

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**March 12, 2014
MINUTES**

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

Vice Mayor Wykle led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

There were no special announcements.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Presentation on the Status of Moraga Youth Involvement Committee (MYIC) 2013/14 Mid-Year Accomplishments by Chair Zach Taylor and Vice Chair Victoria Targett

The item was postponed to a later date.

- B.** Presentation on the Status of Central Contra Costa Solid Waste Authority (CCCSWA) by Executive Director Paul Morsen

Paul Morsen, Executive Director for the Central Contra Costa Solid Waste Authority (CCCSWA), described his experience and background with the CCCSWA as well as the purpose and authority of the CCCSWA. He outlined the State-mandated 75 percent diversion rate for garbage and reported that the CCCSWA Board had solicited bids for all of its garbage services including collection, transfer and disposal of garbage, collection and composting of green waste, and the collection and the processing of recyclables. Responses to the proposals had been analyzed to determine which proposal would be in the best interests of ratepayers.

CCCSWA staff had presented recommendations to the CCCSWA Board in January 2014 on the bid responses, and in February 2014, the CCCSWA Board had directed its staff to begin final contract negotiations with Republic Services for everything except the processing of recyclables. The bid had been opened to three respondents for the processing and recyclables portion of the contract with CCCSWA staff to make a recommendation to the CCCSWA Board at its March 27, 2014 meeting.

Mr. Morsen expressed his hope that the new franchise agreement would begin on March 1, 2015 once the final contract negotiations were completed and required equipment had been obtained. Future challenges for the CCCSWA included the 75 percent diversion rate, an effort to push organics to be used as a resource, and the ability to meet all challenges in a way that would be affordable to ratepayers.

Mr. Morsen advised that he would retire from the CCCSWA at the end of the month but would stay on until April to assist in the contract negotiation process, and to transition new Executive Director Ken Etherington who would commence employment on April 1.

Responding to the Council, Mr. Morsen acknowledged comments that had been made during prior Town Council meetings regarding the contract negotiations; expressed his disappointment allegations had been made that green waste was not being appropriately processed; and stated in response to those allegations he had employed a third party consultant, IntelliWaste, which had examined numerous documents and found no substance to the allegations against the contractor. As a result, staff had recommended that the CCCSWA Board move forward. He noted that the three firms that had submitted bid proposals for the processing and recyclables involved an incredible amount of work, and that CCCSWA staff had invited all three firms to provide a late proposal which would be due by the close of business on March 13, 2014. He also clarified that the new garbage trucks that would be required to be purchased as part of the new contract would involve *Curotto-Can* garbage trucks, which included newer technology, fewer trucks, and drivers who could be more productive on their routes.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

C. Certificate of Appreciation for Paul Morsen, Executive Director, CCCSWA

Mayor Chew read into the record a Certificate of Appreciation to Paul Morsen for his years of dedicated service as the Executive Director of the CCCSWA.

PUBLIC COMMENTS OPENED

Mr. Morsen thanked the Town Council for the Certificate of Appreciation and wished the Town well in the future.

PUBLIC COMMENTS CLOSED

D. Proclamation Declaring March 2014 Prescription Drug Awareness Month

Mayor Chew read into the record a proclamation declaring March 2014 as Prescription Drug Awareness Month.

PUBLIC COMMENTS OPENED

Jaime Rich, Lamorinda Alcohol Policy Coalition, reported on the facts and statistics for prescription drug use which was the fastest growing substance problem in the nation, with over 454 deaths between 2008 and 2013 where prescription drugs were involved in Contra Costa County. She reported that a member of the Moraga Police Department had been in attendance during a recent Coalition meeting and had reported on an increase in heroin use in many

communities, which usually started through the abuse of prescription drugs. As part of the Prescription Drug Awareness Month, the Coalition would be showing the film Behind the Orange Curtain at Miramonte Theater on March 25, 2014 from 6:00 to 8:00 p.m., with a panel of participants of the film and associated agencies to be formed after the showing. On behalf of the many prevention organizations and agencies, she thanked the Town Council for the proclamation recognizing Prescription Drug Awareness Month.

PUBLIC COMMENTS CLOSED

E. Proclamation Declaring March 2014 American Red Cross Month

Mayor Chew read into the record a proclamation declaring March 2014 as American Red Cross Month.

PUBLIC COMMENTS OPENED

Carla McCormick, representing the American Red Cross and a member of the Contra Costa Leadership Council, reported that for decades the American Red Cross had prepared communities to respond and recover from emergencies. On behalf of the many American Red Cross volunteers who served Bay Area communities, she thanked the Town Council for the proclamation.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Ellen Beans, Moraga, reminded the Town Council and the public that the Community Faire would be held on May 10, 2014. She asked the Town Council whether they desired a Town booth at the Community Faire, and if so, whether Councilmembers would be present to interact with the public. She did not want to overburden Town staff to attend and man the booth.

