

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**August 28, 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 7:05 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**

**Mayor Trotter** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**A.** Introduction of James A. Donahue, President, Saint Mary's College of California

**Mayor Trotter** introduced and read into the record a brief biography of James A. Donahue, the new President of Saint Mary's College (SMC) of California.

James A. Donahue, President, SMC, thanked the Council for the honor and privilege of introducing himself to the Moraga community, and developing a partnership between SMC and the Town. He identified his background, was pleased to join SMC, with SMC benefitting from being embedded in the Moraga community. He reported that August 29 was move-in day for SMC college freshman who would be the Town's newest residents, and he looked forward to working with the Town to maximize opportunities for SMC students as customers and consumers of the services provided by the Town. He emphasized the importance of the relationship between SMC and the Town, the confidence and trust between SMC and the Town, and assured the Town that trust would be built further. He acknowledged the need to find compromises around some issues, emphasized that the relationship between the Town and SMC would be his top priority, and looked forward to reconvening and becoming personally involved with the Town Gown Subcommittee.

The Town Council congratulated and welcomed SMC President Donahue to Moraga, recognized that SMC was an integral part of the Town of Moraga, and looked forward to maintaining the relationship between the Town and SMC.

Town Manager Jill Keimach thanked President Donahue for his accessibility, noting she too looked forward to a continued partnership with SMC.

#### PUBLIC COMMENTS OPENED

Edy Schwartz, Moraga, welcomed President Donahue to the Town of Moraga and spoke to the new possibilities with SMC, noting she looked forward to working with President Donahue.

#### PUBLIC COMMENTS CLOSED

### V. PUBLIC COMMENTS AND SUGGESTIONS

Diane McDonnell, Community Library Manager, spoke to the goals of the Contra Costa County Library system, and reported that the Moraga Library would be embarking on a strategic planning process to guide its work over the next few years, with a Town Hall meeting scheduled for Thursday, September 19, 2013 at 7:00 p.m. at SMC's De La Salle Hall. She urged interested participants to register online with the Contra Costa County Library and she invited everyone to participate.

**Mayor Trotter** requested that staff include the information on the Library's Town Hall session in the next About Town newsletter.

Bob Reynolds, Moraga, announced that former Moraga resident Chuck Treat, a close friend, had recently passed away. He took the opportunity to pay tribute to Mr. Treat at that time.

Graig Crossley, Moraga, echoed the comments of the previous speaker.

**Mayor Trotter** acknowledged Mr. Treat's past service to the Town as a former Park and Recreation Commissioner and volunteer for the community and expressed his condolences to the Treat family. He emphasized that Mr. Treat had been instrumental in recruiting him to serve on the Moraga Park Foundation and asked that a letter of condolence be sent to Mr. Treat's wife, Lonnie Treat.

Chief of Police Robert Priebe advised that Mr. Treat had been a great supporter of the Moraga Police Department, and given the 35th anniversary of his becoming a police officer, he emphasized the honor of learning from certain people, of which Mr. Treat was on the top of the list. He was pleased the Town would recognize Mr. Treat's service to the community.

Edy Schwartz, Moraga, also commended Mr. and Mrs. Treat's service to the community. She also reported on the recent loss of Mary Elena Dochterman, the wife of Cliff Dochterman, both stalwart members of the Moraga community.

### VI. ADOPTION OF THE CONSENT AGENDA

#### A. Approval of the Consent Items

Consent Agenda Item Nos. 3 and 5 were removed from the agenda.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Chew/Wykle) to approve Consent Agenda Items 1, 2, 4, and 6. Vote: 5-0.**

- |    |   |                |
|----|---|----------------|
| 1) | Accounts Payable Claims for 7/12/2013 (\$68,583.80); 7/12/13 (\$105,524.23); 7/26/13 (\$112,970.03); 7/26/13 (\$84,521.62); 8/09/13 (\$120,650.64)  | Approved       |
| 2) | Approve Minutes for Town Council Regular Meeting on June 26, 2013   | Approved       |
| 3) | <i>Approve Minutes for Town Council Regular Meeting on July 10, 2013</i>  | <i>Removed</i> |
| 4) | Authorize Town Response to Grand Jury Report No. 1311, "Assessing Fiscal Risk" by the 2012-2013 Contra Costa Grand Jury   | Approved       |
| 5) | <i>Authorize Town Response to Grand Jury Report No. 1305, "Getting to Clean Water in Contra Costa County" by the 2012-2013 Contra Costa Grand Jury</i>  | <i>Removed</i> |
| 6) | Consider Resolution 60-2013 Authorizing the Filing of an Application for Safe Routes to School Grant Funding Through the Metropolitan Transportation Commission for the Moraga Road Pedestrian and Bicycle Safety Project, Committing any Necessary Matching Funds, and Stating the Assurance to Complete the Project | Approved       |

