

**TOWN OF MORAGA  
TOWN COUNCIL SPECIAL MEETING**

**November 30, 2011  
MINUTES**

**At 8:30 P.M. or after, immediately following the Special Joint Meeting of the  
Moraga Town Council and the Planning Commission**

Joaquin Moraga Intermediate School Auditorium  
1010 Camino Pablo, Moraga, California 94556

**I. CALL TO ORDER**

The special meeting was called to order at 9:34 P.M. by **Mayor Karen Mendonca**.

**ROLL CALL**

Councilmembers present: Mayor Karen Mendonca, Vice Mayor Michael Metcalf, and Councilmembers Ken Chew, Howard Harpham, and Dave Trotter

Councilmembers absent: None

**II. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**III. PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or presentations.

**IV. PUBLIC COMMENTS AND SUGGESTIONS**

There were no public comments or suggestions.

**V. 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**

<b>ACTION: It was M/S (Harpham/Chew) to approve Consent Agenda Item 1. Vote: 5-0.</b>
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1) Accounts Payable Claims for 11/4/11 (\$208,602.21) 11/4/11 (\$33,690.94)	Approved
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- 2) *Approve Minutes for the Town Council Regular Meeting  
October 26, 2011*

*Removed*

**B. Consideration of Consent Items Removed for Discussion**

1. Approve Minutes for the Town Council Regular Meeting of October 26, 2011

The following revision was made to the third and fourth sentences of the first paragraph of Page 15 of the minutes of the October 26, 2011 meeting.

*He [Councilmember Trotter] liked the ambience of Rancho Laguna Park in its present condition and would prefer to see that ambience preserved. He did not like the idea of slicing the lawn in half, to accommodate different uses, but would understand if it had to be done.*

**ACTION: It was M/S (Harpham/Chew) to approve the Minutes for the Town Council Regular Meeting of October 26, 2011, as amended. Vote: 5-0.**

**VI. ADOPTION OF MEETING AGENDA**

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

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

**VII. REPORTS**

**A. Mayor's and Councilmembers' Reports**

**Mayor Mendonca** - Reported on the State of the Town Address and Volunteer Reception on November 16, and expressed her appreciation for the coordination efforts of Town staff for that event.

**Vice Mayor Metcalf** - Reported that two Revenue Enhancement Community Outreach to Neighborhoods (RECON) meetings had been held along with presentations to the neighborhood groups; a RECON presentation was anticipated to be scheduled for Town Council consideration in January, 2012; and the fourth bore of the Caldecott Tunnel had recently broken through with an anticipated opening of 2013 or 2014.

**Councilmember Chew** - No report.

**Councilmember Harpham** - Reported that he had also attended the two latest RECON meetings, commented on the progress that had been made to date, and looked forward to the continued efforts.

**Councilmember Trotter** - No report.

- B. Town Manager Update – Town Manager Jill Keimach reported on a RECON video prepared by community members which was intended to be shown at the Rheem Theatre to take advantage of the holiday period. The video would also be presented to the Town Council in January 2012.

## VIII. DISCUSSION ITEMS

There were no discussion items.

## IX. PUBLIC HEARINGS

There were no public hearings.

## X. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Adopt Resolution 44-2011 Awarding a Professional Services Contract not to exceed \$25,000 to MacKay and Somps, Pleasanton, California, for Design, Development, Construction Plans, and development of Bid Documents for the Moraga Commons Off-Street Parking, CIP No. 10-301

Parks and Recreation Director Jay Ingram reported that in the FY 2010/2011 budget process, staff had recommended adding a new capital improvement project to install an off-street parking lot at the Moraga Commons Skatepark on the eastern side of Moraga Road to serve parking needs. In FY 2011/2012, the Town Council budgeted the project using park dedication fees. Since that approval, Public Works staff had been working on the process, design development, and conceptual drawings with other local agencies. Following the most recent Town Council direction, he had also attended Council meetings in the cities of Orinda and Lafayette requesting that the cities share financially in the skate parking lot, each contributing 25 percent of the construction costs. The City of Lafayette sought consideration of a green surface for the parking lot and the City of Orinda requested additional bicycle racks once the design had been completed.

