

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**January 22, 2014
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 7:02 P.M. by **Mayor Ken Chew**.

ROLL CALL

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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Arth led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Update on Status of the Town of Moraga's Emergency Preparedness Plans by Dennis Rein, Emergency Preparedness Coordinator, Moraga-Orinda Fire District

Dennis Rein, Emergency Preparedness Coordinator, Moraga-Orinda Fire District (MOFD), provided an update on the status of the Town of Moraga's Emergency Preparedness Plans and highlighted the emergency preparedness activities by Town staff and co-operators along with the Moraga Citizen Corps Council, advising that Town staff had received first-hand experience of major incident management, and had participated in the 2013 Great California Shake-Out. He identified the Lamorinda Emergency Operations Center (EOC) Planning and Operations Training for the month of December 2013, acknowledged the Lamorinda Ham Radio Interest Group, described the background and involvement of the Red Flag Patrol and the Lamorinda Community Emergency Response Team (CERT). He also described the background of the annual Moraga Night Out event, noting it would be on August 5 this year, and the Neighborhood Emergency Preparedness events planned for 2014, and the challenges and opportunities for the Town to continue its emergency preparedness plans.

Mr. Rein stated that the Town and Town staff were now more prepared in the event of an emergency than they were a couple of years ago. He commended the efforts of Town staff to embrace emergency preparedness.

Town Manager Jill Keimach thanked the MOFD and Mr. Rein for keeping Town staff updated on the emergency preparedness training.

Councilmember Trotter thanked Mr. Rein and Chief of Police Priebe for the creation of an Emergency Operations Plan in Moraga.

Mr. Rein reported the next meeting of the Citizen Corps Council was scheduled for Monday, January 27, 2014 at the Hacienda de las Flores at 6:30 p.m. Everyone was invited.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Lynda Deschambault, Moraga, reported that she had attended the November 13, 2013 Town Council meeting at which time she had requested two items for placement on a future agenda; consideration of a revised records retention program and guidelines for defining the term "within the character of the existing neighborhood," and consideration of a maximum house size ordinance. She noted she had obtained information on design guidelines prepared by a Task Force from the City of Lafayette which she had provided to the Town Council. She again asked that the two items be placed on a future agenda for consideration.

Karen Pedraza, Lafayette, a Saint Mary' College (SMC) student working as a consultant with the Contra Costa County Climate Leaders, was pleased to see the progress and goals of the Climate Action Plan (CAP) Task Force. She understood that the Task Force would complete its work in March and expressed her hope that the Town Council would place consideration of a CAP on a future agenda in April. She encouraged the Town Council to join with other jurisdictions to ban plastic bag use and encourage stores to use other options. She also asked for consideration of an ordinance to ensure that Moraga invested its General Fund monies and California Public Employee Retirement System (CalPERS) funds into clean energy and not oil. She reported that the Contra Costa County Climate Leaders had held a workshop on climate-related disasters, and provided the Town Council with written information on those efforts.

Mark Orders, Moraga, Race Director for the Moraga Fourth of July Run for the last three years, reported on the many community and elected officials who had volunteered during the event. He reported the 2014 run would be the 18th annual event and would serve as the kick-off for all of the activities at Commons Park on the Fourth of July. He asked that the Town Council consider a fee waiver for the encroachment permit for the annual run.

VI. ADOPTION OF CONSENT AGENDA

A. Approval of the Consent Items

Consent Agenda Items 5 and 7 were removed from the agenda.

The Town Council was provided with a redline amendment to Consent Agenda Item 3, Appointment of Town Council Representatives to Committees, Commissions and Boards for 2014.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Arth) to approve Consent Agenda Items 1, 2, 3, 4, and 6. Vote: 5-0.

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|----|---|----------------|
| 1) | Accounts Payable Claims for 1/07/14 (\$6,015.24);
1/10/14 (\$373,746.28) | Approved |
| 2) | Approve Minutes for Special Town Council Meeting on
December 11, 2013 and Regular Town Council Meeting on
December 11, 2013 | Approved |
| 3) | Confirm Appoint of Town Council Representatives to
Committees, Commissions and Boards for 2014, as amended. | Approved |
| 4) | Consider Resolution 3-2014, Approving Third Amendment
to Stormwater Utility Area Agreement between the Town of
Moraga and the Contra Costa County Flood Control and Water
Conservation District | Approved |
| 5) | <i>Consider Resolution 5-2014 Authorizing the Town Manager to
Execute an Amendment to a Consulting Services Agreement
with Common Goal Consulting for Continued Project and
Construction Management Services of the 331 Rheem
Boulevard Remodel in an Amount Not to Exceed \$30,000 for
a Total Contract Amount Not to Exceed \$43,500</i> | <i>Removed</i> |
| 6) | Consider Resolution 4-2014 Authorizing Application for 2014
Transportation Development Act (TDA) grant for Update of
the Moraga Bicycle and Pedestrian Master Plan | Approved |
| 7) | <i>Consider Adopting and Waiving Second Reading of Ordinance
No. 243 Repealing and Replacing Moraga Municipal Code
Chapter 15.04 and Adopting the 2013 California Building Code,
the 2013 California Residential Code, the 2013 California
Green Building Standards Code, the 2013 California Electrical
Code, the 2013 California Plumbing Code, and the 2013
California Mechanical Code, with Changes, Additions, and
Deletions</i> | <i>Removed</i> |

B. Consideration of Consent Items Removed for Discussion

1. Adopt Resolution 5-2014 Authorizing the Town Manager to Execute an Amendment to a Consulting Services Agreement with Common Goal Consulting for Continued Project and Construction Management Services of the 331 Rheem Boulevard Remodel in an Amount Not to Exceed \$30,000 for a Total Contract Amount Not to Exceed \$43,500

Councilmember Trotter advised that he planned to vote no, did not plan to obstruct the item from moving forward, but was not in favor of the project or any monies spent toward the project.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Arth) to adopt Resolution 5-2014 Authorizing the Town Manager to Execute an Amendment to a Consulting Services Agreement with Common Goal Consulting for Continued Project and Construction Management Services of the 331 Rheem Boulevard Remodel in an Amount Not to Exceed \$30,000 for a Total Contract Amount Not to Exceed \$43,500. Vote: 4-1. Noes: Trotter.

