

**TOWN OF MORAGA
TOWN COUNCIL SPECIAL MEETING
TOWN GOALS WORKSHOP**

**January 12, 2013
MINUTES**

8:30 A.M. Special Meeting

Hacienda de las Flores, La Sala Building
2100 Donald Drive, Moraga, California 94556

I. CALL TO ORDER

The special meeting was called to order at 8:37 A.M. by **Mayor Dave Trotter**.

ROLL CALL

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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Mayor Trotter led the Pledge of Allegiance.

III. ADOPTION OF MEETING AGENDA

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

Ellen Beans, Moraga, requested that in the future the date of the Town Goals Workshop be set six months in advance to increase public awareness for scheduling purposes and because it was too difficult for staff to prepare for two Council meetings back-to-back.

Margaret DePriester, Moraga, commented on the need for the Moraga Trail to be cleaned and asked who was legally responsible for such maintenance.

Dale Walwark, Moraga, recommended consideration of priorities rather than goals; and expressed concern with more housing resulting in an increase in traffic on the Town's arterial streets.

V. DISCUSSION AND PRIORITIZATION OF TOWN GOALS

Town Manager Jill Keimach thanked the community for attending, and the Public Works and Parks and Recreation Department staff for the extra set-up for the meeting. She presented a PowerPoint presentation and reported that although the Town operated under minimal resources, the Town was financially stable and balanced. She described Town personnel as dedicated and committed although limited, with several vacancies in the Planning, Engineering, and Police Departments.

Ms. Keimach identified the recent accomplishments and goals for each department; Town Manager, Town Clerk, Planning, Police, Parks and Recreation, Public Works/Engineering, and the Administrative Services Departments.

Mayor Trotter identified his proposed Goals for 2013, as follows:

1. Exercise Continued Fiscal Discipline;
2. Implement Measure K Road Repair Program for Moraga;
3. Initiate/Complete Targeted General Plan Amendments and Rezoning During 2013;
4. Outreach and Partner with Moraga School District (MSD) on Matters of Common Interest;
5. Complete Laguna Creek Storm Damage Repairs Project at the Hacienda de las Flores;
6. Negotiate with Moraga Country Club Regarding its Land Lease with the Town; and;
7. Rheem Theatre*

***Mayor Trotter** requested that his original presentation for proposed Goals for 2013 be amended by eliminating Goal #7 (Consideration of annexation into Moraga Lands within the Sphere of Influence (SOI) at the end of Camino Pablo), to be replaced with a goal for the "Rheem Theatre."

Councilmember Metcalf sought a focus on the recruitment and retention of Town staff.

Mayor Trotter opened public comment.

Roger Poynts, Moraga, spoke to Goal #1 and urged the Town Council not to overburden Town staff, emphasizing the need for additional Town staff. He pointed out that Goal #3 would require California Environmental Quality Act (CEQA) analysis; a moratorium on development would stop all development fees; and he asked the Town Council not to develop mutually exclusive goals but to set priorities.

Joan Bruzzone, Lafayette, asked about the funding for the \$7-8 million in Mayor Trotter's proposed Goal #2 to repair neighborhood streets with complete financing by summer 2013. Administrative Services Director Stephanie Horn advised that, if the Council decided, a portion of the sales tax could be leveraged now rather than waiting for the sales tax to come in annually.

As the owner of a new business, Hollie Lucas-Alcalay, Moraga, noted her frustration with the Economic Development Action Committee's (EDAC's) interpretation of the General Plan; liked the idea of updating the General Plan; and urged community input into an actual ordinance. She also wanted to see any updated General Plan language apply to both the Moraga Center and the Rheem Valley Center.

Suzanne Jones, Preserve Lamorinda Open Space, Moraga, also supported an update of the General Plan, and a temporary moratorium on development of open space. She believed there were inconsistencies between the approved Rancho Laguna II and the General Plan.

Stephanie Garabrant-Sierra, Moraga, supported a moratorium on development in the hills and agreed a General Plan Amendment would be a good idea.

Teresa Onoda, Moraga, commented that the Town of Moraga had good schools and open space, and that the General Plan must reflect what the citizens of Moraga desired.

Richard Immel, Moraga, supported a proposed moratorium, urging the General Plan be strengthened to protect any activity that would accomplish this goal; and pointed out there had been two moratoriums in the past (in 1974 and 1986) and there was no legal reason why the idea could not be considered. He commented that he had been a co-sponsor of the Moraga Open Space Ordinance (MOSO) initiative; suggested taking high-risk areas out of MOSO would be a violation of MOSO absent mitigation; emphasized that high-risk lands could not be mitigated to allow building; and suggested that mitigation should not be in the guidelines.

Debbie Kolhede, Moraga, supported a moratorium on open space development and suggested it would be inappropriate to move forward with any more large developments.

Graig Crossley, Moraga, asked the Town Council to consider the residents of Moraga and the property owners and pointed out that Palos Colorados had been waiting for the past 20 to 30 years and that the Town had done its due diligence.

Dale Walwark, Moraga, asked which projects were considered open space.