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

1. Approve Minutes for Town Council Regular Meeting on July 10, 2013

**Mayor Trotter** advised that he had submitted redline strikeout changes to Page 3 of the minutes of the July 10, 2013 meeting with copies provided on the dais and to the public that night. He asked that the meeting minutes be approved, as amended.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Arth/Metcalf) to approve the Minutes of the Town Council Regular Meeting on July 10, 2013, as amended with the changes submitted by Mayor Trotter. Vote: 3-0-2. Abstain: Chew, Wykle.**

2. Authorize Town Response to Grand Jury Report No. 1305, "Getting to Clean Water in Contra Costa County" by the 2012-2013 Contra Costa Grand Jury

**Mayor Trotter** advised that on behalf of the Town he had reviewed and made revisions to the Town's response letter, which he had provided to staff and the Town Council in a redline strikeout format with copies provided on the dais and to the public that night.

Ms. Keimach explained the background of the Town's response letter in cooperation with the Contra Costa Clean Water Program (CCCWP), with a fact sheet having been prepared, which would be posted on the CCCWP website and confirmed a link could be provided on the Town's website.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Chew/Arth) to authorize Town Response to Grand Jury Report No. 1305, "Getting to Clean Water in Contra Costa County" by the 2012-2013 Contra Costa Grand Jury, as amended with the changes submitted by Mayor Trotter. Vote: 5-0.**

### VII. ADOPTION OF MEETING AGENDA

**ACTION: It was M/S (Wykle/Chew) 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) Board meeting on July 25; the Swearing-In ceremony for Officer Kevin Mooney on August 13, with a recommendation for future ceremonies to be held in a similar setting; the Lamorinda Community Picnic on August 15; the Mayor and Chairs' Breakfast on August 16; the last summer concert of the season on August 22; the paving demonstration on August 23; the Moraga Chamber of Commerce barbecue on August 27; discussed the need for a joint Moraga School District (MSD)/Town Council meeting with MSD Superintendent Bruce Burns; signed the ballot arguments for the MSD parcel tax scheduled for the November ballot; and reported he had received complaints from members of the community regarding impacts from 24-Fitness Center patrons using most of the parking in the North Rheem Area Shopping Center, which had impacted the neighboring businesses and restaurants which also shared the parking lot.

**Vice Mayor Chew** - No report.

**Councilmember Arth** - Reported that he had attended the monthly Chamber of Commerce Board meeting on August 7; the Swearing-In ceremony for Officer Kevin Mooney on August 13; and the Lamorinda Community Picnic on August 15.

**Councilmember Metcalf** - Reported that he had recently attended both paving demonstrations and he commended the community's cooperation in moving their vehicles to allow the paving work to be conducted.

**Councilmember Wykle** - Reported that he had attended the Moraga-Orinda Pool Association Swim Meet as the representative of the Acalanes Union High School District.

#### B. Town Manager Update – Ms. Keimach reported that during the month of August the Town successfully sold its Certificates of Participation (COP) for the road

measure, and had closed the sale last week with some additional work to be done mostly to resolve title issues. She also reported that in the last week she and the Town Clerk had attended an Earthquake Emergency Preparedness class and emphasized the importance that all Town staff be trained as much as possible. In addition, Chief of Police Priebe would be leaving on August 29 for the Rim Fire near Yosemite to view firsthand the Incident Command Center.

Ms. Keimach advised that the previous Town Council had addressed a code enforcement issue at 316 Calle la Montana by placing a lien on the property, which had now been sold, and the Town would receive its money from the lien. The new property owner was beginning the process to remodel and clean up the property.

