
Moraga Chamber of Commerce Liaison	Arth	Trotter (Alternate)
MOFD (Fire District) Liaison	Arth	Chew
Moraga School District Liaison	Trotter	Wykle
Moraga Youth Involvement Committee (MYIC)	Wykle	Arth
<u>Voting Delegate/Boardmembers</u>		
CCCSWA (Solid Waste Board)	Chew	Trotter
League of California Cities (LCC) Delegate	Chew	Wykle (Alternate)
Lamorinda School Bus Transportation Agency (LSBTA)	Metcalf	

SWAT/LPMC/LFFA
(South West Area Transportation Planning Committee;
Lamorinda Program Management Committee;
Lamorinda Fee & Financing Authority)
(RTPC Regional Transportation Planning Committee)

Metcalf

Wykle

Non-Council Appointments

League of California Cities
Transportation, Communication and
Public Works Committee

Chew

Mayors' Conference Executive Committee*
**To be removed from the Non-Council Appointment List*

EBRCSA
(East Bay Regional Communications System Authority)

Metcalf

Non-Council Liaisons

CCCTA
(Contra Costa County Transit Authority)

Al Dessayer

CCMVCD
(Contra Costa Mosquito & Vector Control District)

Myrto Petreas

Library Commissioner for Moraga

Rodger Lum

CCTA
(Contra Costa Transportation Authority
Citizen's Advisory Committee)

Russell Driver

ACOA
(Contra Costa County Advisory Council on Aging)

Keith Katzman

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

In response to **Councilmember Trotter**, Ms. Keimach advised that when Campolindo High School had been informed that the Council would be presenting proclamations honoring student athletes, they had requested the February 12, 2014 meeting. Responding to the Mayor, she stated she would speak with Campolindo High School's Principal on his preference for agendizing future proclamations.

Councilmember Metcalf also clarified with staff that a future agenda item would include a presentation from DKS Associates on routes of regional significance.

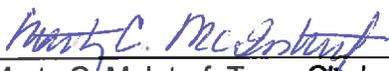
XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Trotter) to adjourn the meeting at 9:20 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Ken Chew, Mayor