2. Consider Adopting and Waiving Second Reading of Ordinance No. 243 Repealing and Replacing Moraga Municipal Code Chapter 15.04 and Adopting the 2013 California Building Code, the 2013 California Residential Code, the 2013 California Green Building Standards Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, and the 2013 California Mechanical Code, with Changes, Additions, and Deletions

Councilmember Trotter explained that he did not agree that an ordinance should be placed on the Consent Agenda for action since it changed the law of the Town, and asked that the item be opened for public comment and a Roll Call vote of the Town Council.

PUBLIC COMMENTS OPENED

Lynda Deschambault, Moraga, commented that when Palos Colorados had been approved, the Town had also adopted Build it Green standards requiring 80 points or higher or equivalent for all new homes, which was stricter than the Green Building Code the Town Council was being asked to adopt. She encouraged the Town Council to adopt stricter standards.

Planning Director Shawna Brekke-Read explained that the Palos Colorados project was subject to numerous conditions of approval. If the condition had a higher standard than the Cal Green standards, that condition would be imposed on all new construction in that development. She commented that staff would review that condition closely when processing the Palos Colorados development application.

Councilmember Metcalf recalled that the Palos Colorados developer had proposed 80 points, the Town had supported that level, and there was nothing to require everything built in the Town thereafter to be 80 points.

Councilmember Trotter recalled that such a condition had been imposed, and as staff had stated the stricter standards would be required.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to adopt and Waive Second Reading of Ordinance No. 243 Repealing and Replacing Moraga Municipal Code Chapter 15.04 and Adopting the 2013 California Building Code, the 2013 California Residential Code, the 2013 California Green Building Standards Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, and the 2013 California Mechanical Code, with Changes, Additions, and Deletions. Roll Call Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

The meeting agenda was modified with Item C under XI. Ordinances, Resolutions and Requests for Action, moved to Item A, and with the remaining items to be considered consecutively thereafter.

ACTION: It was M/S (Trotter/Wykle) to adopt a modified Meeting Agenda to move Item C under XI. Ordinances, Resolutions and Requests for Action to Item A, and with the remaining items to be considered consecutively thereafter. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew - Reported that he had attended a dinner honoring George and Julie Fisher on January 13; and a Central Contra Costa Solid Waste Authority (CCCSWA) Board Subcommittee meeting on January 15 at which time candidates had been interviewed, with final interviews and review of the franchise contracts scheduled for January 30.

Vice Mayor Wykle - No report.

Councilmember Arth - Reported that he had attended the Moraga Chamber of Commerce meeting on January 8; and a Traffic Safety Advisory Committee (TSAC) meeting on January 15.

Councilmember Metcalf - Reported that he had attended a Lamorinda School Bus Transportation Agency meeting with a review of the annual budget showing a continual deficit; and a meeting of the Contra Costa Transportation Authority.

Councilmember Trotter - Reported that he had attended a CCCSWA Ad Hoc Garbage Franchise Committee meeting on January 13; a dinner honoring George and Julie Fisher on January 13; a Special Meeting of the Town Council on January 14 to discuss the Town Council goals for 2014; and the Lions Club Crab Feed on January 18.

B. Town Manager Update – No report.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

- A. Consider Appeal of the Planning Commission Approval of a Conditional Use Permit, a Hillside Development Permit, and a Tree Removal Permit, for an approximate 4,270 square foot Single-Family Residence on a Vacant 13,203 square foot Hillside Parcel Located at 1800 Donald Drive; and Consider Resolution 6-2014 Denying the Appeal and Upholding the Planning Commission Approval. A Mitigated Negative Declaration for the Project was Adopted on March 5, 2012 (*Continued from June 26, 2013; September 25, 2013 and November 13, 2013*).

Project Consultant Doug Donaldson described the project located at 1800 Donald Drive as a unique energy-conserving residence of approximately 4,270 square feet in size, situated on a steep wooded hillside parcel located in the six dwelling units to the acre (6-DUA) Zoning District.

The structure would have three levels stepping down the existing slope with the garage to accommodate two vehicles and with access via a driveway bridge to be supported on piers. The application, submitted in March 2011, had been approved by the Planning Commission in April 2013, and had been appealed to the Town Council which had considered the appeal on November 13, 2013. At the close of the appeal hearing, staff had been asked to provide additional information and analysis on four items as summarized in the staff report.

Mr. Donaldson advised that a new drawing had just been submitted by the project architect prior to the public hearing and it appeared as if a few inches of one of the walls at the rear of the garage would overlap with one of the walls at the lower level, which meant the residence would be a three-story, not a two-story, structure as indicated in the staff report. He recommended that the Town Council deny the appeal and uphold the decision of the Planning Commission with the draft resolution of approval subject to conditions and findings in the staff report for Council consideration.

Responding to the Council, Mr. Donaldson explained that while the driveway ramp was a structure, it was a permissible structure since structures were allowed in the front yard within the building setback in accordance with the required 25-foot setback. Accessory structures were not permitted in the front yard but allowed on side and rear yards. Staff had determined that the driveway ramp was not an accessory structure since it was required to provide access to the garage. He added that the parking requirements were not incidental but a requirement of the building, requiring off-street parking and the bridge was a permissible structure.

Assistant Town Attorney Karen Murphy clarified that the 6-DUA Zoning District did not have specific setback requirements with respect to accessory structures as did other zoning districts. The staff analysis determined that the bridge was not an accessory structure. She added there were provisions in the Moraga Municipal Code (MMC) that had been addressed in the staff report, specifically on Page 6 as to the placement of structures in the front yard setback.

On the issue of the definition of an accessory structure, Mr. Donaldson suggested that a garage and off-street parking required for a home were not incidental, and therefore a core part of the zoning requirements for the development of a home in the 6-DUA Zoning District. Absent that structure there would be no access to the home. When asked by the Council, he did not agree that the driveway bridge would be defined as an accessory structure.

Mr. Donaldson commented that almost every home in the Moraga community that had off-street parking also had driveways, and the driveway bridge was the way the applicant had chosen to provide access to the home. The driveway bridge had no walls, only a railing.

