

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**June 13, 2012  
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 7:04 P.M. by **Mayor Michael Metcalf**.

**ROLL CALL**

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

Councilmembers absent: None

**II. PLEDGE OF ALLEGIANCE**

**Vice Mayor Harpham** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**A. Proclamation Honoring Campolindo High School Boys Varsity Volleyball Team**

**Mayor Metcalf** read into the record a proclamation honoring the Campolindo High School Boys Varsity Volleyball Team for being the 2012 Diablo Foothill Athletic League and the California Interscholastic Federation (CIF) Division II North Coast Section Champions.

**B. Proclamation Honoring Campolindo High School Boys Varsity Baseball Team**

**Mayor Metcalf** read into the record a proclamation honoring Campolindo High School Boys Varsity Baseball Team for winning the 2012 Diablo Foothill Athletic League Championship and the North Coast Section Championship.

**C. Proclamation Honoring Campolindo High School Boys Varsity Swim Team**

**Mayor Metcalf** read into the record a proclamation honoring Campolindo High School Boys Varsity Swim Team for winning the 2012 North Coast Section Championship.

**D. Proclamation Honoring Campolindo High School Girls Varsity Track and Field Team**

**Mayor Metcalf** read into the record a proclamation honoring Campolindo High School Girls Varsity Track and Field Team for its athletic achievements during the 2012 season.

E. Proclamation Honoring Carrie Verdon, Campolindo High School Track and Field Champion

**Mayor Metcalf** read into the record a proclamation honoring Carrie Verdon as the Campolindo High School Track and Field Champion and in recognition of her sensational athletic achievements.

PUBLIC COMMENTS OPENED

Carol Kitchens, recently retired Principal, Campolindo High School, commended all the achievements and successes of the students and coaches at Campolindo. She also thanked the Town Council for its support of Campolindo High School and its student athletes.

The Town Council congratulated all of the athletes for their continued achievements, and also expressed its appreciation to outgoing Principal Kitchens.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Barbara Simpson, Moraga, spoke to the history and recent articles in the Contra Costa Times surrounding the sexual abuse of Moraga resident Kristen Cunnane and an issue about her involvement in a swim clinic for the Moraga Country Club. She asked that the Town Council write a letter of public support for Ms. Cunnane, noting her courage in reporting her abuse, and that the Town Council request a complete outside investigation of the Moraga School District (MSD).

Stacy Ashby, Moraga, thanked the Town Council for honoring the student athletes of Campolindo High School and specifically thanked Mayor Metcalf for his continued support as the starter for all home swim meets for the last eight successful years at Campolindo High School.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of Consent Items

The Town Council commended Parks and Recreation Director Jay Ingram who was the lead on many of the Consent Agenda items and congratulated him on a job well done.

Town Manager Jill Keimach reported that the Council had been provided with a revision to Page 16 of the minutes of the May 9 Regular Town Council Meeting, Consent Agenda Item 2, and asked that the motion approving the Consent Agenda reflect that amendment.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Chew/Mendonca) to approve the Consent Agenda, as shown, and subject to the amendment to Consent Agenda Item 2. Vote: 5-0.**