Mayor Chew asked that the Town Manager poll Councilmembers to determine the interest in having a Town booth at the Community Faire.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

No items were removed from the agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

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| 1) | Accounts Payable Claims for 2/21/14 (\$161,963.49) | Approved |
| 2) | Approve Minutes for the Town Council Regular and Special Meetings on February 12, 2014 | Approved |

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|----|--|----------|
| 3) | Approve by Motion "Community Event Signs" for the Annual Community Faire through the 2016 Event, Waive the Sign Permit, and Marquee Fees and Allow for an Option to Extend the Approval through 2018 | Approved |
| 4) | Approve by Motion a Fee Waiver for the Required Encroachment Permit for the Annual Campolindo High School Sponsored Fourth of July Fun Run through July 4, 2016 with an Option to Extend the Approval Through 2018 | Approved |
| 5) | Consider Resolution 23-2014 Authorizing the Town Manager to Award a Professional Services Contract with Records Systems Associates, Inc. (Danville) in an Amount Not to Exceed \$17,625 for the Integration of an Electronic Document Management Software System for all Town Departments and the Design and Implementation of a Records Improvement Program for the Public Works Department | Approved |
| 6) | Review and Accept Local Sales Tax Oversight Committee 2013 Independent Report to the Town Council Regarding the Revenue and Expenditures of the Transactions and Use Tax | Approved |
| 7) | Proclamation Recognizing Edy Schwartz as Contra Costa Commission for Women 2014 Women's Hall of Fame Honoree | Approved |

B. Consideration of Consent Items Removed for Discussion

No Consent Items were removed for discussion.

VII. ADOPTION OF MEETING AGENDA

Town Manager Jill Keimach reported that there had been a request to move Item B under Ordinances, Resolutions and Requests for Action, to Item A.

ACTION: It was M/S (Wykle/Arth) to adopt the Meeting Agenda, as modified, to move Item B under Ordinances, Resolutions and Requests for Action to Item A. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew - Reported that he had attended the CCCSWA Board meeting on February 27 when the main contract had been awarded to Republic Services, with the recycling portion to be determined at the next meeting of the CCCSWA Board on March 27; attended the Mayors' Conference in the City of Walnut Creek on March 6; and represented the Town welcoming parents and students to Saint Mary's College (SMC) on March 11.

Vice Mayor Wykle - Reported that the next meeting of the Moraga Youth Involvement Committee (MYIC) had been scheduled for March 13.

Councilmember Arth - Reported that he had attended the Moraga Chamber of Commerce Board meeting with discussions on the Town's Sign Ordinance on March 5; and reported that he, Councilmember Trotter, Town Manager Keimach,

and Administrative Services Director Hom had met to launch the procedure to establish the fair market rental of the back nine of the Moraga Country Club property on March 12.

Councilmember Metcalf - Reported that he had attended a meeting of the Lamorinda Program Management Committee (LPMC) with a final review of the Lamorinda Action Plan, and that the City of Lafayette had added the prospect of metering traffic on Pleasant Hill Road at the Lafayette/Pleasant Hill border; and he alerted the Council of Lafayette's discussion to possibly meter roads from Moraga into Lafayette.

Councilmember Trotter - Reported that he had attended the CCCSWA Board meeting on February 27; attended an Ad Hoc Facilities Planning Subcommittee with Councilmember Metcalf on March 3; attended the Mayors' Conference in Rossmore on March 6 and had taken photographs of the banners used by the City of Walnut Creek to commemorate its 100th anniversary, to be forwarded to staff for consideration of Moraga's 40th anniversary; had attended a subcommittee meeting to launch the procedure to establish the fair market rental of the back nine of the Moraga Country Club property with Councilmember Arth, the Town Manager, and the Administrative Services Director on March 12; and attended a Moraga Historical Society Adobe Fundraising Committee meeting on March 10.

- B. Town Manager Update – Ms. Keimach reported that the next Town Council meeting scheduled for March 26 would be cancelled; the Tri-City meeting had been scheduled for April 7 at the Soda Center at Saint Mary's College at 7:00 p.m., and the Livable Moraga Road Project Committee had posted a range of different options online.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Consider Adopting and Waiving Second Reading of Ordinance No. 244 Approving a Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities for the Camino Ricardo Subdivision (CEQA Status: The Planning Commission certified the EIR for the project, including components of the Development Agreement on January 6, 2014).