Ms. Keimach also noted the driveway bridge was a condition of access to reach the home and absent the driveway bridge there was no pedestrian or vehicle access to the home.

As to the height of the building considered by staff to be three stories, based on the recently submitted drawing by the applicant, Mr. Donaldson recommended the applicant clarify that information. He cited Figure-2 of the staff report, explained that the project was close to the maximum height at 34 feet 10 inches, and based on his reading of the applicant's recently submitted drawing, noted that the point of the three stories would be below the height limit line. He also clarified that the new sketch would not change the grading calculation that had been detailed in the staff report.

PUBLIC COMMENTS OPENED

APPELLANTS:

Paul Bunton, Moraga, identified himself as the Appellant representing the neighborhood below the subject property, and the owner of 2092 and 2094 Donald Drive, which property was occupied by family who would be most impacted by the project. He stated he was not attempting to block the applicant from building on his property, but had reached out to the applicant to change the project to something the neighborhood could support to the point of having prepared a Memorandum of Understanding (MOU). As part of the MOU, he advised that the neighborhood would like the home to be moved up the hill to reduce the size of the structure with access directly off of Donald Drive. He suggested the massing was out of character with the General Plan for the Town and requested that the home be scaled down, the window heights be reduced from the current 12 feet, and privacy screening be provided for his property on Donald Drive. He reported that he had sent the MOU, with 32 supporting signatures, to the applicant this date. He asked that the Town Council direct the applicant to work with staff and the community on a design that the community could support.

Michael Carradine identified himself as an architect, and explained that he had been asked to review the project by the appellant. He commented that during the November 2013 meeting, he had submitted a five-page review which included points that had been addressed by staff in the staff report. He offered a model of the home which had been expanded to show the size of the subject home in relation to the Bunton residence. He compared the Bunton residence, a standard one-story home, with the proposed home which looked like a three-story home given that the distance from the bottom floor to the roof deck was 30 feet.

Mr. Carradine understood that since the subject slope was over 20 percent, any grading required approval from the Town Council. He referenced the determination of the amount of grading by the applicant as shown on the plans with the cut on the back side of the wall to the bottom of the floor where the calculation for the cut was into the existing grade and at the back side. He suggested the intention of the regulations was not to create living space cut into the hillside but to minimize the grading, and in the spirit of minimizing grading it would be possible to reduce the project to no grading by raising the lower floor level up approximately two and a half feet, with the middle/living floor also raised a little, and split between the two levels.

Mr. Carradine identified the driveway bridge structure and the portion which encroached into the side and front setbacks, suggested the driveway bridge was a structure obscuring the front yard from the grade to the sky, and was particularly troublesome on the side where the structure was 15 or 16 feet off grade, obscuring that part of the property and resulting in a covenant between the neighbors sharing an equal setback. By encroaching into the sideyard setback, he suggested the project was taking away the enjoyment of the open space from the adjacent property owner. He recommended one way to reduce the size of the structure and the development would be to move the building up with a straight-in approach to the driveway which would allow the home to be more or less level with the street, which would reduce the size of the home. He suggested there were further options that could be considered to reduce the bulk and square footage of the home.

Responding to the Council, Mr. Carradine identified the square footage of the Bunton residence at 2,295 square feet. He suggested that if the proposed home on Donald Drive was moved, it would be 15 feet into the required 25-foot front yard setback, with another 10 feet or so from the property line to the street.

Mr. Bunton also reported that the neighbors had met with the applicant on January 7, 2014, and had discussed the appeal with the community around Donald Drive in agreement with the recommendations outlined in the MOU. He acknowledged the applicant's concerns that the project could be referred back to the Planning Commission and the Design Review Board (DRB), and asked that the Town Council support a variance and a request for an expedited process so the applicant would not lose more time given the investment in the project.

APPLICANTS:

Stephen Williams, the property owner, explained that he had started the project in 2010 when the property had been confirmed by the Town to be a legal and buildable lot. He referenced the number of homes in the East Bay built on steep hills and on downslope lots steeper or equal to the slope at 1800 Donald Drive; emphasized that the project design had been carefully crafted by the project architect and with the help of the Town Engineer and Senior Planners to comply with all Town guidelines; spoke to the numerous changes made to the project at the request of the neighbors and as part of the Planning Commission and DRB hearings, and prior to unanimous approvals from both the Planning Commission and the DRB; and explained that the project had initially started as a duplex and had been revised, as requested, to a single-family residence along with many other concessions he had been asked to provide.

Mr. Williams described the residence as a unique and artistic home that would be the greenest home in Town, and which had received compliments from both the Planning Commission and the DRB. He also described the background of the initial submittal to the Town, and commented on the fees for staff time, processing, and reports required by staff, which fees he found to be significant for a single-family residence. He noted the project had passed every test required by the Town's permitting process and stated there was no reason for the Town Council not to approve the project.

Mr. Williams emphasized there were many homes in the neighborhood that were as large as the proposed home at 1800 Donald Drive and he had provided a summary to identify the many examples he had referenced. He noted that the primary opponents to the project were Lynda Deschambault and the Bunton family, including family members who were tenants in the duplex below the Donald Drive property. He acknowledged he had met with seven members of the Save Moraga Committee on January 9, 2014, not January 7 as reported by the Appellant, had recorded the meeting, and explained it was clear during that time that Mr. Bunton had been interested in a complete redesign and relocation of the home which would require extensive design review, design work, staff processing, large expenses, and variances which may set a precedent for the Town. During the neighborhood meeting, he had been willing to consider moving the home closer to Donald Drive and reducing the bridge structure if the home were moved closer to Donald Drive, had been willing to consider a solid privacy rail at the rear deck, and had been willing to reduce the height of the windows from 12 to 10 feet. He noted that he had previously agreed to plant additional trees to provide screening between the two properties.

Mr. Williams advised that he was still willing to make those concessions if the Town Council approved the project and added those concessions as additional requirements, but he was not willing to start the process all over again. He reiterated the project had met all tests that had been applied as part of the process and it was reasonable for the Town Council to follow through with the approval. As to the sideyard setbacks, Mr. Williams pointed out the duplexes located below the property at 1800 Donald Drive had sideyard setbacks far less than 20 feet, less than the property at 1800 Donald Drive, and he should enjoy the same right. He added that there was no neighbor issue to the right or to the left of the property.

