

# Moraga Traffic Safety Advisory Committee (TSAC)

## ACTION MINUTES

Wednesday, October 5, 2011

6:00 pm

Hacienda De Las Flores – Mosaic Room  
2100 Donald Drive, Moraga, CA 94556

### I. CALL TO ORDER 6:04 pm

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

Committee Members: Chair Valentine, Members Carman and Menaker

Absent: Vice Chair Sauve

Liaisons: Police Chief Priebe, Town Engineer Mercurio, and Battalion Chief Lee

### IV. APPROVAL OF MINUTES

**ACTION: It was M/S (Menaker/Carman) to approve the September 7, 2011 minutes.**

**Vote: 1-0-2**

### V. ADOPTION OF MEETING AGENDA

**ACTION: It was M/S (Menaker/Carman) to approve the October 5, 2011 meeting agenda. Vote: 3-0.**

### VI. PUBLIC COMMENTS

No public comments.

### VII. CURRENT ISSUES

#### A. Discuss Traffic Calming Guide Appeal Process

Town Engineer Mercurio discussed how at the July 13, 2011 Town Council meeting, the Council asked the TSAC to review the Traffic Calming Guide (TCG), specifically:

1. Approval percentages, with a detailed look at whether 70% is appropriate
2. How to count abstentions
3. Areas of immediate impact
4. Appeals process

The highest priority of the Council was the appeals process, which is why it was placed on this agenda as the first item for discussion. Chair Valentine asked if the Town Council would like one bundled report or multiple, which Town Engineer Mercurio informed that they would like one bundled. Chair Valentine also asked how the Brown Act affects subcommittees, especially in small groups such as the TSAC. Town Engineer Mercurio replied that subcommittees are perfectly acceptable but recommends that discussions and general direction take place at the Committee level and the detailed information and physical crafting, such as the specific language of the appeals process, take place in the subcommittee. The key is to have the discussion in public and to include the citizens included as much as possible.

Town Engineer Mercurio discussed a handout from the first draft of the TCG. Member Menaker noted that the chart does not show an appeals process, to which Town Engineer Mercurio informed the

Committee that there was not a defined appeal process but simply a referral by a higher level (i.e. the Town Council).

Chair Valentine stated that the Committee should determine why it exists. If TSAC is an advisory committee, whereby people can appeal to the Council if they do not like the finding of the Committee, or, if TSAC is enabled to make decisions which are final and cannot be appealed to Council, does the Committee have the authority to say no, or should it? Does the Committee filter items to the Council or can anything pass beyond the TSAC?

Member Carman asked if the process allows a proposed project to get enough support as cited in the TCG to continue, even if not recommended by TSAC. Town Engineer Mercurio responded yes, which is why TSAC tries to walk applicants through the process. Member Menaker stated that the Committee should be able to have some control over what is moved forward; otherwise it is a step that can be skipped if necessary. Chair Valentine stated that the TSAC needs to approve or not approve items, and if project proponents move forward it will be with the formal disapproval of the Committee. Chief Priebe stated that it was the Town Council's intent that if a project is close to approval and the TSAC says no, that the applicant has the right to get final clarification from the TSAC. All of which, stated Member Menaker, is why the Committee needs a formal appeals process.

Chair Valentine noted that it is the job of the applicant to state the issue and the job of the Committee to apply the appropriate level. Member Menaker asked if the Committee should be authorized to block a project that has fulfilled all project requirements but goes against recognized design standards.

Chair Valentine opened the floor to the public. Sophie Braccini stated that every other board and commission has an appeals process. Chair Valentine asked if the TSAC can borrow language from the Design Review Board (DRB), Planning Commission, or others. Town Engineer Mercurio stated she would look into that possibility.

Chair Valentine asked where in the TCG would the Committee place an appeals process. Town Engineer Mercurio suggested it be a stand-alone section after the implementation process. Member Menaker informed the Committee that he would bring draft language for review to the next meeting. Chief Priebe suggested specifying a timeline for an appeals process. Town Engineer Mercurio suggested 30 days to file an appeal.

Town Engineer Mercurio noted that other committees and commissions have an appeals fee due to the extra staff time invested in the process. Member Carman stated that he is not comfortable with a fee because he feels the public invests as much, or more, time than staff on these issues. Both Chair Valentine and Member Menaker stated that they are not in favor of an appeal fee. Chief Priebe noted that the point is an appeal will cost staff in time to write reports, print agendas, review documents, etc.

Member Menaker asked Town Engineer Mercurio to explain the Larch issue. How would an appeals process have helped? Town Engineer Mercurio informed the Committee that residents wanted stop signs placed at Larch and Shuey. They met the approval at the neighborhood level but not at the adjacent property level of the 75% cited in the Traffic Calming Guide. Chief Priebe added that the applicants withdrew the petition because of lack of approval before the TSAC could rule on it. The Committee, at the time, felt the process worked because the applicants did what was required. All of the neighborhood issues had been weighed in accordance with the adopted Traffic Calming Guide. Town Engineer Mercurio could not recall if TSAC made a formal recommendation to the neighborhood group, but the group likely knew that the Committee would not recommend the project to Council because of the adjacent neighbor issue. Taking the project to Council was not offered, but the Committee, at the time, probably would have sent a report to the Town Council stating they felt the project had merit but, based on the guidelines, they could not recommend approval.

**VIII. ADMINISTRATIVE ITEMS**

**A. Recruitment of new member**

Town Engineer Mercurio informed the Committee that the applications have been posted and are due on Friday, October 7, but that at the time of the meeting no applications had been submitted. Member Carman stated that he feels starting meetings at 6:15 pm or 6:30 pm would benefit those with jobs and possibly draw a larger pool of applicants. Town Engineer Mercurio noted that the Council will be discussing the interview process at the October 12 Council meeting.

**IX. NEW BUSINESS**

No new business

**X. REPORTS FROM COMMITTEE MEMBERS AND LIAISONS**

Town Engineer Mercurio informed the committee about the upcoming State of the Town / Volunteer Recognition Night on November 16, 2011. It will be held at St. Mary's College and the invitations will be going out soon.

**XI. COMMUNICATIONS**

No communications.

**XII. ADJOURNMENT**

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 7:22 p.m.

**ACTION: It was M/S (Menaker/Carman) to adjourn the October 5, 2011 meeting.  
Vote: 3-0.**

Respectfully submitted by:

Jill A. Mercurio, Town Engineer