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|----|--|----------|
| 1) | Accounts Payable Claims for: 5/18/12 (\$128,056.42);<br>06/01/12 (\$120,303.63); 6/01/12 (\$14,101.31)   | Approved |
| 2) | Approve Minutes for Town Council Regular Meeting May 9,<br>2012, as amended  | Approved |
| 3) | Adopt Resolution 45-2012 Authorizing the Town Manager<br>to Sign Contracts with Cleary Brothers of Danville and<br>Hamilton Tree Service Inc. of Martinez for On-Call Tree<br>Service in an Amount Not-to-Exceed \$60,000 each<br>Contingent on Available Annual Budget Appropriations for<br>a Total Contract Period of Three Years                               | Approved |
| 4) | Adopt Resolution 46-2012 Awarding a Second Amendment<br>to the Contract Service Agreement with Omni Janitorial<br>Services, Inc. of Walnut Creek for the Custodial and<br>Building Maintenance Services for the Town-owned<br>Buildings in an Amount Not-to-Exceed \$37,500 in Fiscal<br>Year 2012/13  | Approved |
| 5) | Adopt Resolution 47-2012 Authorizing the Town<br>Manager to Execute a Contract with Cal Engineering and<br>Geology Inc. for Laguna Creek Embankment<br>Restabilization, Capital Improvement Project 08-202 for<br>Design and Geotechnical Services in an Amount Not-to-<br>Exceed \$53,230 for Storm Repair Work Previously<br>Awarded in 2007 and Renewed in 2010 | Approved |
| 6) | Adopt Resolution 48-2012 Authorizing the Town<br>Manager to Execute a Contract with LSA Associates Inc.<br>for an Amount Not-to-Exceed \$12,500 for the Laguna Creek<br>Embankment Restabilization Project Permitting Work<br>Previously Awarded in 2007 and Renewed in 2010   | Approved |
| 7) | Adopt a Motion Authorizing the Town Manager to Deem<br>Identified Town-owned Equipment as Surplus and Direct<br>Staff to Sell or Donate Items  | Approved |

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

No Consent Items were removed for discussion.

**VII. ADOPTION OF MEETING AGENDA**

The meeting agenda was modified to change the order of items under Ordinances, Resolutions and Requests for Action to move Item A to Item C, Item B to Item A, and Item C to Item B.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION:** It was M/S (Trotter/Harpham) to modify the Meeting Agenda, as discussed.  
**Vote:** 5-0.

## VIII. REPORTS

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

**Mayor Metcalf** - Reported that he had attended a meeting of the Southwest Area Transportation Committee (SWAT) where an update on SB 375 had been presented. He expressed his disappointment that the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) had adopted a Preferred Scenario which had not taken into account any of the suggestions of scenarios representing each jurisdiction's General Plan. He also reported that he had attended a recent meeting of the Revenue Enhancement Community Outreach to Neighborhoods (RECON).

**Vice Mayor Harpham** - Reported that he had attended the special meeting of the Town Council on May 30 through Skype, and expressed his appreciation to staff for making the arrangements. He also attended a session of the RECON on June 12.

**Councilmember Chew** - Reported that he had attended the Mayors' Conference in the City of Hercules.

**Councilmember Mendonca** - Reported that she had attended a recent meeting of the Central Contra Costa Solid Waste Authority Board; the Mayors' Conference in the City of Hercules; and would be attending a meeting on June 14 with Saint Mary's College (SMC) and members of Town staff in anticipation of the 150<sup>th</sup> Sesquicentennial celebration.

**Councilmember Trotter** - Reported that he had attended a recent meeting of the Central Contra Costa Solid Waste Authority Board.

- B. Town Manager Update** – Ms. Keimach reported that during the recent RECON meeting, the Committee had decided to place consideration of a sales tax ballot measure at a Special Meeting of the Town Council. The regular Town Council meeting of July 11 might be cancelled as a result. She also reported that Town staff had received 1,830 signatures to place a referendum on the same ballot for the Rancho Laguna Park dog park, which process involved submitting the signatures to the County for verification and certification. This matter would likely be placed on the Town Council agenda for consideration on July 25.

Ms. Keimach also reported that through the commitment of the Parks and Recreation and Planning Directors, the Town had received \$6,100 for the July Fourth Fireworks, with a goal of \$23,000; the Parks and Recreation Director had received positive notice for grants for all three of the Measure WW grant applications; the Planning Department had received a Transportation for Livable Communities (TLC) Grant for the bicycle/pedestrian project the Town Council had approved six months ago; staff had opened the crosswalk bids for the two crosswalks on Moraga Road at Corliss Drive and at Woodford Drive with the lowest bid at \$161,000, which was on target; and staff anticipated a contract would be brought back to the Town Council at its next meeting with construction to commence immediately thereafter.

