

Moraga Traffic Safety Advisory Committee (TSAC)

ACTION MINUTES

Wednesday, November 2, 2011

6:00 pm

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

I. CALL TO ORDER 6:07 pm

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Committee Members: Chair Valentine, Vice Chair Sauve, Member Menaker

Absent: Member Carman

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

Absent: Councilmember Harpham

IV. APPROVAL OF MINUTES

ACTION: It was M/S (Sauve/Valentine) to approve the October 5, 2011 minutes. Vote: 3-0.

V. ADOPTION OF MEETING AGENDA

ACTION: It was M/S (Menaker/Sauve) to approve the November 2, 2011 meeting agenda. Vote: 3-0.

VI. PUBLIC COMMENTS

No public comments.

VII. CURRENT ISSUES

A. Review Draft Appeals Process Language for Traffic Calming Guide

Member Menaker drafted an appeal process (attached), based on the Moraga Municipal Code, for the Committee to review. Briefly, it states that an appellant uses the following process. First is to make an appeal to TSAC, consisting of a written notice of appeal within 30 days of the action being appealed and discussion by the Committee. After the TSAC has reviewed the appeal, the appellant may bring it before the Town Council if the decision by the Committee is undesirable. Again, a written notice of appeal within 30 days must be presented to the Town Manager, who will place the item on a future Town Council agenda.

Town Engineer Mercurio asked if Member Menaker's thought was that the Committee recommend changes to the project proponents for a more successful appeal to either the TSAC or Town Council. Member Menaker replied that, while unofficially yes, it is not codified but supposed.

Chair Valentine asked if there should be clarification on what is appealable. Town Engineer Mercurio noted that this speaks to the matter of an appeal fee, which will discourage frivolous appeals.

Chief Priebe noted that the draft appeal process opens the door to multiple appeals because a project opponent could file appeals as multiple individuals, causing a project to be delayed for a long time. Member Menaker stated that he feels multiple appeals should be grouped together to avoid this situation.

Chair Valentine asked if traffic calming proposals not recommended by TSAC are forwarded to the Town Council. Town Engineer Mercurio noted that currently there are no options for project proponents to get on the Town Council agenda without a TSAC finding. Their only option is to speak during public comment. Chief Priebe asked if a report goes to the Town Council if the findings by the TSAC do not

change anything. For example, if a proponent asks for a curb to be painted red and the Committee says no, the curb remains as it is, does the Town Council need to know? Town Engineer responded that she expects a report to go to the Council if large projects, such as on Larch Avenue, go through the process and are rejected.

The Committee approved the draft appeal language drafted by Member Menaker. Chair Valentine commented that the Committee should not approve the changes to the TCG individually but as a whole, to be presented when all issues have been addressed and changes incorporated. The Committee agreed.

B. Discuss Approval Percentages in Traffic Calming Guide

Chair Valentine asked if the language relating to 75% exists in all versions of the Traffic Calming Guide, which Town Engineer Mercurio confirmed. Chair Valentine asked for clarification on the definition of “abutting” property. For example, if we paint a curb red is the “abutting” property the curb side or both sides of the street? Member Menaker noted that, in his professional experience as a Traffic Engineer, abutting is not as critical of an issue as is a defined distance.

Town Engineer Mercurio informed the Committee that, because the issue of distances is on the agenda for December, the Committee cannot discuss distances at this time. The Committee felt that distances was integral to the approval percentages discussion and opted to table the approval percentages discussion until the December meeting to allow this combined discussion.

VIII. ADMINISTRATIVE ITEMS

A. 2012 Recruitment

Town Engineer Mercurio informed the Committee that the Town Council has interviewed a prospective member and will have a recommendation at their next meeting. She also mentioned that Chair Valentine and Member Sauve’s terms expire in early 2012. Chair Valentine and Member Sauve both notified the Committee of their intent to reapply, however Chair Valentine may need a three-month leave of absence for personal reasons.

IX. NEW BUSINESS

No new business

X. REPORTS FROM COMMITTEE MEMBERS AND LIAISONS

No reports.

XI. COMMUNICATIONS

Town Engineer Mercurio informed the Committee that staff has received a few Traffic Action Requests, but none have been complete.

Chair Valentine noted that he is often approached by bicyclists as to if there are any bike-specific signage available to remind drivers that this is a bike-friendly community. Chief Priebe informed the Committee that cyclists are required to obey the same traffic laws as motorists.

XII. ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 7:10 p.m.

ACTION: It was M/S (Menaker/Sauve) to adjourn the November 2, 2011 meeting. Vote: 3-0.

Respectfully submitted by:

Travis McCord, Senior Administrative Assistant

TSAC Appeal Process

DRAFT 11/2/11

Unless specifically provided otherwise, a person aggrieved by an administrative action taken by the Moraga Traffic Safety Advisory Committee under the Traffic Calming Guide may appeal the action in two ways:

1. To the Traffic Safety Advisory Committee:

A written notice of appeal concisely stating the facts of the case and the grounds of appeal shall be filed with the Town Public Works Director within thirty (30) days of the action appealed from. The Town Public Works Director shall have the matter set for hearing at a regular meeting of the Traffic Safety Advisory Committee and shall give the appealing party written notice of the time and place of hearing at least ten days before the hearing. The decision of the Traffic Safety Advisory Committee taken after the appealing party has had an opportunity to be heard will not be considered final. This decision can be further appealed with the Town Council

2. To the Town Council

After a hearing with the Traffic Safety Advisory Committee has been heard and a decision rendered, a further appeal can be made with the Town Council.

A written notice of appeal concisely stating the facts of the case and the grounds of appeal shall be filed with the Town Manager within thirty (30) days of the action appealed from. The Town Manager shall have the matter set for hearing at a regular meeting of the Town Council and shall give the appealing party written notice of the time and place of hearing at least ten days before the hearing. The decision of the Town Council taken after the appealing party has had an opportunity to be heard is final.