Mr. Ingram explained that a Request for Proposal (RFP) had been sent out with nine proposals received for design development, construction plans, and development of the bid documents for the proposed parking lot with MacKay and Somps selected because of its specificity of the proposed work and the successful completion of similar local projects in the Bay Area. He noted that there were sufficient funds to cover the contract agreement. He recommended that the Town Council award the contract to MacKay and Somps in an amount not to exceed \$25,000 for the design, development, construction plans, and development of bid documents for the Moraga Commons Off-Street Parking, CIP Project No. 10-301.

In response to the Council, Mr. Ingram explained that the agreement with the cities of Lafayette and Orinda to contribute 25 percent was for hard construction costs. The RFP had stated the goal to design the project at \$200,000 or less. As to the request from the City of Lafayette to include a green design as an alternative concept, permeable asphalt had been discussed for the surface of the parking lot or for all of it. All options would be reviewed and that alternative had been included in the bid documents with the final design to be retained by the Town of Moraga.

Ms. Keimach also expected that Mr. Ingram would be attending future Lafayette and Orinda Council meetings to further discuss that matter. It was likely that the Town of Moraga would not support the additional expense if the green design alternative cost more than Moraga was willing to pay, however if that was important to Lafayette, possibly Lafayette could increase its cap contribution, which was negotiable.

## PUBLIC COMMENTS OPENED

Mark McClellan, Operations Manager, MacKay and Soms, explained that the firm was excited about the project and was confident the project offered the opportunity for a long-standing relationship with the Town. He noted that the Project Manager for the Pleasanton Fire House Art Center Parking Lot and Trail Corridor was also present and confident that the project would be a success for the Town of Moraga.

John Haffner, Moraga, a member of the Park and Recreation Commission, urged the Town Council to approve the project which was well needed. He also thanked Mr. Ingram for his efforts in making the project a reality.

## PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Chew) to adopt Resolution 44-2011 Awarding a Professional Services Contract not to exceed \$25,000 to MacKay and Soms, Pleasanton, California for Design, Development, Construction Plans, and Development of Bid Documents for the Moraga Commons Off-Street Parking, CIP No. 10-301. Vote: 5-0.**

### B. Consideration and Approval of a Charter for the Creation of a Climate Action Plan Task Force (continued from November 9, 2011)

Ms. Keimach explained that the item was a continued discussion since Councilmember Harpham had been absent from the November 9 meeting. She stated that the creation of a Climate Action Plan (CAP) was required by law pursuant to Assembly Bill 32. The creation of a CAP was also necessary given new regulations such as those imposed by the Bay Area Air Quality Management District (BAAQMD), which required any new development in Moraga to be evaluated for greenhouse gas emissions (GHGs) impacting air quality. The BAAQMD used trip generation to determine air quality impacts. These regulations made it difficult for a small business owner, retail and mixed use to be approved without requiring a full environmental assessment unless a community had a certified CAP. Certification had not been clearly defined at the current time. The CAP would be adopted by the Town Council through an open review process and would help small businesses get through the land use approval process more easily. Additionally, a CAP could be a list of policies that the community identified as good practices which would reduce GHGs.

Ms. Keimach suggested that Moraga would have an easier time creating CAP policies given that it was not situated within close proximity to a freeway and the community did not have the traffic other cities had. She also identified the revisions that had been made by the Town Council for the CAP Task Force Charter during the November 9 Town Council meeting, including a more specific deliverable whereby the Task Force would prepare the CAP, best practices in other cities would be reviewed, and the agenda for each CAP Task Force meeting would be publicly noticed. She added that the issues as to how the Task Force members would be appointed and whether or not two Councilmembers would serve as liaisons to the Task Force remained to be resolved.

Ms. Keimach outlined the five alternatives for the Council to consider. She recommended the first alternative (with staff appointed members and no Council representation on the Task Force) given her experience in working with a group of people representing developers, property owners, contractors, and educators who did not have a specific agenda. She sought a Task Force which involved discussions and learning from a group of experts during a series of 12 meetings for one year, absent any preconceived ideas, to learn what other communities had done and to return with a recommendation for the full Council.

Ms. Keimach also spoke to the reference to the Town of Moraga having completed and adopted the GHG emissions inventory in 2001, which should be corrected to read 2007. She also clarified Attachment B and explained that both the Community Action Plan (which was broader) and a Municipal Climate Action Plan would be discussed by the Council at this time.