## IX. DISCUSSION ITEMS

There were no Discussions Items.

## X. PUBLIC HEARING

- A. Adopt Resolution 49-2012 Confirming Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1, Approving Assessments and Assessment Diagram, and Levying Assessments for the Fiscal Year 2012/13

Randy Leptien, Leptien, Cronin, Cooper, Morris & Poore, Inc., described the annual public hearing for the Town of Moraga's Street Lighting Assessment District and Levying Assessments for Fiscal Year 2012/13 for Street Lighting Assessment District 1979-1, as outlined in the June 13, 2012 staff report, which provided for the maintenance and service for those areas in the Town that had street lights. In order to collect those funds, each year an Engineer's Report was required to be prepared and approved and a public hearing conducted.

Mr. Leptien asked that the Town Council conduct the public hearing on levying assessments, and upon the closure of the public hearing that the Town Council approve a resolution to levy \$58 per single-family residence within the Street Lighting Assessment District to fund operations and repairs for the Town's streetlights.

### PUBLIC COMMENTS OPENED

There were no comments from the public.

### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Harpham) to adopt Resolution 49-2012 Confirming the Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1, Approving Assessments and Assessment Diagram, and Levying Assessments for the Fiscal Year 2012/13. Vote: 5-0.**

- B. Adopt Resolution 50-2012 Authorizing Updates to the Town of Moraga's Master Fee Schedule, Including Development Impact Fees, Effective August 15, 2012

Stephanie Hom, Administrative Services Director, presented the staff report to consider updates to the Master Fee Schedule which involved an annual update on fees for various services provided by the local government to ensure that the fees were appropriate and reflected the estimated reasonable costs of providing a service or use of a facility. She noted that staff had reviewed the cost of providing services and had determined that many of the fees did not require change, some fees should be adjusted, and some new fees should be added. She outlined the proposed changes to the Master Fee Schedule, as reflected in the staff report.

In response to the Council, Ms. Hom explained that there had been a range of fees the Town was charged for the use of credit cards and staff had evaluated the company the Town used for credit card processing against another company. She suggested the Town would have a better rate structure with Mechanics Bank which would also be better for the customers. The range would remain between one and a half and four percent, depending upon the type of credit card used.

As to the fees shown for the Moraga School District (MSD) and the new fees proposed for rental rates, Mr. Ingram explained that the update in fees were to be in line with the charges the Parks and Recreation Department had charged the MSD to use its facilities. In response to whether

or not the Town was maximizing its rates for the use of the Hacienda by non-residents, staff had proposed three percent increases for both resident and non-resident rates consistent with the Consumer Price Index (CPI). Staff had compared the Hacienda to other similar properties, and found that the Hacienda had decreased its overall wedding seasonal rentals as compared to previous fiscal years with the majority of activities involving non-resident usage. He suggested that the decrease in rentals could be attributed to the economy, the rental fees, and sometimes for restrictions on hours of use, based on comments staff had received.

Ms. Hom stated that the increase in study session fees proposed for the Design Review Board (DRB) and the Planning Commission were based on actual staff time. She outlined the hourly rates shown in the Master Fee Schedule for the Planning Department and Planning Director.

Planning Director Shawna Brekke-Read explained that the increase in study session fees was intended to offset Town costs. She noted that this past year study sessions were only held for larger projects and planning staff spent a significant amount of time for design review. For study sessions for smaller projects, it was likely that less time would be billed. While she characterized the deposit as significant, she stated that smaller projects would likely see a refund from the deposit amount. She acknowledged that a two-tier fee would be a policy question for the Town Council. She gave three examples of DRB projects and the time necessary to process the permits. She added that it was rare for a new single-family residence to be subject to DRB approval or to a study session. She acknowledged that a two-tiered approach for smaller projects would have no significant revenue impact on the Town.