## **IX. DISCUSSION ITEMS**

### **A. Review and Accept Hacienda Foundation of Moraga Strategic Plan for the Hacienda de las Flores**

Steve Woehleke, President, Hacienda Foundation of Moraga, presented a PowerPoint presentation on the Strategic Plan for the Hacienda de las Flores, identifying the mission of the Hacienda Foundation. He identified the Hacienda Foundation's accomplishments to date and its results to provide feedback and help plan the future; introduced Hacienda Foundation Boardmembers present; identified the renovation projects planned and completed in concert with the Parks and Recreation Department; the ongoing fundraising efforts; the profits from the various community events; and explained that the Hacienda Foundation had not been successful in creating corporate interest in providing major funding at the current time. He reported that a presentation had been made to the Park and Recreation Commission with the next objective to broaden the stakeholder input, and identified the numerous Hacienda Strategic Plan recommendations including partnering with the Town to raise funds for major capital improvement projects. He sought feedback from the Town Council on the Strategic Plan.

Responding to the Council, Mr. Woehleke explained that the existing facilities improvement opportunities had not been prioritized. He recognized that the Town's focus was on the maintenance and operations of the facilities while the Hacienda Foundation was more focused on renovations, upgrading, and modernization. Prioritization could occur once input had been received from the stakeholders on the Strategic Plan.

Responding to the Council, Parks and Recreation Director Jay Ingram stated that a facilities assessment had not been conducted for the Hacienda buildings. He was uncertain when it had been last assessed and noted that through the Capital Improvement Plan (CIP) process, the Town Council had approved funds for a property site plan.

Mr. Woehleke explained that the concept of turning the Hacienda into a significant restaurant in order to maximize revenues involved significant capital costs and would limit its use as a community center, and as a result, was not a high ranking alternative for the Hacienda Foundation. He acknowledged that patrons of an eating establishment had not been identified as one of the many stakeholders since a restaurant had not been in operation at the time the list of stakeholders had been prepared. Responding to the recommendation to pursue the renovation of the second floor of the main building, he acknowledged a request from the Council to identify a specific plan for renovation.

Graig Crossley, Moraga, advised that Americans with Disabilities Act (ADA) compliance for the Hacienda building had been an issue for the past two and a half decades, with viable uses for the second story to be identified prior to the pursuit of the renovation of the second floor.

Mr. Ingram identified the programs offered by the Parks and Recreation Department on the second floor of the Hacienda building during the summer, with reasonable accommodations for another room downstairs if an individual could not access the second floor.

Mr. Woehleke also described the working partnership between the Hacienda Foundation and the Parks and Recreation Department, emphasized that nothing could be implemented at the Hacienda absent Parks and Recreation Department approval, and affirmed that there was no third party Memorandum of Understanding (MOU) between the Hacienda Foundation and the Parks and Recreation Department.

#### PUBLIC COMMENTS OPENED

Margaret dePriester, Moraga, Hacienda Foundation founding member, spoke to the background leading to the formation of the Hacienda Foundation, emphasized there remained many items that needed to be repaired at the Hacienda, applauded the work done to improve the building while there remained a lot to be done, and urged the Town Council to consider the work done to improve the building. She looked forward to future improvements.

Bob Reynolds, Moraga, commented on his work with the Park Foundation and past work as a former member of the Hacienda Foundation, noted that one of the charms of the Hacienda was its secluded nature, while one of the problems from a marketing standpoint was the fact it was not visible, suggesting the priority would be to determine whether it should be secluded or visible. He added that parking was an issue, the site was difficult for some people to access, the grounds were lovely, but the main building was difficult. He suggested that the best use of the second floor would be a magnet facility for community groups where people could come in and use the facility similar to a virtual office space.

Judy Dinkle, Moraga, offered a conceptual idea of what the Casita building could look like if enlarged as recommended in the 2008 Hacienda Business Plan, somewhere between 2,500 and 3,500 square feet in size, with the enlargement using the existing plumbing and electrical; storage facility for tables and chairs at the rear, and an open area for year-round rentals (i.e. weddings); the possible use for Town Council, Commission, and community meetings; with the front of the Casita to face the main Hacienda building. She noted that major fundraising for such an effort would require the preparation of a conceptual plan.

Edy Schwartz, Moraga, thanked the Hacienda Foundation Board for its efforts for the Hacienda. She noted that the community events held at the Hacienda had brought the community together and the new Café Hacienda offered many opportunities for the public. She spoke to the fact that the Hacienda was the best kept secret in Town, agreed that signage was needed, suggested that the Town's Sign Ordinance needed to be revised, with the scenic corridor also to be discussed as to what the community really wanted and would support. She emphasized the opportunities the Hacienda afforded the community, with many community members desirous that its historic feeling be preserved. She announced that a Leadership Symposium had been scheduled for September 26, October 10, and October 23, 2013, to be open to the public and targeted towards those involved in leadership. She invited members of the Park and Hacienda Foundations, the Town Council, and all Town Commissions to attend the symposium. She added that she had spoken with larger stakeholders who had ideas where the Town could obtain corporate money, and she extended an invitation to those parties as well. She also asked that the fireplace at the Hacienda be repaired, particularly if the Café Hacienda was retained.