In response to the Council, Mr. Williams advised that he had not discussed the potential concessions with Town staff since the neighbors only wanted the home moved, reduced in scale to half its size, and a variance for the driveway. He reiterated that if the home was moved up the hill as the Appellant had suggested, it would be within 10 feet of the street and 15 feet into the required setback. He pointed out that neither the Planning Commission nor the DRB had suggested moving the home farther up the hill. He emphasized the intent from the beginning was for the project to comply with all Town guidelines without requiring variances, which had been accomplished.

As to the concerns with respect to privacy screening, Mr. Donaldson explained that the project plans had shown the trees to be replanted along the property line.

Mr. Williams added that the tree planting had been a condition of design review as reflected in the meeting minutes for the DRB meeting when the project had been approved.

James Wright, Architect, clarified that the bio-retention basin involved no excavation and would be buttressed between the building and the slope. The revised plans submitted in November 2013 had shown the details for the bio-retention basin which would have a sloping bottom with a contour, but involve no grading.

Ms. Brekke-Read identified Page 4 of the staff report which had shown the cuts for the bio-retention basin following the contour of the land. She added that the drainage system was also exempt from the Grading Ordinance pursuant to Title 14. She further explained that the home would have two stories but at three different levels, with the upper level being the entryway.

Mr. Donaldson identified the allowable square footage and explained that the garage had been counted separately in terms of the total square footage.

Ms. Brekke-Read identified the changes to the plans since the Town Council hearing in November 2013, which related to the bench cuts and areas where soil would be removed. There were only two bench cuts keeping soil removal below the 50 cubic yards and which was the extent of the changes made. As to the height of the third story and as part of the most recently revised plans, she noted it appeared the structure would be approximately 35 feet at that location. She provided the Council with an exhibit which the applicant had provided just prior to the public hearing.

Mr. Wright explained that the exhibit had been presented to him an hour before the public hearing, had been prepared by another architect, and was inaccurate. He commented that he had been requested to generate the exhibit which layered the three levels, explaining that the hatching for the garage portion on the right had shown the wall above the lowest level of the garage. He emphasized that in fact there was no overlap whatsoever.

Mr. Wright described the area that would be graded with cuts less than 3 feet and that would be exempt for a retaining wall to cut into the hill without triggering a grading permit. He emphasized that he had designed the building around the established limits with the engineering quantity and degree through a computer to create appropriate sized rooms.

Mr. Donaldson identified Condition 3 of the draft resolution under Town Council consideration which had addressed the tree removal permit and changes to the exterior surfaces, and stated that the conditions had been incorporated from DRB review and approval.

PUBLIC HEARING OPENED

Chantal Dennis, Moraga, advised that she lived in the duplex below the proposed residence. She suggested the driveway bridge was a structure since driveways were a structure, with paved ground, and in this case the applicant would be building a structure to support the driveway. The driveway structure was also located on a 65-degree slope and no other homes in the area were situated on 65-degree slopes. She expressed concern the home could slide into her residence.

Mr. Bunton suggested there were many questions with respect to the application and asked that the Town Council send the project back to staff and encourage the applicant to work with the neighbors and staff to develop a project that could be supported.

PUBLIC HEARING CLOSED

Vice Mayor Wykle read into the record Section 8.04.020 of the MMC, as shown on Page 9 of the staff report, regarding the definition of a story, and requested clarification from staff that based on his interpretation the home would be three stories.

Ms. Brekke-Read clarified the intent of Section 8.04.020 of the MMC and acknowledged that the garage counted as a story with that level off-set. Staff had determined that the levels complied with the Town's Design Guidelines and had followed the topography of the land with the stories counted one above the other.

Ms. Keimach pointed out that without that interpretation the home would not follow the Town's Design Guidelines for a home stepping up the side of the hill.

Vice Mayor Wykle suggested the home appeared to be a three-story building pursuant to the MMC. He questioned the second level with the garage as something desirous in the community, understood that one wall was three inches off and that the structure was not three stories, and expressed concern that things kept changing.

Councilmember Trotter understood that a retaining wall was typically required in an area with ground water to ensure no water intrusion into a living area with subdrains provided behind the retaining wall, which he understood required grading, and as a matter of common construction technique there would be over excavation to ensure room for a retaining wall. Based on the proposed width of the retaining wall, the additional ground space, and with the over excavation, he suggested over 50 cubic yards would be moved and a Grading Permit would be required.

Ms. Keimach explained that the Grading Permit excluded the foundation and the retaining wall was part of that foundation along that wall and even though over excavation would occur it was part of the foundation that would be excluded from the grading permit. The subdrains were also part of the foundation. She explained that there was a recommended condition of approval for the project stating that the grading could not exceed a specific number of cubic yards which would be part of the inspection during the construction period.

Councilmember Trotter suggested a Grading Permit should be required now.

Councilmember Arth stated he had been comfortable with the approval of the project during the November 2013 meeting, and was still comfortable with a denial of the appeal.

In response to **Councilmember Metcalf**, Mr. Donaldson reiterated that foundation and drainage facilities were exempt from a Grading Permit. He understood the Town's Grading Ordinance called for an automatic appeal in the event the grading exceeded the 50-cubic yard threshold which provided Town Council scrutiny. He noted that the home had been proposed on a difficult hillside lot, would involve no terraces or cuts into the side, would maintain the topography all around the home, and all cuts exempted would be under the home and incorporated into the basement walls.

Councilmember Metcalf was comfortable the exclusions had been included for a good reason and was not concerned about that issue to the extent that a Grading Permit should be required. While he had been concerned about the driveway bridge, he cited a residence in the City of Orinda which had a sizeable bridge across a creek and which had been deemed to be a

permitted structure, similar to the situation at 1800 Donald Drive. He agreed that the driveway bridge was part of the driveway and he was therefore comfortable with the driveway structure. As to the number of stories, he found the staff analysis and explanation to be sufficient. Referencing the diagram shown on Page 8 of the staff report, his concerns with the three-story element of the home had also vanished. Therefore, he would approve the project and saw no reason to uphold the appeal. He suggested some of the ideas proposed by the appellant may be okay although those ideas had not been the applicant's ideas which had passed muster pursuant to Town laws. He did not want to abuse the applicant and require another permit, such as a Grading Permit.