In response to the Vice Mayor on staff recommendation for a fee waiver for the Moraga Park Foundation for the use of park and recreation facilities, and given that the Vice Mayor's wife is the Treasurer for the Park Foundation, Town Attorney Karen Murphy stated that the Vice Mayor would not have a conflict of interest in this case and therefore would not have to recuse himself on the discussion.

As to the proposed increase in appeal fees for the Planning Department, Ms. Brekke-Read advised that an appeal by an applicant would involve a \$3,000 deposit. For an appeal by a private party, by someone other than the applicant, the initial fee would be \$1,000 which would come closer to covering the Town's costs. As an example, if administrative design review was appealed to the DRB and then appealed to the Planning Commission, and then on to the Town Council, that would be the worst case scenario.

#### PUBLIC COMMENTS OPENED

John Valentine, Moraga, stated that he also served as a religious functionary specializing in the wedding industry. He asked the Town Council to consider the fees proposed for the Hacienda given the significant downturn in the wedding industry over the past decade due to social and cultural changes in marriage.

Barbara Simpson, Moraga, questioned whether it made sense to include the cost of credit card fees within the administrative fee for services if customers paid by check.

Ms. Hom explained that specific to the recreation classes, staff had not proposed an increase with the rates contained in the activity guide although the fee schedule updates does included a \$2.00 administrative fee for each class, to be raised to \$3.00 to offset all administrative costs, including credit card processing and Rec1 software maintenance costs, and which had been surveyed with other jurisdictions and deemed reasonable. The rental of facilities had been proposed to increase three percent across the board, although those paying by check or cash would receive a three percent discount. She emphasized that the fees were intended to offset the costs of providing the services, and not intended to generate profit per government code.

PUBLIC COMMENTS CLOSED

Ms. Hom stated that the rental of the grass areas for Town-owned properties included fees for groups of ten or more.

Ms. Keimach advised that the waiver of application fees for commercial retail uses in existing shopping centers which had gone into effect in 2009 had a finite sunset which had occurred approximately one year ago. Based on her perspective, the economy from a leasing point of view had changed in the last year with the Rheem Valley Shopping Center almost at capacity. She recalled that during the waiver period, the Town had not received a significant number of applications. She also commented that when the waiver expired, the Town started to receive applications and while the Council may continue the waiver as a feel good measure, she did not see it having an impact on businesses choosing Moraga.

The Town Council discussed the Updates to the Town of Moraga's Master Fee Schedule Including the Development Impact Fees and offered the following comments and/or direction to staff:

- Recommendation that the Council consider as a policy measure not to impose high fees on individual local homeowners with a small design review project that required a study session.

**Mayor Metcalf** advised that he had submitted an application to the Town and would have to recuse himself on that element of the Master Fee Schedule. He stepped down from the dais at that time.

Given the conflict reported by the Mayor, Ms. Murphy recommended that the Town Council separate the question from the discussion of the remainder of the updates to the Master Fee Schedule.

The Town Council offered the following comments and/or direction to staff:

- Acknowledged that oftentimes even smaller projects may have issues where staff may have to spend significant time, with recognition that what staff had proposed in the Master Fee Schedule for study sessions before the DRB and the Planning Commission would be reasonable;
- Recommended that a small project be defined as any project in which a contractor has submitted a cost estimate of \$3,000 or less, in which event the flat fee of \$500 would be appropriate, and any project with a cost estimate of \$3,000 or more would be subject to the fees proposed in the June 13, 2012 staff report;
- Recommended that a small project be defined as a minor remodel, wall, or landscaping, less than a specified amount of square footage, although concerns expressed that square footage would not address the problems with a smaller project and recommended instead that a small project be defined as one with a cost estimate of \$3,000 or less;
- Recommended that to quantify the size of a project taking into account the staff time to process applications there be a deposit for staff to drawn upon; and

- Recognized that the intent of the fee updates (i.e. fees for DRB and Planning Commission study sessions) was that the Planning Department not operate at a deficit with fees to be submitted upfront, and if not used, to be refunded to the applicant.