#### PUBLIC COMMENTS CLOSED

Ms. Keimach commented that if the Town Council wished, staff could pursue, in partnership with the Hacienda Foundation, some of the recommendations such as the fireplace or ADA elevator for the second floor.

**Mayor Trotter** asked staff to determine whether the existing signage on Moraga Road pointing to the Hacienda is adequate. He sought more signage directing people to the Hacienda.

**Councilmember Arth** commended the presentation, thanked everyone for their comments, liked the direction of the Strategic Plan, wanted to see the priorities and which projects could be supported by the Council, and found the issue of signage to be independent of everything else.

**Vice Mayor Chew** also supported the direction of the Hacienda Foundation, commended the effort to bring the facility up to code and ADA compliance, commended the efforts to recruit the younger generation to become more involved, and suggested this was an opportunity for a project at the entrance from Moraga Road in conjunction with the Livable Moraga Road Project.

**Councilmember Wykle** agreed that signage was important, and rather than wait for the Livable Moraga Road project, he would not be opposed to directing staff to determine what could be done to address signage in compliance with the Town's Sign Ordinance. He suggested that a facility assessment for the entire Town should be considered a priority for the next year's CIP.

**Mayor Trotter** agreed that the Hacienda Foundation was taking steps in the right direction. In review of the list of potential improvements, he suggested that working on the parking in the former Corporation Yard would open up the Pavilion; agreed the parking area needed to be reviewed to maximize the parking potential; and suggested the improvement of the Pavilion bar and kitchen functionality was also a necessity. He liked the idea of the expansion of the existing hardscape in the patio area for events, and would like to see how the trees would be preserved and the elevation changes addressed. He suggested that the other recommendations, such as an elevator to the second floor and the expansion of the Casita, were five to ten years out at minimum.

**Councilmember Metcalf** stated the Hacienda Foundation members were talented and should propose ideas on what it wanted to do and consider the authority needed to do certain projects. He encouraged the Hacienda Foundation to approach the Town Council with project ideas.

**Mayor Trotter** recommended a modification to the meeting agenda at this time, with the Town Council proceeding to Item A under Ordinances, Resolutions and Requests for Action prior to Public Hearings. He asked for a motion to that effect.

**ACTION: It was M/S (Metcalf/Wykle) to modify the meeting agenda with consideration of Item A under Ordinances, Resolutions and Requests for Action prior to Public Hearings. Vote 5-0.**

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

- A.** Receive Update on the Livable Moraga Road Project and Provide Direction to Staff on the Formation of a Livable Moraga Road Town Advisory Committee (TAC) for the Project

Senior Planner Ellen Clark described how the Livable Moraga Road Project had started from a series of workshops that had been held in 2011 to review conditions along Moraga Road. She reported that the Town had received a Contra Costa County Transportation for Livable Communities grant in 2012 to fund a comprehensive study of the traffic conditions along Moraga Road and to review a range of issues including traffic flow, safety, and connectivity along the

corridor for all users. The project would result in a comprehensive vision of Moraga Road looking at strategic improvements to key intersections and road segments to be used to secure funding and to construct needed improvements.

Ms. Clark advised that the Town had contracted with Alta Planning + Design (Alta) to assist with the project and had held a kick-off meeting with Town staff in July, and was beginning to gather data, plan the public outreach and engagement program, and complete site reconnaissance. The intent of the update was to report that the effort with Alta had commenced, the Council would be seeing more publicity in the community with a Town-wide mailer, public workshops, information on the Town's website, and personal outreach via e-mail, telephone calls, and direct contacts with community groups to make presentations and solicit feedback. Public input for the project would commence with a session on October 3 for a Project Welcome meeting, and on October 5 for a Community Walking and Biking Tour. She identified the future workshops planned after the initial public sessions, with a key component of the project to be a TAC.