Mayor Chew clarified with Mr. Wright that there was no grading requirement for the bio-retention basin which would be above ground and buttressed by the building, as reflected on Page 4 of the staff report. He also clarified that the retention basin would be approximately 20 feet in width.

Ms. Brekke-Read reiterated that the bio-retention basin would be above ground although the applicant would be required to provide construction drawings. In the event the project was approved by the Town Council, the applicant would be required to prepare all of the architectural drawings, to be presented to the DRB. If a Grading Permit was required, it would require Planning Commission and Town Council approval. She again reiterated that based on the staff analysis, the project would not trigger the requirement for a Grading Permit pursuant to Title 14.

Councilmember Trotter commented that staff had suggested the utility trenches/subdrains were exempt from a Grading Permit although the staff report had exempted utility trenches with an Encroachment Permit from the Town, which was not the situation before the Town Council. He reiterated his opinion that the over excavation required for the subdrains should not be exempt from the grading requirements. He also sought modification to the conditions to strengthen the language regarding the privacy screening for the downhill neighbors, and entertained a motion that the home be placed farther up the hill as offered by the applicant and into the front yard setback area, although he was not a fan of that modification since there would be other impacts. He also expressed concern with resolution language blocking access and the need to properly manage and maintain access to Donald Drive. He sought a condition that would not allow the applicant or contractor to block access to the upper portion of Donald Drive.

Councilmember Trotter suggested that Condition 3 of the draft resolution be amended to make it clear that in the tree planting plan the DRB would require the applicant to install privacy screening to protect the privacy of the downhill neighbors. He also recommended a condition of approval that the height of the windows be reduced from 12 to 10 feet; and that Condition 7 be modified that any plan would not block access to Donald Drive, and that the condition include language that the road would remain open if necessary to move equipment so that it would allow vehicles up and down the road. He sought an additional condition whereby the applicant would be required to reimburse the Town in the event of any road damage caused during construction.

Mr. Donaldson pointed out that concerns with any damage to the road during construction had been identified in Condition 6.

Ms. Keimach added that Condition 7 was intended to avoid any blockage of Donald Drive with the Police Chief, MOFD, and the Project Engineer to be provided copies of the traffic control plan.

Councilmember Trotter spoke to Part 1 - General Findings, No. 2 as part of the draft resolution which had stated that the project was in conformance with the Moraga Hillside Development

Ordinance and the General Plan. He did not agree with that statement given the erection of a structure on a steep slope that would normally be discouraged under the existing ordinances and General Plan, and although staff had determined the lot was legal prior to the Town's incorporation, he expressed concern allowing the construction of a single-family residence on a lot with a slope that was 65 percent in some locations and steeper in others. He did not want the approval to set a precedent that could be used in other areas of the Town on other lands not subject to subdivision and creation of legal lot status prior to incorporation, and sought language to state that in writing so that the approval of the project was not misconstrued or the application stretched beyond recognition in connection with future projects.

As to the concerns with the three-story element, **Councilmember Trotter** accepted the explanation given by the applicant for a mis-sketch. He referenced Section 8.32.070 of the MMC regarding maximum building height and noted based on the project overlap of a potential situation where there were only two stories at any one point assuming the unit was constructed as represented. He otherwise remained concerned with the grading issue.

Ms. Murphy recommended the following revision to the draft resolution:

- Page 4, Part 1 - General Findings, No. 2 to be modified to set forth some of the facts as discussed during the Town Council meeting, that the lot as issued had been created by the County prior to incorporation by the Town and that the findings herein shall not be deemed precedential for future approvals.

Councilmember Trotter asked that the modifications to the draft resolution return to the Council on the Consent Agenda to ensure compliance with the intent of the language, with Ms. Murphy advising that the Town Council may adopt the draft resolution as amended at this time or direct staff to bring it back as revised.

Ms. Murphy also recommended that the first sentence of Condition 7 be amended, to read:

Prior to issuance of any permits or initiation of any pre-construction or construction activities, the applicant shall provide the Town Engineer and Police Chief with a traffic control plan to eliminate any potential blockage of Donald Drive during all pre-construction and construction activities, including but not limited to tree removal, foundation, excavation work, and construction work.

Ms. Murphy recommended that Condition 3 be amended by adding a new sentence, to read:

The applicant's tree planting plan shall provide for privacy screening of the downhill neighbors subject to Design Review Board review and approval.

As to the modification of Condition 7, Ms. Keimach suggested that any potential blockage of Donald Drive be left to the Police Chief and the Town Engineer.

Given the nature and width of Donald Drive, Chief of Police Robert Priebe noted it would be reasonable to have concerns with people using Mulholland Ridge and reaching the top of Donald Drive. If there was any potential blockage of the roadway, the applicant should have someone on-site immediately to move any obstruction and ensure at least one travel lane. As long as the MOFD and the Moraga Police Department was informed when a blockage may occur, they could work with the On-Site Foreman to determine the need for any changes.

Vice Mayor Wykle expressed concern that the garage counted as a story on the right side of the figure contained in the staff report and not on the left, noted the overall size of the project as

compared to the duplex below, the size of the new home was not consistent with the existing neighborhood, and therefore found that the home was not in accordance with the General Plan.

ACTION: It was M/S (Arth/Metcalf) to adopt Resolution 6-2014 Denying the Appeal and Upholding the Planning Commission Approval, and Approve a Conditional Use Permit, Hillside Development Permit, and Tree Removal Permit to Allow Construction of a 4,270 Square Foot Single-Family Residence on a Vacant 13,203 Square Foot Hillside Parcel Located at 1800 Donald Drive, subject to the conditions modified by staff, to be brought back as a Consent Agenda item with a redline strikeout version of the modified draft resolution. Roll Call Vote:

Ayes:	Arth, Metcalf
Noes:	Chew, Trotter, Wykle
Abstain:	None
Absent:	None

The motion FAILED.