Ms. Brekke-Read commented that another approach could be that a study session which involved a remodel could require a \$1,500 deposit, and a study session involving new construction could require a \$3,000 deposit. She noted that deposit accounts were strictly cost recovery. As more funds were needed, the applicant would be notified and staff would stop work until the deposit account was made current again.

- There was Council consensus to support the staff recommendation for a two-tiered system with a \$1,500 deposit for a remodel for DRB and Planning Commission study sessions, and a \$3,000 deposit for new construction for DRB and Planning Commission study sessions.

With the bifurcation of the item, Ms. Murphy asked that the maker of a motion also incorporate the administrative design review provisions as shown on Page 12 of the Master Fee Schedule in addition to the study sessions, and incorporate any findings in the proposed resolution.

**ACTION: It was M/S (Trotter/Harpham) to adopt the specific fees as shown on Pages 12 and 13 of the proposed new Master Fee Schedule, Fiscal Year 2012/13, Effective August 15, 2012, with the exception that the fee for a Design Review Study Session with the Design Review Board (DRB) proposed at a \$3,000 deposit be changed to a \$1,500 deposit for remodel and \$3,000 for new construction; with the same changes and same dichotomy of the deposit schedule to apply to Design Review Study Sessions with the Planning Commission; and incorporate the findings included in the draft resolution. Vote: 4-0-1. Recused: Metcalf.**

Mayor Metcalf returned to the dais at that time.

**ACTION: It was M/S (Trotter/Mendonca) to adopt the remainder of Resolution 50-2012 Authorizing Updates to the Town of Moraga's Master Fee Schedule, Including Development Impact Fees, Effective August 15, 2012, subject to a correction to Page 12 under Appeal, "Appeal - by Homeowner" to be modified to read "Appeal - by Private Party (other than the applicant)." Vote: 5-0.**

## XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Adopt Resolution 51-2012 Accepting the Annual Gann Appropriations Limit for the Fiscal Year 2012/13 Operating Budget

Ms. Hom noted that every municipality in the State must determine its General Fund appropriation limit annually and that the Town Council as the legislative body must approve the computation by resolution before adoption of the next year's budget. The calculation for the Town of Moraga's appropriations limit had been included in Exhibit A in the June 13 staff report. She stated the proposed General Fund budget for FY 2012/13 of \$6.6 million was well below the calculated limit of \$11.8 million. She recommended that the Town Council accept the annual Gann Appropriations Limit for the FY 2012/13 Operating Budget.

### PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Chew/Mendonca) to adopt Resolution 51-2012, Accepting the Annual Gann Appropriations Limit for the Fiscal Year 2012/13 Operating Budget. Vote: 5-0.**

- B. Adopt Resolution 52-2012, Approving the Fiscal Year 2012/13 Operating and Capital Improvement Program Budgets

Ms. Hom reported that the Town Council had been provided with a resolution to approve the Fiscal Year 2012/13 Operating and Capital Improvement Program Budgets, with the inclusion of items that had been incorporated based on Town Council discussions on May 23 including a half-time administrative position to support the offices of the Town Manager and Town Clerk with prorated benefits similar to an existing administrative position in the Police Department. She stated that the CIP included an update to the Rancho Laguna Park - Spatial Separation project as shown on Page 24 (Attachment B), identifying funds for design work, biological assessment work, and \$25,000 to prepare an Initial Study and environmental documentation although this work had been suspended due to the referendum received to rescind Ordinance 236. She added that the \$250,000 figure shown as Undetermined funding source and Unscheduled was not funded and was based on construction costs estimates in a report to the Town Council on December 14, 2011.