Ms. Clark identified staff's recommended formation of the TAC for the project to include representation from each of the Town's existing Boards, Commissions, and Committees and other groups as outlined in the staff report. She sought input from the Council on the formation and composition of the TAC. She noted that the Town Council and the Town's existing Boards, Commissions, and Committees would be updated throughout the process to ensure the effort was on the right track. Outreach to other agencies would also include the Moraga-Orinda Fire District (MOFD), the East Bay Regional Park District (EBRPD), school districts and others.

Responding to the Council, Ms. Clark advised that Campolindo High School had not been approached to serve on the TAC since, in discussions with Alta, the intent was to include the high school in more focused meetings. She acknowledged a request from the Mayor for staff to contact the Principal of Campolindo High School to determine his opinion on the matter. Responding to the ideas from the Hacienda Foundation as to the establishment of a visible entrance from Moraga Road, she commented that she had spoken with the Parks and Recreation Director and had forwarded this concept to the consultants. She agreed that a more distinctive entry to the Hacienda would be a good idea although there were a number of considerations, such as traffic safety, to look at.

As to the frequency of TAC meetings, Ms. Clark commented that the intent was that the TAC meetings be scheduled generally to correspond with the public workshops and meetings, and would occur a couple of weeks before each public workshop, unless the TAC desired to change the process. She added that the majority of the funds from the grant received by the Town would go towards the cost of the consultant, staff time, and necessary environmental reviews.

Ms. Keimach affirmed a Request for Proposal (RFP) for the consultant had previously been approved by the Town Council.

#### PUBLIC COMMENTS OPENED

Scott Bowhay, Moraga, spoke to his role on the Hacienda Foundation and to the possibility of an entrance from Moraga Road to the Hacienda. He commented that the recommendations from the Hacienda Foundation were a work in progress, and he planned to submit a proposal to the Hacienda Foundation Board to make Moraga Road the main entrance, with the existing garbage cans relocated off of Donald Drive. He spoke to his connection years ago with the Beautification and Tree Planting Committee and the Gates Report, which had focused on narrowing Moraga Road to one lane in each direction. He suggested that although the road was not beautiful, it served an important purpose. He expressed concern that the Livable Moraga Road Project might similarly call for the narrowing of Moraga Road.

Sharon Metcalf, Moraga, Hacienda Foundation, asked whether the Town Council had considered opening up the Hacienda's Devin Drive entrance again, which was another option. She inquired as to where signage could be placed in conjunction with a driveway.

#### PUBLIC COMMENTS CLOSED

**Mayor Trotter** spoke to the past controversy with the Gates Report, and said he would not under any circumstances support a reduction in the number of travel lanes on Moraga Road, given the impacts of traffic associated with Campolindo High School. He did not want to see any connectivity points reduce travel and traffic flows through that area which could impact thousands of people in Moraga. He sought other ways to achieve connectivity and livability.

**Councilmember Metcalf** strongly suggested that speed bumps or narrowing Moraga Road not be considered given the history in the community.

**Councilmember Wykle** found the composition of the TAC acceptable although **Mayor Trotter** was uncertain a representative from the Measure K Oversight Committee was necessary.

Ms. Clark spoke to the breadth of experience on the Measure K Oversight Committee which led staff to recommend a representative from that committee. She noted she would like to approach each of the Town's Boards, Commissions, and Committees with an agenda item in order to appoint a member from each respective body.

**Vice Mayor Chew** agreed with the proposed formation of the TAC although he would also recommend the appointment of a member of the public.

Assistant Town Attorney Karen Murphy affirmed that a member from each Town Board, Commission, and Committee may be appointed by the respective body although the appointment of a member of the public should be advertised.

**Mayor Trotter** sought formal membership from Campolindo High School on the TAC and **Vice Mayor Chew** suggested that such formal membership be included during the implementation stage of the Moraga Livable Road Project.

Ms. Keimach suggested that an invitation could be extended to Campolindo High School and to Donald Rheem Elementary School asking what role each would like to play in this matter.

**Mayor Trotter** re-opened PUBLIC COMMENT.

Graig Crossley, Moraga, asked whether the business community or the Moraga Chamber of Commerce would be included in the process, and whether there was any consideration to widen the section of Moraga Road near the park to four lanes.

Tim Farley, SMC Director of Community and Government Relations, stated that SMC was following the issue closely and would be interested in participating on the TAC if there was a role for SMC. SMC did plan to attend the TAC meetings.

