

**MORAGA TOWN COUNCIL
AGENDA
REGULAR MEETING**

Wednesday, September 25, 2013

7:00 p.m.

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

Teleconference Location (Chew)
Pot Strandby 302
7130 Juelsminde, Denmark

I. CALL TO ORDER

ROLL CALL: Mayor Trotter, Vice Mayor Chew and
Councilmembers: Arth, Metcalf and Wykle

II. PLEDGE OF ALLEGIANCE

III. SPECIAL ANNOUNCEMENTS

IV. PROCLAMATIONS AND PRESENTATIONS

A. [Proclamation Declaring September 28, 2013 as Arbor Day in the Town of Moraga](#)

V. PUBLIC COMMENTS AND SUGGESTIONS – Time reserved for those in the audience who wish to address the Town Council. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on a future agenda. Note: Public input will also be taken during each agenda item.

VI. ADOPTION OF CONSENT AGENDA

- A. Approval of Consent Items
- B. Consideration of Consent Items Removed for Discussion

VII. ADOPTION OF MEETING AGENDA

VIII. REPORTS

A. Mayor's and Councilmembers' Reports
Mayor Trotter
Vice Mayor Chew
Councilmember Arth
Councilmember Metcalf
Councilmember Wykle

B. Town Manager Update

IX. DISCUSSION ITEMS

X. PUBLIC HEARINGS

- A. Consider Resolution _____ - 2013 Denying the Appeal, Upholding the Planning Commission's Decision, and Approving a Conditional Use Permit, a Hillside Development Permit, and a Tree Removal Permit, to Allow Construction of a 4,270.5-square foot Single-Family Residence at 1800 Donald Drive (APN 255-183-011) (Staff Recommends this Item be Continued to the Town Council Meeting of November 13, 2013)

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Consider Endorsement of Moraga School District's Proposed Parcel Tax, Measure B, on the November 5, 2013 Ballot
- B. Consider Town Council 2013 Goal to Protect Ridgelines and Hillsides from Development Consistent with Moraga Open Space Ordinance (MOSO) by Discussing the Existing Regulations and Policies and Provide Direction to Staff
- C. Consider Resolution _____ - 2013 Implementing the 199 Calle La Mesa / 677 Moraga Road Storm Drainage Repair Project ("Project") in Coordination with the City of Lafayette, with the Town and City of Lafayette to Share Equally in the Cost of the Project by Authorizing the Town Manager to:
- 1) Approve and Authorize the Execution of a Memorandum of Understanding with the City of Lafayette in a Form Approved by the Town Manager in Consultation with the Town Attorney Regarding the Project;
 - 2) Appropriate up to \$98,301.37 from the Town's Fund 510-NPDES Towards the Project;
 - 3) Amend the On-call Design Consultant Services Agreement to Complete the Engineering Design with Cal Engineering & Geology (Walnut Creek) for an Increased Amount of \$31,000; and
 - 4) Amend the Contract Services Agreement with Siteworks Construction, Inc. (Lafayette) for Construction as the Lowest Bidder of the Town's On-Call Excavation Contractors to Complete the Repair for Both Moraga and Lafayette in an Amount Not to Exceed \$133,132.82 plus a Town-Administered Contingency of 15% for Contract Change Orders
- D. Consider Resolution _____ - 2013 Authorizing the Town Manager to Sign a Contract Amendment with Hauge Brueck Associates (HBA) in the Amount Not to Exceed \$130,000 and Authorizing the Town Manager to Sign a Contract with Fehr & Peers in the Amount Not to Exceed \$55,000 to Complete Work Necessary to Respond to Comments on the Draft Environmental Impact Report (DEIR) for Bollinger Valley Applications
- E. Consider Resolution _____ - 2013 Authorizing the Town Manager to Award a Professional Services Contract to Nichols Consulting Engineers (Richmond) in the Amount Not to Exceed \$200,000 for Pavement Management and Design Services for the 2014 Pavement Repair Project (CIP 08-106)

- F. [Consider Adopting and Waiving Second Reading of Ordinance No. 241 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 the Design Review Process](#)

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

XIII. COMMUNICATIONS

- A. [Letter of Condolence to Lonjina Treat from the Moraga Town Council dated September 5, 2013](#)
- B. [Acknowledgment of Support of a Resolution for the U.S. Conference of Mayors "America Fast Forward Transportation Bonds" dated August 28, 2013](#)

XIV. ADJOURNMENT

Notices of Town Council Meetings are posted at 2100 Donald Drive, The Moraga Commons, 329 Rheem Blvd and the Moraga Library. Copies of the Agenda packets can be viewed prior to the meeting at the Town Offices, 329 Rheem Blvd, Second Floor. NOTICE: If you challenge a Town's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Council at, or prior to, the public hearing. Judging review of any Town administrative decision may be had only if petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environment determination may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision. The Town of Moraga will provide special assistance for disabled citizens upon at least 72 hours advance notice to the Town Manager's office (888-7050). If you need sign assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

CONSENT AGENDA
Wednesday, September 25, 2013
7:00 p.m.

<u>ITEMS</u>	<u>TOWN MANAGER'S RECOMMENDATION</u>
1) <u>Accounts Payable Claims for: 8/23/13 (\$266,394.33); 9/06/13 (\$221,061.50)</u>	Approve
2) Approve Minutes for Town Council Regular and Special Meetings on August 28, 2013	Approve
3) Approve Minutes for Town Council Special Meeting on September 11, 2013	Approve
4) <u>Approve by Motion Proclamation Declaring Fall Prevention Awareness Week to be September 22 to 28, 2013</u>	Approve
5) <u>Approve by Motion the Cancellation of the November 27 and December 25, 2013 Town Council Meetings and Direct Staff to Schedule a Special Meeting if Needed</u>	Approve
6) <u>Consider Resolution - 2013 Authorizing the Town Manager to Amend the Consulting Services Agreement with LSA Associates, Inc. (Richmond) for Biological Monitoring During Construction in an Amount Not to Exceed \$13,000 for a Total Amount of \$25,500 for the Laguna Creek Wall Repair and Bank Stabilization Project (CIP 08-203)</u>	Approve
7) <u>Consider Resolution - 2013 Adopting a Defined Contribution Plan for Town of Moraga Employees</u>	Approve
8) <u>Consider Resolution - 2013 Approving and Authorizing the Third Amendment to the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager</u>	Approve
9) <u>Consider Resolution - 2013 Approving Changes to Employer Paid Member Contributions under the California Public Employees' Retirement System (CalPERS) for Town of Moraga Miscellaneous Employees and Rescission of Resolution 41-2013</u>	Approve

Consent agendas consist of items of a non-controversial and routine nature submitted by the Town Manager. The Town Manager shall propose specific action on each consent agenda item and such recommendation will become the action of the Council upon adoption of the consent agenda. Any member of the Town Council may direct that a consent agenda item be placed on the regular agenda for consideration and discussion by the Council. Consent agenda items are adopted in total and under one (1) motion by the Council, and are not subject to individual debate and discussion. Anyone wishing to discuss items on this agenda should inform the Town Council during their review of the consent agenda.