#### PUBLIC COMMENTS OPENED

Renee Zeimer noted that the creation of a CAP would guard the Town against liability and, in terms of economic development, was important since a community CAP would ease the burden on businesses and developers. Given that Moraga was not close to the freeway, its GHGs would be less and it would be easier to reach inventory targets, with the CAP to explain how the Town would reach the target reduction.

#### PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** expressed concern with the formation of any Task Force and the regulations that could be imposed. Based on his experience with the Moraga community, Council participation was needed. He suggested that including two Councilmembers on the Task Force was important with staff to conduct the recruiting for the Task Force members. He recommended that proposed Task Force members be brought back to the Town Council for confirmation and be presented with the Oath of Office as formal committee members.

**Councilmember Chew** recommended a Task Force consisting of 13 members with periodic updates and any recommendations from the Task Force presented to the Council. He offered a motion that the Town Council support Alternative 1, as outlined in the November 30 staff report, with staff appointed members and no Council representation on the Task Force, and that the Charter for the CAP Task Force be amended and extended from 12 to 13 members.

**Mayor Mendonca** seconded the motion.

On the motion, **Councilmember Trotter** agreed with the points made by the Vice Mayor for the CAP Task Force to have Council participation directly, with two Councilmembers, with the one exception that the CAP Task Force members not be required to take the Oath of Office. He did not support Alternative 1.

**Councilmember Harpham** explained that observing recent Park and Recreation Commission meetings had led him to the idea that Councilmembers should be present. He commented that staff would likely encounter people where the hearings could be difficult, and stated that the Town still needed a workable and coherent work product. If that was achievable by staff, he would be able to support Alternative 1.

**Mayor Mendonca** was confident that the Town Manager and staff would be able to put together a balanced Task Force which was able to contribute and conclude with a work product. Given that the Council would be provided with regular updates, she was confident in her support of Alternative 1.

**Councilmember Chew** was confident with the abilities of the Town Manager, but if at any time staff needed Council representation, staff could always return and request an amendment to the Charter of the Task Force, which Town Attorney Karen Murphy affirmed could be done.

**Vice Mayor Metcalf** explained that, based on his experience with the community, it was not a good idea to not include Council participation. In this case, the Town must comply with the creation of a CAP pursuant to State law. As such, he recommended Council participation on the Task Force as the prudent thing to do.

**Councilmember Trotter** suggested that it was a procedural mistake to not include Council participation on the CAP Task Force. He reiterated that there had been a Specific Plan Subcommittee for the Moraga Center Specific Plan (MCSP) and for the Housing Element and that work had been completed. Given the importance of the CAP Task Force, he would be willing to support the motion in support of Alternative 1 although he remained concerned that Council participation was important and necessary.

**Councilmember Harpham** shared the concerns expressed but noted that staff would involve the Council with reports on the status of the CAP Task Force discussions. If Council participation was found to be necessary, there was nothing to prevent that from occurring.

Ms. Keimach explained that Alternative 1 would include quarterly updates to the Town Council and depending on the outcome of the first three meetings of the CAP Task Force, Council representation could be included.

Ms. Murphy affirmed that staff could come back at any time requesting an amendment under future agenda items to change the composition of the CAP Task Force.

**Vice Mayor Metcalf** stated that he would be voting against the motion to support Alternative 1, not because he was opposed to the creation of a CAP, but because he objected to the absence of Councilmembers on the CAP Task Force.

**Councilmember Trotter** supported the Vice Mayor's comments in spirit.

**ACTION: It was M/S (Chew/Mendonca) to support Alternative 1, as outlined in the November 30, 2011 staff report, for the Climate Action Plan Task Force to be staff appointed members and no Council participation on the Task Force, and with the Charter for the Climate Action Plan Task Force to be modified with the number of members increased to Thirteen (13). Vote 4-1. Noes: Metcalf.**

#### **XI. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

There were no Council requests for future agenda items.

#### **XII. COMMUNICATIONS**

There were no communications.

#### **XIII. ADJOURNMENT**

**ACTION: It was M/S (Chew/Harpham) to adjourn the meeting at 10:34 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Karen Mendonca, Mayor