Ms. Clark emphasized that beyond the TAC there would be public workshops, with staff to meet with individual community groups or organizations interested in having more focused one-on-one meetings, and with all groups to be approached by staff. She emphasized that the public outreach would be extensive while aiming to keep the TAC at a manageable size.

**Councilmember Arth** understood the intent to cast a wide net to solicit input, while recognizing that a TAC that was too large would be unwieldy. He opposed a 12-person TAC and would prefer to see a six-person TAC comprised of skilled and experienced people.

**Mayor Trotter** recommended that the Hacienda Foundation and two members of the public be added to the seven representatives as shown on Page 3 of the August 28 staff report for a total of ten TAC members, and that staff take a special outreach approach for Campolindo High School, Moraga School District, SMC, and the Moraga Chamber of Commerce. He reiterated his suggestion that representation from the Measure K Oversight Committee was unnecessary.

**Vice Mayor Chew** did not see that the Mayor's recommended approach would be feasible.

**Councilmember Metcalf** recommended an approach similar to that done for the Revenue Enhancement Community Outreach to Neighborhoods (RECON) Committee.

Ms. Keimach explained that there had been an attempt to solicit interest from younger people on the TAC, which was why staff had recommended representation from the Moraga Youth Involvement Committee (MYIC). She acknowledged that the recommendation for representation from the former Economic Development Action Committee could be stricken and replaced with the Moraga Chamber of Commerce.

On the discussion as to whether SMC should be included on the TAC, Mr. Farley suggested that suitable representation could be found at SMC with that individual attending most of the meetings. He suggested that there were several individuals who worked for SMC, were residents of Moraga, and who had expressed an interest in serving on the TAC.

The Town Council discussed the representation for the formation of a Livable Moraga Road Project TAC at length and although there was no unanimous support on representation for the TAC, **Councilmember Wykle** offered a motion to form the TAC to consist of representation from the Moraga Planning Commission, Park and Recreation Commission, Design Review Board (DRB), Traffic Safety Advisory Committee (TSAC), and MYIC only, to be nominated by the respective bodies, agendized, and in consultation with staff.

**Councilmember Arth** seconded the motion.

In response to the Mayor's request to amend the motion to include two Ad Hoc public members for a seven-member TAC, **Councilmember Wykle** suggested that special user groups be invited to attend the public workshop and TAC meetings.

**ACTION: It was M/S (Wykle/Arth) to provide direction to staff regarding the formation of a Town Advisory Committee (TAC) for the Livable Moraga Road Project to consist of representation from the Moraga Planning Commission, Park and Recreation Commission, Design Review Board (DRB), Traffic Safety Advisory Committee, (TSAC), and Moraga Youth Involvement Committee (MYIC) only, to be nominated by the respective bodies, agendized, and in consultation with staff; and with special user groups invited to attend the public workshops and TAC meetings. Vote: 3-1-1. Noes: Chew. Abstain: Metcalf.**

The Town Council returned to Public Hearings at that time.

## **X. PUBLIC HEARINGS**

- A.** Consider Introducing and Waiving the First Reading of an Ordinance Amending Section 2.20.090, Appointment and Duties of Design Review Administrator, of Title 2, and Amending Section 8.08.070, Design Review Administrator, and Chapter 8.72, Design Review, of Title 8, of the Moraga Municipal Code to Clarify and Streamline Design Review Process

Planning Director Shawna Brekke-Read reported that the Town's current design review regulations and processes were stringent with all additions and many alterations to properties. In Single-Family Zoning Districts, some projects required Design Review Board (DRB) approval, some allowed for administrative design review, and some were exempt from any design review. DRB approval was required for all projects in Commercial, Multi-Family, and Institutional Districts. She reported that in working with the DRB and the Planning Commission, the Planning Department had reviewed the design review chapter and targeted specific amendments to that chapter to help individual property owners and non-single-family projects rather than a comprehensive update.

Ms. Brekke-Read reviewed the proposed amendments as reflected in Attachment I, the *Marked Up Version of the Draft Ordinance*, as contained in the August 28, 2013 staff report. She stated that the proposed amendments had come from discussions with the DRB and the Planning Commission, that a total of six public meetings had been held (three meetings with each body), and both bodies recommended the changes submitted to the Town Council, and as reflected in the resolution attached to the staff report. She reported that she had been contacted by Mr. Farley of SMC prior to the meeting who had expressed concern with some of the amendments as they could impact SMC.