Ms. Hom asked the Town Council to approve a resolution to adopt FY 2012/13 Operating and CIP Budgets. Once adopted, staff would reproduce the Operating and CIP Budgets in a document that could be used throughout the year and she would attempt to update the current FY 2011/12 column with unaudited actuals as of the year's end. She explained that the Town has chosen to present its operating budget primarily in the General Fund so as to be more transparent and have one fund that captured all revenues and expenditures. With all expenditures taking place within one fund, the public could see the costs to provide services in one place. In addition, expenditures were still distinguished by Departments and expenditure types within the financial system. The Street Maintenance Unit, as an example, was supported by one of the special revenue sources (State gas tax monies) where the Town transfers in such monies to the General Fund to support all the activities in Street Maintenance. Because Street Maintenance had a unique code in the financial system, the Town could show a direct correlation between the money being spent and the activities and the funding source being used to support the activities. She noted that when the Town went through its audit last year, the auditors recommended that the Town be more explicit in terms of the differences between labor costs and other expenditures. She added that the details on Page 31 of the budget listed all of the authorized positions for the Town. Under Planning, the Senior Planner was shown as zero, with the Senior Planner/Economic Development position being shown. She commented that none of the adopted figures for the next year would be adjusted although the year-end actuals would be added to the published document as soon as possible those figures were available.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed the Fiscal Year 2012/13 Operating and Capital Improvement Program Budgets and offered the following comments and/or direction to staff:

- Recommended that the budget message section clarify that the Town was not "adding" a new position for Senior Planner; (i.e., Senior Planner/Economic Development) but adding back a position that had been removed previously;
- Concerns remained with the inclusion of \$250,000 under the Undetermined funding source and Unscheduled for spatial separation at Rancho Laguna Park and the public perception that the funds could be used for a dog park;
- The majority of the Council supported the Five-Year plan which included cost parameters with consensus that the document was considered as a planning tool (in terms of the \$250,000 figure for spatial separation in Rancho Laguna Park), and that the budget numbers for that item should remain as shown; and
- Recommended that the budget figure for the RECON Street Repair Program be modified to reflect the RECON research of \$25 million as a top estimate down to \$14 million, although by consensus the Council determined that the \$25 million figure should remain as shown to reflect the real costs for the maintenance and repair of the Town's roads.

Ms. Hom reiterated that the \$250,000 figure, as shown in the Undetermined funding source and Unscheduled, had been included as an estimate as part of the Council discussions and intentionally provided since there was no commitment from the Council at that point. She emphasized that there was no funding although the figure had been included to show what it could cost if the Town had the funds.

Ms. Keimach explained the inclusion of Rule 20A Funds since PG&E was required to set aside a portion of the funds it collected from the Town of Moraga for underground utilities and since the Town had not identified an underground district other than in the Moraga Country Club. The Town had those funds in a PG&E account the Town may access and use if the Town desired to do so. She commented that with each of the CIP projects, staff had tried to provide a reasonable cost estimate, whether or not the Town Council decided to move forward with the project which offered a relative idea of the size of a project and what could be expected in the future.

Ms. Hom recommended that the \$25 million figure remain for the RECON Street Repair Program, but that it include a footnote based on the Council discussion that the current target was \$14 million based on public input and the Bay Area Average Pavement Condition Index (PCI) the Town had targeted.

By consensus, the Town Council included the footnote as recommended by staff.

**ACTION: It was M/S (Chew/Mendonca) to adopt Resolution 52-2012 Approving the Fiscal Year 2012/13 Operating and Capital Improvement Program Budgets, as discussed with the \$25 million figure to remain for the RECON Street Repair Program and a footnote added based on the Council discussion that the current target is \$14 million based on public input and the Bay Area Average Pavement Condition Index (PCI) the Town had targeted as a goal. Vote: 5-0.**

**Councilmember Trotter** left the Town Council meeting at 9:37 P.M.

- C. Adopt Resolution \_\_-2012, Approving Traffic Safety Advisory Committee (TSAC) Recommended Changes to the Town of Moraga Traffic Calming Guide and Transportation Action Request Form

Ms. Brekke-Read explained that the item had been tasked to the Traffic Safety Advisory Committee (TSAC) which had evaluated the Traffic Calming Guide. She advised that Page 21 of the Traffic Calming Guide included a number of typos and two department listings which should be changed to read "Public Works/Engineering Department."

