

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**April 24, 2013  
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 7:00 P.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**

**Councilmember Metcalf** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**A. Proclamation Honoring Ken Tom for Dedicated Service to the Town of Moraga**

**Mayor Trotter** read into the record a proclamation honoring Ken Tom for his dedicated service to the Town of Moraga and declared April 24, 2013 as Ken Tom Day.

Ken Tom, Moraga, thanked the Town Council for the proclamation and expressed his appreciation for the opportunity to serve the community for the past several years through the Lamorinda Community Emergency Response Team (CERT).

Linda Borelli, Moraga, expressed her appreciation to Mr. Tom for all his efforts in the community and his involvement with CERT, the Red Cross, and emergency preparedness.

Duncan Seibert, Moraga, Program Manager Lamorinda CERT, also commended Mr. Tom's efforts and work with Lamorinda CERT and thanked him for his contributions.

Moraga Chief of Police Robert Priebe also commended Mr. Tom and emphasized his support for the Moraga Police Department, advising that Mr. Tom had enhanced his personal and professional life having sponsored him for the Moraga Kiwanis Club.

The Town Council recognized and applauded the efforts of Mr. Tom for all of his work with many community organizations.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**B. Proclamation Declaring April 21 to 27, 2013 as National Volunteer Week**

**Mayor Trotter** read into the record a proclamation declaring April 21 to 27, 2013 as National Volunteer Week in recognition of the dedication and hard work of local volunteers in their support of the Contra Costa County Library.

Diane McDonnell, Senior Community Library Manager for the Moraga Library, thanked the Council for the proclamation and applauded the many Library volunteers, particularly Friends of the Moraga Library.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**C. Proclamation Honoring Richard Olsen as Moraga's 2013 Citizen of the Year**

**Mayor Trotter** asked for a motion for the approval of the proclamation honoring Richard Olsen as Moraga's 2013 Citizen of the Year to allow the proclamation, as modified, to be signed and presented during the Citizen of the Year event on May 3, 2013.

**ACTION: It was M/S (Metcalf/Wykle) to approve the Proclamation Honoring Richard Olsen as Moraga's 2013 Citizen of the Year, as modified. Vote: 5-0.**

**V. PUBLIC COMMENTS AND SUGGESTIONS**

There were no public comments or suggestions.

**VI. ADOPTION OF THE CONSENT AGENDA**

**A. Approval of the Consent Items**

No items were removed from the Consent Agenda.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Arth/Metcalf) to approve the Consent Agenda, as shown. Vote: 5-0.**

- |    |  |          |
|----|--|----------|
| 1) | Accounts Payable Claims for 4/1/2013 (\$27,884.38);<br>4/5/2013 (\$149,784.92) | Approved |
| 2) | Approve Minutes for Town Council Meeting on February 27,<br>2013               | Approved |

- 3) Approve by Motion Authorization for the Town Manager to Deem Identified Town-Owned Vehicle as Surplus Approved

B. Consideration of Consent Items Removed for Discussion

No items were removed from the Consent Agenda for discussion.

VII. ADOPTION OF MEETING AGENDA

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

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

**Mayor Trotter** - Reported that he had attended a Central Contra Costa Solid Waste Authority (CCCSWA) Finance Committee meeting on April 15; the Audit and Finance Committee (AFC) meeting on April 16; a press conference at the Moraga Adobe related to the agreement between Friends of Joaquin Moraga Adobe and J&J Ranch, and on the same day a meeting with the Mayors of Orinda and Lafayette and a representative from the East Bay Regional Park District (EBRPD) for a ribbon cutting ceremony for the new Commons Park Skateboard parking lot on April 18; the Mayor and Chairs meeting on April 19; and the Lamorinda Mayors and Town/City Managers meeting in the City of Orinda on April 22.

**Vice Mayor Chew** - Reported that he had attended the CCCSWA Personnel Subcommittee meeting on April 17.

**Councilmember Arth** - Reported that he had attended a Moraga Chamber of Commerce Board meeting on April 3; the Planning Commission public hearing for the Bollinger Valley Environmental Impact Report (EIR) on April 17; and the Association of Bay Area Governments (ABAG) Spring General Assembly and business meeting on April 18.