Ms. Murphy advised that the motion to approve the project failed with no action taken on the application.

Councilmember Trotter stated he would support the motion if it included a requirement for a Grading Permit. He offered a motion to adopt Resolution 6-2014 Denying the Appeal and Upholding the Planning Commission Approval, and Approve a Conditional Use Permit, Hillside Development Permit, and Tree Removal Permit to Allow Construction of a 4,270 Square Foot Single-Family Residence on a Vacant 13,203 Square Foot Hillside Parcel Located at 1800 Donald Drive, subject to the conditions as modified by staff, with the applicant required to obtain a Grading Permit for the project, and with the form of the resolution to be brought back in a redline strikeout format as a Consent Agenda item at the next Town Council meeting.

On the direction for a Grading Permit, Ms. Brekke-Read explained if that was the vote of the Council, the applicant would be required to return to the DRB with a design review application, with the DRB to make a recommendation to the Planning Commission, and with the Planning Commission to make a recommendation to the Town Council, which process could take three months of hearings.

In response to the Council, Ms. Murphy stated it would be up to the Town Council to determine whether the applicant should be asked to opine on the motion. She recommended if it was the direction of the Town Council to require a Grading Permit, that permit be required prior to Building Permit issuance.

Councilmember Trotter asked that his motion also include a reduction in the window height from 12 to 10 feet, which would require a modification to Condition 19.

Councilmember Metcalf acknowledged that he had seconded Councilmember Trotter's motion but he wanted the applicant to opine on the motion, as stated.

Mayor Chew welcomed comment from the applicants.

Mr. Wright reiterated that a Grading Permit would follow the plans as submitted and he was uncertain why a Grading Permit would be required. He was not opposed to reducing the window height from 12 to 10 feet.

Mr. Williams emphasized that the documents would not change and he questioned being required to return to the DRB, the Planning Commission, and then back to the Town Council for consideration of a Grading Permit.

As to whether the Town Council may direct that the Grading Permit not require additional DRB and Planning Commission review and instead return directly to the Town Council, Ms. Murphy advised that the standard process pursuant to the MMC was to go through the DRB with a recommendation to the Planning Commission, with the Planning Commission to make a recommendation to the Town Council, although there may be a process in the MMC to allow a direct return to the Town Council or as part of the approval determine that it was appropriate in these circumstances to call up the Grading Permit to the Town Council directly.

Mr. Williams emphasized that they had worked with the Town Engineer, design review staff, three planners, and the Town's consultant, who had all reviewed the project and determined that a Grading Permit was not required.

Councilmember Trotter offered a further amendment to his motion, as stated, with the requirement for a Grading Permit to come directly to the Town Council for approval.

Ms. Murphy reiterated the motion, as stated, requiring the draft resolution to return to the Town Council on consent in a redline strikeout format, and if there were any concerns staff could inform the Town Council when the item returned as a consent item.

As the second to the motion, **Councilmember Metcalf** accepted the modification to the motion.

As to whether the Town Council would accept receipt of the Grading Permit as a consent item given that the information would not change and since there was no new information, Ms. Murphy advised there were certain findings required for the issuance of a Grading Permit.

Ms. Keimach suggested if the Council was amenable, the draft resolution, as revised, and an application for a Grading Permit could be considered at the same meeting of the Town Council.

Mayor Chew asked as part of the motion and in response to the Vice Mayor's concern with the interpretation of the definition of a story, that staff be directed to review the definition of a story.

Councilmember Trotter suggested the appropriate forum to address the definition of a story would be for the Vice Mayor to obtain information from staff off-line.

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 6-2014 Denying the Appeal and Upholding the Planning Commission Approval, and Approve a Conditional Use Permit, Hillside Development Permit, and Tree Removal Permit to Allow Construction of a 4,270 Square Foot Single-Family Residence on a Vacant 13,203 Square Foot Hillside Parcel Located at 1800 Donald Drive subject to the conditions modified by staff [modification to Page 4, Part 1 - General Findings, 2, and Conditions 3, 7, and 19], with the applicant required to obtain a Grading Permit for the project prior to Building Permit issuance, with the requirement for a Grading Permit to return directly to the Town Council for approval, and with the form of the resolution to be brought back in a redline strikeout format as a Consent Agenda item at the next Town Council meeting. Roll Call Vote:

Ayes:	Arth, Metcalf, Trotter
Noes:	Wykle, Chew
Abstain:	None
Absent:	None

Mayor Chew declared a recess at 9:50 p.m. The Town Council meeting reconvened at 9:57 p.m. with all Councilmembers present.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Provide Direction to Council Liaison Regarding Lamorinda Action Plan and Inter-jurisdictional Routes

Bill Loudon, DKS Associates, presented a PowerPoint presentation on the 2014 Lamorinda Action Plan intended to implement cooperative planning under Measures C and J, and a Growth Management Program (GMP) to ensure that planned growth could be accommodated with regional transportation facilities which had been designed as an inter-jurisdictional planning process for Routes of Regional Significance (RORS) as part of the Countywide Transportation Plan (CTP). He identified the members of the Lamorinda Action Plan Committee; highlighted the key elements of the 2014 Lamorinda Action Plan including an overview of growth rates and future travel patterns; review and update of the statements of vision, goals and policies; adding RORS; and introducing Lamorinda Inter-jurisdictional Routes. He advised that the next step was to receive input from the Town Council. The Lamorinda Action Plan had been presented to the City of Lafayette and was scheduled for presentation to the City of Orinda on Monday, January 27. The plan would then return to the Lamorinda Action Plan Committee for comments, refinement, and approval of a draft to be distributed to the other subareas, including regional Planning Councils by February or March, and then be fed into the CTP. The Lamorinda Action Plan Committee had until December 2014 to adopt a Final Action Plan.

Councilmember Metcalf explained that he had asked for the presentation since the Lamorinda Action Plan Committee was scheduled to take action on the Plan at its next meeting. As the Council Liaison, he sought direction as to how to vote on the Plan.

In response to the Council, Mr. Loudon explained that Lafayette had discussed that inter-jurisdictional routes in the Lamorinda Action Plan should not include routes that had more significant residential character. Although St. Mary's Road was one of the primary routes out of Moraga to Highway 24, Lafayette was sensitive to anything that designated St. Mary's Road as an appropriate commute route.