As to the time period for the appeal process for project proponents, as outlined in the Traffic Calming Guide, TSAC Chair John Valentine explained that 30 days had been an arbitrary number that TSAC had not discussed at length. He was not opposed to changing that number to 10 days if the Council so directed.

Chief of Police Robert Priebe commented that if the Town Council were to support the 30-day appeal process, it would not provide the time to place the item back on the TSAC agenda since the committee only met the first Wednesday of each month and there was insufficient time to get the issue to the Town Manager and then to the Council. A 20- or 21-day appeal period would allow TSAC to place the item on its next meeting agenda to be able to move the process along and would allow staff the opportunity to post public noticing requirements pursuant to the 10-day requirement.

Ms. Brekke-Read acknowledged that the Moraga Municipal Code (MMC) required a 10-day appeal period for Planning Commission decisions. She noted it was up to the Council to decide the length of the appeal periods.

#### PUBLIC COMMENTS OPENED

Barbara Simpson, Moraga, commented on the importance of having ample time for an appeal period. She found the 30-day appeal process for TSAC to be appropriate.

#### PUBLIC COMMENTS CLOSED

Chief Priebe advised that as written any person who was an aggrieved party to a decision of TSAC could appeal. If a person lived on a street where a project would place a stop sign, it would become public when the meeting minutes were published and posted for the next TSAC meeting, but if the meeting did not take place it could be a lengthy time and the person may lose the opportunity to appeal on a decision since they were not aware of it. He noted that the public present during the TSAC meetings were aware of any decisions made, otherwise there was no formal notification sent out to the public other than when the meeting minutes were posted and published.

Ms. Brekke-Read explained that the process for the Planning Commission and DRB was different than TSAC.

Mr. Valentine commented that TSAC was an advisory committee to the Town Council with any decision a recommendation to the Town Council. He reiterated that if the Town Council so determined, a 10-day appeal process could be proposed or it could remain at 30 days subject to the pleasure of the Town Council.

Ms. Simpson questioned who would do the notices and mailings to the public given the limited staff resources.

Ms. Murphy stated that she and the Town Manager had discussed whether an advisory decision to move a decision to the Town Council would be subject to an appeal process, and the appeal process could be put into play if the decision was not to move the item forward to the Town Council, which could be spelled out in the Traffic Calming Guide. If the TSAC recommendation was appealed it would be going to the Town Council anyway.

Chief Priebe emphasized that with the current policy, anyone could be an aggrieved party whether or not a recommendation was moved forward to the Town Council.

The Town Council discussed the recommended changes to the Traffic Calming Guide and Transportation Action Request Form and offered the following comments and/or direction to staff:

- Recommended, with no Council consensus, for the time period for a TSAC appeal to be modified to read "10 days" rather than 30 days to be consistent with the appeal process of other Town committee/commissions/boards;
- Recognized that neighborhood groups may need 30 days to prepare for an appeal with Town Council consensus that a recommendation for a 30-day appeal period to remain as shown;
- TSAC directed to reevaluate Level 2 or Level 3 regulatory signage, as shown in the Traffic Calming Guide, with TSAC to consider the implications on the use of Level 2 as opposed to Level 3 regulatory signage, as reflected throughout the document;
- Reevaluate in terms of editing the verbiage for the statements under advantages and disadvantages on Page 25 of the Traffic Calming Guide;
- Town Council clarified with the TSAC Chair with respect to the table shown for Notification and Approval Level 3, Other Affected Citizens on Page 11 of the Traffic Calming Guide referred to homes up to 750 feet away from the intersection in the Campolindo neighborhood as immediately affected and other affected citizens who lived farther up the street, potentially including students and families that traveled down Calle la Montana and turned left onto Campolindo in the morning and may include the residents of Sanders Ranch; and
- Recommended that TSAC reevaluate the Traffic Calming Guide and clarify the appeal process of a TSAC decision to the Town Council; clarify the time period for the appeal process whether 10, 21, or 30 days; and clarify the notification issues and any ambiguities within the document.