**Councilmember Metcalf** - Reported that he had attended a recent meeting of the AFC; and a meeting of the Contra Costa Transportation Authority (CCTA).

**Councilmember Wykle** - Reported that he had attended the Moraga Education Foundation (MEF) Spring Festival held at The New Rheem Theatre.

- B. Town Manager Update – Town Manager Jill Keimach reminded the Council of the Joint City of Orinda/Town of Moraga meeting scheduled for April 29 at 7:00 p.m. in the Orinda Library, with a discussion on Moraga-Orinda Fire District (MOFD) matters.

IX. DISCUSSION ITEMS

A. Update on Status of Sustainable Communities Strategy (SCS)

Planning Director Shawna Brekke-Read provided an update on the status of the Sustainable Communities Strategy (SCS) which the Town Council had previously discussed. She described the history of Senate Bill (SB) 375, which required all regional governments to prepare a SCS. She reported that ABAG had prepared some initial scenarios and had received feedback from

local agencies. She explained this led to the Draft Bay Area Plan which was released in late March and the EIR released in early April 2013. The Town Council had been provided a staff report from the Contra Costa Transportation Authority (CCTA). The Draft Bay Area Plan included a Draft Forecast of Jobs, Population and Housing prepared by ABAG dated March 2013. She advised that MTC had made presentations for elected officials in the last week and would be holding a series of public hearings and workshops throughout the nine Bay Area counties, including one recently held in Walnut Creek. The Draft Bay Area Plan and EIR were available for public review online. The deadline for comments was May 16, 2013. She noted that one of the focus points for the SCS was growth in Priority Development Areas (PDAs). Moraga had one PDA within the Moraga Center Specific Plan (MCSP).

Ms. Brekke-Read noted that communities near transit, such as Orinda and Lafayette, had received increased Regional Housing Needs Allocation (RHNA) numbers from ABAG, while Moraga's RHNA was lower. While the Town would be required to update its Housing Element in 2014, she stated the Housing Element was in good shape, having identified more units than ABAG required. She noted a downside was that the SCS was linked to the OneBayArea Grant (OBAG), and, moving forward all local agencies would be measured by the amount of housing communities produced in order to obtain funding for future transportation projects. Another potential issue was a requirement from MTC that all Congestion Management Agencies (CMA) produce a PDA Investment Strategy. The CCTA had submitted said strategy to the MTC. She emphasized the link between PDAs and federal funding for transportation projects, with the CCTA discussing reauthorizing Measure J and expanding that sales tax.

Ms. Brekke-Read suggested the Town Council may want to provide direction to Councilmember Metcalf as the Council liaison to the Southwest Area Transportation Committee (SWAT) to ensure the PDA link was not pushed into Measure J given that the Town received limited transportation dollars and local agencies wanted as much control as possible.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Councilmember Metcalf** understood that the most recent MTC workshop held in Walnut Creek, which he had not attended, had not resulted in pleasant reactions to the SCS. He noted the CCTA's latest meeting also had this discussion on its agenda, commented that there was a lot of misinformation related to the SCS, but recognized that it would have little impact on Moraga since the MCSP work had been forward thinking and the General Plan had focused on development in the downtown area. He agreed there was a concern given the linkage between federal funding and PDAs which were manifestations of larger metropolitan communities. He recognized the Town had one PDA, and he questioned why the second PDA the Town had requested would not be approved given the funding that would be related to it. He suggested the good news from this process was that MTC had thoroughly received the message from Moraga, Lafayette, Orinda, and Clayton to fix and maintain what they had and not to expand, which was what sustainability really was and the basis for the Measure K program. He noted the prime objective of SB 375 was greenhouse gas emissions (GHGs) and the primary benefit of the SCS was that this was the first time the Bay Area had tried to link land use and transportation. He also understood the update cycle for the SCS was around 2017, and suggested the Town should do its best to stay in the game and ensure no linkage between the future and funding allocations in the PDAs which would work against the Town.

**Mayor Trotter** noted that the Mayors of the cities of Orinda and Clayton had made a SCS presentation during a Mayors' Conference three years ago; noted the last time the SCS had

been discussed the Town had submitted comments; and asked whether staff had reached out to the communities of Lafayette and Orinda as to how they would be responding to the SCS.