#### PUBLIC COMMENTS OPENED

Tim Farley, SMC Director of Community and Government Relations, commented that the concerns had arisen for SMC as a result of routine maintenance items that SMC had been conducting over the summer, and the need for clarification of the proposed amendments to the sections referenced by staff. He offered some language changes SMC had proposed, which had been provided to staff for Town Council consideration.

Ms. Brekke-Read identified a new change supported by staff to the *Marked Up Version of the Draft Ordinance* for Article 3, Design Review in Land Use Districts Other than Single-Family Residential, Section 8.72.060, Generally, B, Exceptions, 1, which had not been reflected in the document presented to the Town Council. She recommended the phrase "the use of the property and" be stricken from that section and added that any substantive changes made to the ordinance would require a return to the Planning Commission.

**Mayor Trotter** noted that HVAC units were a concern and should be addressed in the ordinance. He identified the following revisions he would like made to the *Marked Up Version of the Draft Ordinance* (Attachment I):

- Article 2, Design Review in Single-Family Land Use Districts, 8.72.030, Design Review procedure for additions or alterations, B, Exceptions, 8, revise to read: *unless the panel is visible from the street;*
- Article 2, Design Review in Single-Family Land Use Districts, 8.72.030, Design Review procedure for additions or alterations, B, Exceptions, 13, revise the sentence to read: *New or replacement flooring material on existing decks, balconies, patios, stairs, and entry porches and stairs;* and
- Clarified with legal staff the process for an appeal for items approved by the Design Review Administrator, items that are exempt, and how approved items by the Design

Review Administrator were communicated to neighbors through public notification once a project was approved.

Mr. Farley reiterated that SMC conducted routine maintenance and oftentimes tried to conduct ADA compliance with its dormitory bathrooms. He questioned whether or not that work could be done administratively or whether the public would have to be notified of that work.

**Mayor Trotter** noted that interior work did not trigger design review under any circumstances.

#### PUBLIC COMMENTS CLOSED

Responding to the Council, Ms. Brekke-Read reiterated the intent for the amendments to provide some relief to some of the restrictions in the Single Family and Non-Single-Family Zoning Districts, although a more comprehensive update was needed and that work was on the staff program for the future.

The Town Council discussed the item at length with legal counsel and planning staff identifying the revisions to Attachment I, the *Marked Up Version of the Draft Ordinance*, as follows:

- Article 2, Design Review in Single-Family Land Use Districts, 8.72.030, Design Review procedure for additions or alterations, B, Exceptions, 8, revise to read: *unless the panel is visible from the street;*
- Article 2, Design Review in Single-Family Land Use Districts, 8.72.030, Design Review procedure for additions or alterations, B, Exceptions, 13, revise to read: *New or replacement flooring material on existing decks, balconies, patios, stairs, and entry porches and stairs;*
- Article 3, Design Review in Land Use Districts Other than Single-Family Residential, Section 8.72.060, Generally, B, Exceptions, 1, revise to read: *Remodeling of existing buildings where exterior form/structure/appearance of the building and size of floor area are unchanged, unless otherwise regulated by this code;*
- Article 3, Design Review in Land Use Districts Other than Single-Family Residential, Section 8.72.060, Generally, B, Exceptions revise to read: *The following changes to existing development are exempt from the review requirement set forth in subsection A above, as long as the construction does not increase the gross floor area;*
- Article 3, Design Review in Land Use Districts Other than Single-Family Residential, Section 8.72.060, Generally, B, Exceptions, 1, further revise to read: *Remodeling of existing buildings where exterior form/structure/appearance of the building and gross floor area are unchanged, unless otherwise regulated by this code;*
- Responding to concerns with HVAC units, the following revision was recommended to Article 2, Design Review in Single-Family Land Use Districts, 8.72.030 Design review procedure for additions or alterations, B, 18: *Any change to an existing structure or feature that is similar to the above exemptions and does not increase floor area, and does not impose potential impacts on adjacent properties, as determined by the design review administrator; and*
- Article 3, Design Review in Land Use Districts Other than Single-Family Residential, 8.72.060 Generally, 14, revise to read: *Any change to an existing structure or feature that is similar to the above exemptions, and does not impose potential impacts on adjacent properties, as determined by the design review administrator.*

**ACTION: It was M/S (Metcalf/Chew) to introduce and waive the first reading of an Ordinance Amending Section 2.20.090, Appointment and Duties of Design Review Administrator, of Title 2, and Amending Section 8.08.070, Design Review Administrator, and Chapter 8.72, Design Review, of Title 8, of the Moraga Municipal Code to Clarify and Streamline Design Review Process, as amended. Roll Call Vote 5-0.**

**Mayor Trotter** took the opportunity to thank both the DRB and the Planning Commission for its work on the agenda item and expressed his appreciation to those members of the respective bodies present in the audience.