Chief Priebe commented that the direction he had from the Town Council was to create a process to notify those affected and the proponents in the notification area of a decision whether or not to recommend to the Town Council, or to not move forward and to rework the appeal process. He suggested that TSAC could rework the Traffic Calming Guide, as directed, and return at a later date. He was confident in working with staff and TSAC that the document could be brought back at a later date for Council consideration suggesting that once the new intent is agreed upon, a proper way for notification of a TSAC decision would be through posting on the Town's website.

Ms. Keimach stated that she had been in discussions with the Town Attorney and she would ask her to provide input on the appeal process. She recommended that the item be continued to a meeting in September.

**ACTION: It was M/S (Harpham/Mendonca) to continue to a date certain, a resolution approving Traffic Safety Advisory Committee (TSAC) Recommended Changes to the Town of Moraga Traffic Calming Guide and Transportation Action Request Form, to a regular Town Council meeting scheduled for September 12, 2012. Vote: 4-0-1. Absent: Trotter.**

## XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

**Mayor Metcalf** commented on the misinformation within the community that the Town Council had the intention to create a sports complex at Rancho Laguna Park, which he had publicly stated was not the case. He asked that the Town Council make it clear from a legislative standpoint that no organized sports were intended at Rancho Laguna Park. He asked that the issue be brought to the Town Council at the next possible meeting in terms of what type of regulations could reasonably be put into place.

**Mayor Metcalf** also responded to the earlier request from a member of the public that the Town Council prepare a public communication regarding Ms. Cunnane. He asked the Town Council to consider whether or not to put forth its views on the matter. If so, he had no problem signing such a letter although he would not want to do so without a discussion of the Council.

Ms. Murphy clarified that the discussion was about placing something on a future agenda for discussion and was not on the agenda for discussion at this time. With the majority of the Council, the item could be placed on a future agenda, as recommended by the Mayor.

**Mayor Metcalf** verified with Ms. Murphy that it would be appropriate for one or two Councilmembers to draft a letter that could be considered by the Council.

**Councilmember Mendonca** expressed the willingness to draft a letter for Council consideration.

Ms. Keimach asked that whatever was drafted be submitted to staff in time to be placed on the next agenda. She also advised that staff could draft some suggestions for rules regarding sports activities at Rancho Laguna Park for Council consideration, to be brought back at the next Council meeting for discussion.

## XIII. COMMUNICATIONS

- A. Letter from Association of Bay Area Governments (ABAG) Re: Adoption of Draft Regional Housing Need Allocation (RHNA) Methodology dated May 29, 2012

In response to the Mayor, Ms. Brekke-Read clarified the Town of Moraga's Regional Housing Need Allocation (RHNA) and explained that ABAG had gone back to the new baseline. The new RHNA numbers for 2014 to 2022 used the 2010 Census adjusted for 2012. She reported that the RHNA going forward was 210 units. The Moraga Center Specific Plan (MCSP) area and the current Housing Element had already accommodated such growth which was achievable although it was difficult to predict if growth would occur. She commented that the RHNA was driven by transportation and whether or not a community had a Priority Development Area (PDA).

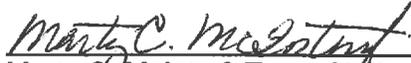
Ms. Brekke-Read commented that the letter was asking for feedback from the Town on the methodology being used by ABAG. She saw no reason for the Town Council to direct staff to prepare a comment letter in response the Town Manager concurred.

**ACTION: It was M/S (Mendonca/Harpham) to extend the Town Council meeting to 11:10 P.M. Vote: 4-0-1. Absent: Trotter.**

**XIV. ADJOURNMENT**

**ACTION: It was M/S (Harpham/Chew) to adjourn the meeting at 10:55 P.M. Vote: 4-0-1.  
Absent: Trotter.**

Respectfully submitted by:

  
\_\_\_\_\_  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
\_\_\_\_\_  
Michael Metcalf, Mayor