Ms. Brekke-Read affirmed that had been done and pledged to work for another PDA approval, if possible.

**Mayor Trotter** also affirmed with staff that funding eligibility required that future housing identified in the General Plan and Housing Element be built in the future. He asked staff whether the Town should be preparing comments in response to the SCS.

Ms. Brekke-Read explained that it would likely be more of a comment from the Town directed to the CCTA about the PDA Growth and Investment Strategy, which was one of the CCTA's scoring criteria in OBAG. While the same comment could be made to the MTC, she was uncertain it would make a difference.

Ms. Keimach agreed that it made sense for the Town to provide comments to the CCTA; agreed with the concern with the potential for future linkage of Measure J funds to PDAs given the Town relied heavily on Measure J funds in its budget, Measure J taxes generated in Moraga should be spent in Moraga, and linking Measure J monies to OBAG would have a serious impact on Moraga. She commented that any letter to the CCTA or the MTC should be signed by the Mayor, the Planning Director, or Councilmember Metcalf as the liaison to SWAT.

**Councilmember Metcalf** recommended that any letter be prepared prior to the next SWAT meeting since the issue would be discussed again and there would be communication from SWAT to the CCTA as well.

By consensus, the Town Council directed staff to prepare a comment letter to the CCTA and MTC asking them to support all cities in Contra Costa County, to continue prior allocations of Measure J revenues to avoid impacts by OBAG, and to keep Measure J funds in Moraga that were collected here. Further, staff was directed to inform CCTA and MTC that the actual funding in the PDAs not be tied to the actual provision of new housing, with said letter to be reviewed by the Mayor and Councilmember Metcalf as the SWAT liaison prior to the May 13, 2013 meeting of SWAT.

Ms. Keimach suggested that staff could prepare three bulleted concise items which the Mayor and Councilmember Metcalf may review prior to finalization.

## **X. PUBLIC HEARINGS**

There were no public hearings.

## **XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION**

- A. Review and Accept Third Quarter Report on Fiscal Year 2012/13 Revenue and Expenditures through March 31, 2013**

Administrative Services Director Stephanie Hom presented the Third Quarter Report on Fiscal Year 2012/13 Revenue and Expenditures through March 31, 2013, and noted that the report had been provided to the Town Council on a quarterly basis to ensure the monitoring of all budget revenues and expenditures. She reported that revenues had reached 55% with budget expectations on target and consistent with revenue receipts as compared to the same time period in 2012. She clarified that revenue receipts were received irregularly, citing property taxes as an example, in December and April. Expenditures were also on target, below expectations, at 65% compared to the same period in 2012. There had been higher

expenditures in the Administrative Services Department as a result of large payments at the beginning of the year, and some vacancies in the Public Works and Planning Departments had been filled.

Ms. Hom asked the Town Council to accept the Third Quarter Report on Fiscal Year 2012/13 Revenue and Expenditures through March 31, 2013.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**Councilmember Metcalf** reported that the Third Quarter Report had been presented to the AFC with some comments but no changes.

The Town Council acknowledged the benefit and effectiveness of receiving the report on a quarterly basis.

**ACTION: It was M/S (Chew/Wykle) to review and accept Third Quarter Report on Fiscal Year 2012/13 Revenue and Expenditures through March 31, 2013. Vote: 5-0.**

**B. Discuss State Legislation Banning Single-Use Plastic Bags and Provide Direction to Staff**

Ms. Keimach advised that the issue of single-use plastic bags had been discussed in many communities for years given that plastic bags did not break down in landfills. There had been initial concerns with litigation but since that time Alameda County had successfully imposed a countywide plastic bag ban. The state had two pending bills (one in the Assembly and one in the Senate) which had been amended to the point of becoming the same bill, and which recommended a statewide ordinance rather than various ordinances that varied community to community.

Ms. Keimach reported that the CCCSWA had reviewed the two bills and supported a statewide evaluation of a plastic bag ban. The City of Lafayette was considering a local ban but postponed a decision. The local Climate Action Plan (CAP) Task Force had a mixed response and the California Grocers Association (CGA) was in support of the statewide bill since they preferred consistency among stores in multiple jurisdictions. The Town Council was provided with two letters of support for consideration.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**Mayor Trotter** reported that the City of Walnut Creek had also been considering a local ordinance. He spoke to his time on the CCCSWA Board, at which time perennial discussions had been held as to whether the CCCSWA should adopt an ordinance which would apply to jurisdictions within the CCCSWA. In his opinion, the CCCSWA did not have that jurisdiction and he did not support consideration of a local ordinance. He sought outreach to local businesses before any action was taken to avoid impacts in Moraga and suggested a statewide ban made more sense as the best way to protect the environment and to proceed.