Mr. Loudon stated that there were similar comments about the use of Rheem Boulevard and Glorietta Boulevard located in the City of Orinda. He explained that Moraga Way and Moraga Road had been viewed as the roads most appropriate to travel to Highway 24 and to BART, with Mt. Diablo Boulevard added in response to a recommendation from the City of Lafayette and in recognition of that road as a connection to Highway 24 and Moraga Road.

Ms. Brekke-Read explained that the Technical Advisory Committee (TAC) had discussed the addition of different categories and a category for Inter-jurisdictional Routes would help given that the Lamorinda area had difficulty competing for grants. As a result, the initial list of Inter-jurisdictional Routes included St. Mary's Road and Rheem Boulevard, extending into Reliez Station Road. The TAC recognized that it was a new idea to embrace and a new category to introduce which may not be acceptable in the first go around. Staff had agreed to recommend starting with a smaller list and adding BART to the RORS since it carried regional traffic and met all the criteria for RORS, and adding the Lafayette-Moraga Regional Trail to the inter-jurisdictional routes since it provided circulation to the two communities and pursuant to State law which required Complete Streets and the need to provide for all modes of travel. The Contra Costa Transportation Authority (CCTA) had advocated the update of the Action Plans and with a possible reauthorization of Measure J, a discussion had developed of where the monies should be spent within the Lamorinda area.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council discussed the Lamorinda Action Plan and inter-jurisdictional routes at length, and it was the consensus of the Town Council to provide direction to the Council Liaison to recommend approval of the Draft 2014 Lamorinda Action Plan including designation of Inter-Jurisdictional Routes to include St. Mary's Road (Glenside Drive/Reliez Station Road route) and Rheem to Glorietta Boulevards.

- B. Consider Resolution 7-2014 Authorizing the Town Manager to Execute a Memorandum of Understanding with the Moraga-Orinda Fire District to Share the Facility at 555 Moraga Road (Station 42) for Use as the Town of Moraga Emergency Operations Center When Necessary

Ms. Keimach explained that approximately a year ago the Town had begun considering turning 331 Rheem Boulevard into an Emergency Operations Center (EOC). She explained that in the event of a major earthquake the hill behind Rheem Boulevard could slide. If so, staff wanted to have a backup location for an EOC. She preferred to have an MOU in writing in the event that 331 Boulevard was not habitable to allow the Town to have an EOC at Fire Station 42, with funding in place and with the MOU to outline the partnership. She expressed her appreciation to the MOFD for its continued partnership with the Town.

PUBLIC COMMENTS OPENED

MOFD Fire Chief Stephen Healey reported that he was not required to obtain permission from the MOFD Board to execute a contract unless it was for a full-time employee. The MOFD Board was aware of the ongoing partnership between the Town and the MOFD, and he affirmed he had discussed the MOU with MOFD's legal counsel.

PUBLIC COMMENTS CLOSED

Ms. Murphy affirmed that pursuant to the MOU, the Town and the MOFD would share equally in the utility costs with no reciprocal amount since the MOFD was responsible for its own utility costs and the Town would not receive the bill.

ACTION: It was M/S (Trotter/Wykle) to adopt Resolution 7-2014 Authorizing the Town Manager to Execute a Memorandum of Understanding with the Moraga-Orinda Fire District to Share the Facility at 555 Moraga Road (Station 42) for Use as the Town of Moraga Emergency Operations Center When Necessary. Vote 5-0.

- C. Consider Resolution 8-2014 Authorizing the Town Manager to Award a Professional Services Contract to the Planning Center/Design Community & Environment in an Amount Not to Exceed \$195,000 for Completion of the Hillside and Ridgeline Regulations Study and Amendments Project

Senior Planner Ellen Clark welcomed any questions from the Town Council on the January 22, 2014 staff report. She advised the date for the Kick-Off meeting had yet to be identified but hoped it would be in February, noting that the consultant had estimated a year-long project as indicated in the staff report.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Arth/Metcalf) to adopt Resolution 8-2014 Authorizing the Town Manager to Award a Professional Services Contract to the Planning Center/Design Community & Environment in an Amount Not to Exceed \$195,000 for Completion of the Hillside and Ridgeline Regulations Study and Amendments Project. Vote 5-0.

- D. Consider Resolution 9-2014 Authorizing a Part-Time (0.50 FTE) Community Service Officer Position for the Moraga Police Department and Amending the Salary Schedule for Town of Moraga Classifications to include a Community Service Officer, Part-Time Classification

Chief Priebe presented the request for authorization of a part-time (0.50 FTE) Community Service Officer Position for the Moraga Police Department and amending the salary schedule for Town of Moraga Classifications to include a Community Service Officer, Part-Time Classification. He explained that the Community Service Officer position had been in the Police Department off and on for years, had not been filled in the last three and a half years, but provided a critical function to the Police Department regarding evidence collection with minimal work being done to complete those tasks. While evidence was being taken in, processed, and stored properly, it was not being disposed of which had been an issue since the Department had several years of narcotics and stored weapons that must be destroyed. He commented that he and a Lieutenant had been doing the work although the Lieutenant had expressed his intention to retire in March and there was an urgent need to fill the position. He asked that the Town Council approve the request to allow the position to be filled, which would have a fiscal impact of \$40,000 per year. If approved, he commented that it was likely the position would not be filled until April.

Responding to the Council, Chief Priebe acknowledged the Department would likely have better success filling the position if it was a full rather than a part-time position but it was a matter of finances. He clarified that the position was a sworn position, a civilian employee but absent any police powers. He acknowledged that most agencies had full-time Community Service Officers. As to whether a full- or part-time employee, he would like a position that could be filled with the knowledge the position was permanent, not affected by budget constraints. He also made a commitment that if he was unable to fill the position part time with a qualified candidate, he would return to the Town Council to request that the position be considered full time.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Trotter) to adopt Resolution 9-2014 Authorizing a Part-Time (0.50 FTE) Community Service Officer Position for the Moraga Police Department and Amending the Salary Schedule for Town of Moraga Classifications to include a Community Service Officer, Part-Time Classification; and if a fully qualified part-time candidate was not found the Town Council may consider a full-time candidate. Vote 5-0.