The Town Council returned to Ordinances, Resolutions and Requests for Action, Item B at this time.

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

- B.** Consider Resolution 61-2013 Authorizing Town Manager to Execute a Contract with Seifel Consulting Inc. for Professional Services to Prepare a Comprehensive Development Impact Fee Update in an Amount Not to Exceed \$134,600 Including Contingency

Ms. Brekke-Read reported that the Five-Year Capital Improvement Program (CIP) had budgeted funds for a comprehensive Development Impact Fee Study. The Town had worked with Seifel Consulting, Inc. on its current development impact fees, and Seifel submitted a proposal to the Town including community input and outreach. She recommended that the Town Council authorize the Town Manager to execute a contract with Seifel Consulting Inc. for professional services to prepare a Comprehensive Development Impact Fee Update in an amount not to exceed \$134,600, including contingency.

Responding to the Council, Ms. Brekke-Read explained that the last development impact fee update had been done in 2008; it was recommended that development impact fees be updated every few years given changes in cost and that development impact fees were imposed at the time of issuance of building permits. She described the differences for those fees collected by the Lamorinda Fee and Finance Authority (LFFA), that the Town collected fees at the time of building permit issuance and that the Town received a small percentage of those fees. She clarified that the traffic impact fee collected by the Town related only to Moraga roads, and clarified that the LFFA would be having a separate discussion on a potential Nexus Study.

Ms. Keimach reiterated that the agenda item was a CIP project that had been approved by the Town Council, and emphasized the importance of current nexus studies in the event the Town was ever challenged for its development impact fees, which could occur any time the impact fees were imposed on development.

Ms. Brekke-Read added that the development impact fees for new construction in Moraga were remarkably lower than the average community. She clarified that the development impact fees were not collected for additions, remodels, or second units to single-family dwellings.

Ms. Murphy added that development impact fees related to new development with additional new impacts on Town infrastructure, with the fee to calculate those impacts and with the Town to be reimbursed for those additional impacts.

### **PUBLIC COMMENTS OPENED**

There were no comments from the public.

PUBLIC COMMENTS CLOSED

In response to the Council, Ms. Keimach identified Seifel Consulting Inc. as one of the most well-known consultants for development impact fees, which had consulted the Town when the Bruzzone family had questioned the Town's development impact fees related to the unfinished Country Club lots and which had verified the Town's development impact fees as valid.

**ACTION: It was M/S (Wykle/Chew) to adopt Resolution 61-2013 Authorizing Town Manager to Execute a Contract with Seifel Consulting Inc. for Professional Services to Prepare a Comprehensive Development Impact Fee Update in an Amount Not to Exceed \$134,600 Including Contingency. Vote: 5-0.**

- B. Provide Direction to Voting Delegate and Alternate(s) Regarding Resolutions at the League of California Cities Annual Meeting on September 18 to 20, 2013 in Sacramento, California.

Ms. Keimach reported on the League of California Cities' new process for sponsorship of resolutions and stated that due to the new requirements only two new resolutions had been proposed for consideration at the League Annual Meeting on September 18 to 20, 2013 in Sacramento, California. Both resolutions were supported by staff and had been outlined in detail in the August 28, 2013 staff report. She reported that Councilmember Wykle would be attending the upcoming conference.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

By consensus, the Town Council directed the Town Council Voting Delegate to support the two resolutions under consideration during the League of California Cities Annual Meeting on September 18 to 20, 2013, in Sacramento, California.

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

There were no Council requests for future agenda items.

**XIII. COMMUNICATIONS**

There were no communications.

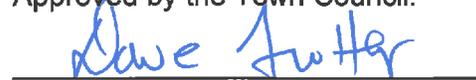
**XIV. ADJOURNMENT**

**ACTION: It was M/S (Chew/Wykle) to adjourn the meeting at 10:53 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty G. McInturf, Town Clerk

Approved by the Town Council:

  
Dave Trotter, Mayor