**Councilmember Metcalf** emphasized the need to be careful to avoid adverse impacts on local businesses. He suggested that the draft letter would be effective in urging the merger of the two pieces of legislation, with one bill and consideration of potential exemptions. He added that the Council had not been asked to comment in the past on legislation it had not been provided and he would have liked to have seen the legislation currently being discussed.

**Councilmember Wykle** affirmed the issue had been discussed by the CAP Task Force. He requested input from the Moraga Chamber of Commerce to determine potential impacts on local businesses, and did not support forwarding the letters until such time as the public outreach had been achieved and the legislation provided to the Council for review.

**Vice Mayor Chew** also did not support sending the letters pending more discussion and public outreach.

**Councilmember Arth** supported a statewide program rather than a local ordinance. He agreed that sending the letters out now would be premature and there should be feedback from the Chamber of Commerce. As the Chamber of Commerce Liaison, he would forward the Council's comments.

Ms. Keimach reiterated her understanding that the two pieces of legislation were merging into one, had been amended, and were both in committee and ready for a vote of the full Assembly and Senate. The League of California Cities and the CCCSWA Board had requested direction from the Town Council with a letter of support. If a letter of support was not sent, she suggested that would be fine given that the two bills would move forward regardless.

**Mayor Trotter** suggested if the Council did not support sending the letter that would be acceptable although the item had been placed on the agenda at the request of the League and the CCCSWA and had not been intended as a discussion of a local ordinance.

Town Attorney Karen Murphy acknowledged a statewide ban could be challenged. There had been challenges to local ordinances although a number of counties and cities had been able to impose bans on plastic bags. She affirmed that state laws did not require California Environmental Quality Act (CEQA) review, and some of the past challenges to plastic bag bans had questioned whether CEQA regulations had been followed.

By consensus, the Town Council decided not to send letters in support of a plastic bag ban and directed Councilmember Arth, as the Council Liaison to the Moraga Chamber of Commerce, to raise the issue with the Chamber of Commerce Board.

**Councilmember Arth** stated that he would prepare a letter to the Chamber of Commerce Board and possibly request a special meeting on the subject, with the Town Manager to be apprised of any discussion.

Ms. Keimach added that the issue would also be addressed in the *About Town* newsletter. She emphasized staff's position was not to encourage a local ordinance but to present the issues of a local ordinance requiring extensive analysis, outreach, and discussion and whether to support the state level effort where all communities would be considered equal. As such, it was appropriate for the Town Council not to send the letters of support.

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

**Vice Mayor Chew** requested a future agenda item on the Hacienda Master Plan given that the Town had been asked to vacate the Hacienda space to allow a number of improvements to be

done to the facility. He expressed concern with piecemealing the project and sought information from staff in cooperation with the Hacienda Foundation.

Ms. Keimach affirmed the direction for staff to work with the Hacienda Foundation to provide an update on a Strategic Plan for the Hacienda no sooner than the next fiscal year.

**Mayor Trotter** asked whether the Council would support a request for a future agenda item for a potential BMX park at the Skatepark, which could possibly involve a three-way split of financial support from Moraga, Lafayette, and Orinda in response to a discussion during the recent Mayor and Chairs meeting.

Ms. Murphy recommended that three Councilmembers agree to place the matter on a future agenda if they wished to allow a discussion to occur.

The Town Council agreed not to agendize the item at this time.

### **XIII. COMMUNICATIONS**

The Town Council acknowledged receipt of the following correspondence:

- A. Draft Bay Area Plan (Draft Forecast of Jobs, Population and Housing) Prepared by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) dated March 2013

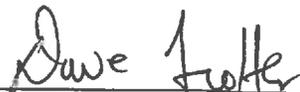
### **XIV. ADJOURNMENT**

**ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 8:49 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Dave Trotter, Mayor