ACTION: It was M/S (Trotter/Metcalf) to extend the Town Council Meeting to 11:15 P.M. Vote 5-0.

- E. Accept Fiscal Year 2013/14 Mid-Year Revenue and Expenditure Report and Consider Resolution 10-2014 Approving the Mid-Year Adjustments to the Fiscal Year 2013/14 Budget

Administrative Services Director Stephanie Hom reviewed the 2013/14 Fiscal Year Mid-Year Revenue and Expenditure Report through December 31, 2013, noting that although the Town was through half of the year at 50 percent, the personnel expenditures were only at 46 percent, as detailed in Attachment A to the staff report. She noted that the Town was almost fully staffed with a vacancy in the Police Department and she expected the personnel expenditures to be on target. She also reviewed the resolution approving the Mid-Year Adjustments to the FY 2013/14 Budget on both the revenue and the expenditure side, with a summary included in Exhibit A to the resolution as shown in the staff report as Attachment B. The budget would still be balanced with the adjustments to realize a new increase of revenues of \$459,000, \$400,000 of which was related to the Measure K Local Sales Tax and on the expenditure side, with the same amount of \$400,000 to go to the Street Pavement Program as part of Measure K. She reported that the receipts from Measure K had been healthy as confirmed in the first quarter report analysis and again this date at \$1.4 million for the year. She added that the Audit and Finance Committee (AFC) had also reviewed the FY 2013/14 Mid-Year Revenue and Expenditure Report and the Mid-Year Adjustments to the Fiscal Year 2013/14 Budget.

Responding to the Council as to the state of retail spending in Moraga, Ms. Hom suggested the increase was from other retail given that the Town's retail sales tax was flat with limited retail in Moraga and with much purchase and consumption outside of Town.

Ms. Keimach spoke to the number of new and used automobiles which had been purchased recently and contributed to the additional 1% sales tax. She added that in 2007 the average length of time a person owned a vehicle was seven years as compared to currently eleven and a half years, with a pent-up demand to purchase new cars which the consultant expected would last three to four years. She suggested the future for automobile sales was good for Moraga.

As to the earlier discussion of a part-time versus a full-time Community Service Officer, Ms. Hom acknowledged the amount in the mid-year adjustment was high but could be reduced depending on the amount of training, noting this was a mid-year adjustment January 1 to June 30. She commented if commencing with the recruitment for that position right away it was not likely but hopeful that someone would be hired before April and the funding allowed a comfort zone. She added that the top 25 retail sales tax generators had been identified in the audit and made up close to 85 percent of the Town's sales tax.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Arth) to accept Fiscal Year 2013/14 Mid-Year Revenue and Expenditure Report and Consider Resolution 10-2014 Approving Mid-Year Adjustments to the Fiscal Year 2013/14 Budget. Vote 5-0.

- F. Consider Resolution 11-2014 Authorizing the Town Manager to Amend the Professional Services Contract with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$40,000 for a Total Amount of \$240,000 for Pavement Management and Design Services for the 2014 Pavement Repair Project (CIP 08-106)

Public Works Director/Town Engineer Edric Kwan reported that the recent passage of the mid-year budget adjustment for the Pavement Repair Project would allow for an increase in the construction budget for this construction season from \$3 million to \$3.5 million, which would necessitate additional design services from Nichols Consulting Engineers costing the Town approximately \$40,000 to appropriately include the additional street segments into the Program. He asked that the Town Council approve a resolution authorizing the Town Manager to amend the Professional Services Contract with Nichols Consulting Engineers (Richmond) in an amount not to exceed \$40,000 for a total amount of \$240,000 for Pavement Management and Design Services for the 2014 Pavement Repair Project (CIP 08-106). He noted that the funds would come from the Measure K Leverage Fund or the Annual Sales Tax for Measure K, and he confirmed the funds for Nichols Consulting Engineers services had come from the same funding sources in 2013.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Wykle) to adopt Resolution 11-2014 Authorizing the Town Manager to Amend the Professional Services Contract with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$40,000 for a Total Amount of \$240,000 for Pavement Management and Design Services for the 2014 Pavement Repair Project (CIP 08-106). Vote 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Metcalf asked that a future agenda item include consideration of a waiver of the fee for the Fourth of July Run.

Ms. Keimach responded to the request for future agenda items as made by Ms. Deschambault under public comment and advised that every city including the Town of Moraga had a retention schedule and the request was a policy question for the Town Council. There were also storage impacts with an effort to convert to electronic with a retention schedule planned to be brought to the Council in the event there were changes to that process. She noted that the request by Ms. Deschambault was for staff to retain every document forever.

Ms. Murphy advised that the Town's current retention schedule had been adopted by the Town Council, and any changes to that retention schedule would require Town Council consideration.

Councilmember Trotter noted that the Town Council had approved the retention schedule in 2007 when Ms. Deschambault had been a member of the Town Council, and he agreed it may be time to revisit that issue.

Ms. Keimach suggested as staff progressed with the electronic files system and reviewed the retention schedule, if there were any proposed changes at that time staff could bring the matter to the Town Council.

XIII. COMMUNICATIONS

A. League of California Cities 2013 Annual Report

Town Clerk Marty McInturf asked that the Town Council reconsider Consent Agenda Item 2, the approval of the Regular Town Council Minutes on December 11, 2013, to take action to

consider modification to Page 3, where the first vote had been recorded incorrectly as a 3-0-2 vote, and which should be corrected to read 3-1-1.

ACTION: It was M/S (Trotter/Arth) to reconsider Consent Agenda Item 2, Minutes for the Regular Meeting of the December 11, 2013 Town Council meeting. Vote: 5-0.

ACTION: It was M/S (Trotter/Arth) to approve the Regular Town Council Meeting Minutes of December 11, 2013; with a revision to the first motion as shown on Page 3 to reflect the following vote: "Vote: 3-1-1. Absent: Wykle. Abstain: Chew" (due to absence). Vote: 5-0.

XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 11:12 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Ken Chew, Mayor