Dave Bruzzone, Moraga, pointed out that in 2008 there had been a very divisive push for more MOSO; the original MOSO had provided development on certain ridges; there were significant controls on property due to MOSO; and forcing additional controls would result in a taking of properties. He emphasized that the Town did not have the staff resources for a General Plan Amendment; he urged a focus on roads, parks, recreation, and the need for future potential high-end housing to create a vibrant downtown.

Malcolm Sproul, Moraga, suggested that the recent approvals of development indicated there were problems with the implementation of MOSO; he agreed that a moratorium would be appropriate.

Joan Bruzzone commented on the number of vacancies of properties in both of the Town's shopping centers; emphasized the need for businesses in order to provide the Town with expected sales tax revenues; and noted that some existing retail businesses had been unable to pay their rent.

Ms. Keimach noted that the results from an analysis of sales tax data from a number of cities indicated that local sales taxes had little or no impact on retail sales. She acknowledged that a General Plan Amendment would be expensive and would require further research to identify the fiscal impacts to the Town.

Frank Melón, General Manager of the Moraga Country Club, reported that the Moraga Chamber of Commerce Board of Directors had polled all of the businesses in Town and a vast majority supported Measure K.

Mark Armstrong, the applicant for Rancho Laguna II, pointed out that the Rancho Laguna II development had been seven years in process and \$2 million in expenses; the project complied with the General Plan; and the developer would vigorously defend their right to build and seek damages in court.

Councilmember Metcalf stated that if the Town were faced with a lawsuit, the funds to defend the Town would come from the General Fund. He recommended updating the General Plan without the risk areas.

Vice Mayor Chew spoke to the impacts on staffing resources in order to realize the Mayor's stated Goal #3.

Councilmember Arth suggested that a moratorium only address new development and not applications in the pipeline.

Mayor Trotter recommended consideration of appointing a subcommittee to review the targeted General Plan Amendments.

Ms. Keimach recommended that staff prepare a broad range of options for the Town Council to consider at a future Town Council meeting. The range of options could include different areas for a moratorium and different areas and ways the General Plan goals could be considered. She added that the list of options could also include the pros and cons of the relative risks to the Town.

By consensus, the Town Council directed that such information be returned to the Town Council for discussion at a later date.

Mayor Trotter declared a recess at 11:06 a.m. The Town Council Special Meeting Town Goals Workshop reconvened at 11:12 a.m. with all Councilmembers present.

Al Dessayer, Moraga, spoke to the adoption of the Moraga Country Club (MCC) contract 19 years ago and asked that the contract, which did not need to be revised, remain intact since it was fair to the MCC, Caltrans, and the community. He was not opposed to the Mayor's Goal #6 as long as the Town Council did not renegotiate the MCC contract.

Mr. Crossley urged the Town Council to follow the process which was clearly not a negotiation and which was fair to the MCC. He agreed that the goal should not be to 'negotiate,' but rather begin the process outlined in the contract.

Mr. Walwark spoke to the Town's franchise fees for the wear and tear of the Town streets by garbage trucks and asked for monies from renegotiated rents whereby the MCC may allow franchise fees to be used for street maintenance.

Frank Melón, Moraga Country Club, commented that he was confident the MCC could come to a collaborative agreement with the Town that was fair to both sides, and which reflected a good partnership. He pointed out that the MCC was not separate from the Town and was part of the Town with 93 percent of their membership residents of Moraga.

Steve Woehleke and Mr. Crossley asked that Goal #5 be revised to reflect that the Laguna Creek Storm Drain Damage Repairs Project at the Hacienda de las Flores not be "complete" in 2013 through the replacement of the retaining wall, but that the project continue to address flooding.

Tina Brier, Moraga, referring to Goal #4, reiterated her willingness to volunteer to help with the Joaquin Moraga Master Plan discussions.

Bill Carman, Moraga, spoke to Goal #4 and emphasized the need for the Town to work with the Moraga School District (MSD), and supported a joint meeting between the MSD and the Town Council in March.

Ms. Keimach advised that she would reach out to the MSD. As to Goal #7, as revised for the Rheem Theatre, she reported the item would be agendaized for Council consideration to consider the preparation of a study for the long-term viability of the Rheem Theatre by partnering with the property owner, the California Independent Film Festival (CAIFF), the theatre operator, and the Moraga Chamber of Commerce.

Caroline Wood, Moraga, asked that the Town Council consider a plan that started with the theatre operator and manager; understood the property owner had not invested additional monies into the theatre and urged consideration of a community center not just a theatre.

Jeff Schwartz, Moraga, supported the theatre which attracted people to the community including children and seniors and urged the matter be discussed now and not next year. He was pleased to see the attendance at the goals session and expressed his respect and appreciation for Town staff.

John Haffner, Moraga, expressed concern where donation checks were going for the Rheem Theatre, and encouraged the Town Council and staff to work with the theatre management to ensure the appropriate use of donated funds.

Mr. Melón requested the Council consider a goal of attracting and retaining staff with an additional goal of a salary compensation study to assist with recruitment and retention of Town staff.

VI. ADJOURNMENT

ACTION: It was M/S (Chew/Arth) to adjourn the meeting at 11:57 A.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Dave Trotter, Mayor