Ms. Keimach explained that this was the second reading of the Development Agreement (DA) and that the March 12, 2014 staff report included an edit requested at the February 26, 2014 Town Council meeting regarding the pedestrian bridge and the timing of the crosswalk, with language as directed by the Town Council included for final adoption. The staff report also included a list of items that had been included in the DA pursuant to input from meetings with the developer, staff, the public, Planning Commission, and Town Council members. The identified impact fees were only an estimate; the developer was paying \$55,000 for pedestrian improvements, which figure had been included in the number identified for the value of the public improvements estimated at \$2.69 million.

PUBLIC COMMENTS OPENED

Britta Harris, Moraga, asked that the Town Council be mindful of water usage due to existing drought conditions. She expressed concern with the aspects of construction that would require substantial amounts of water, and commented she could find no information in the DA that would require the use of recycled water during the construction period.

PUBLIC COMMENTS CLOSED

Assistant Town Attorney Karen Murphy clarified that the Environmental Impact Report (EIR) for the project had been certified, which meant that any other conditions would have to be analyzed in the context of the EIR.

Councilmember Trotter affirmed with the Town Attorney that the certification of the EIR had not been appealed to the Town Council, with respect to California Environmental Quality Act (CEQA) issues.

Councilmember Metcalf offered a motion, seconded by **Councilmember Arth** to adopt and Waive the Second Reading of Ordinance No. 244 Approving a Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities for the Camino Ricardo Subdivision.

On the motion, **Vice Mayor Wykle** stated that although he appreciated the inclusion of language regarding the Livable Moraga Road Project in the DA, he suggested that process should run its full course before a decision was made on the crosswalk.

ACTION: It was M/S (Metcalf/Arth) to adopt and Waive the Second Reading of Ordinance No. 244 Approving a Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities for the Camino Ricardo Subdivision. Roll Call Vote: 4-1. Noes: Wykle.

- B. Consider Hacienda Subcommittee Recommendation regarding Café Hacienda and Provide Direction to Staff Regarding Next Steps for the Hacienda de las Flores

Parks and Recreation Director Jay Ingram reported that the Town Council had first heard the item on May 8, 2013, and had approved and authorized staff to enter into a non-exclusive agreement for services with home/made kitchen café and bakery in addition to approving the concept for the Café Hacienda; encouraged all efforts for as much revenue as possible to be generated from the facility while increasing the utilization of the space.

Mr. Ingram advised that a second agreement from August to November 2013 had been approved by the Town Council which reflected a modest percentage of gross revenue, but which had been challenging for the operator of the Café Hacienda. The Town Council had heard the item again on November 13, 2013, at which time the Town Council had extended the agreement to the first quarter of 2014.

The Town Council also received recommendations from members of the Hacienda Subcommittee to discuss a longer term solution to the current Café Hacienda use prior to the April 1, 2014 expiration of the current agreement for services. The Hacienda Subcommittee had met four times and had been facilitated by Maura Wolf, a member of the SMC Leadership Center; the Subcommittee findings had been outlined in detail in the March 12, 2014 staff report. At its last meeting, the Subcommittee had ultimately recommended that the Town Council not extend the contract with home/made kitchen café and bakery beyond April 1, 2014

due to scheduling challenges between the café owner exclusive use of kitchen request and the community's needs and wants for the Hacienda.

Mr. Ingram stated that the Hacienda Foundation also questioned the long-term vision for the Hacienda; with most Subcommittee members of the opinion that some future funding for the Hacienda should be seriously considered. There was a request for funding in the current Fiscal Year budget for Five-Year Capital Improvement Project (CIP), CIP-14, Parks, Trails, Hacienda Open Space Survey, which had been scheduled for Town Council consideration in the next budget cycle. The survey would measure community interest in funding a variety of recreational amenities in the Town.

Mr. Ingram added that Town staff had met with local resident João Magalhães who had shared his vision for the Hacienda, as outlined in the March 12, 2014 staff report, and which the Town Council may also consider.

Mr. Ingram expressed his appreciation to the Town Council for funding CIP 14-302, the Hacienda Improvement Program, consisting of \$35,000 that could be used for numerous improvements in consultation with the Hacienda Foundation. He identified the improvements that included replacement of the carpeting with wood flooring in the hallway; redoing the ladies lounge restroom with partitions; the Hacienda Foundation was interested in partnering with the Town to make improvements to the fireplace; and a small room of the Casita next to the Camp Hacienda Room would be converted to include an office use for the Camp Director. He also described the improvements to the Main Power Replacement CIP Project approved in 2008, and identified the areas of the Hacienda grounds where flowers would be planted, benches repaired and painted, and the lawns aerated, fertilized and seeded.

Mr. Ingram added that he had recently spoken with the Café Hacienda operator who had expressed a desire to stay beyond April 1, 2014; however, after much thought and in an effort not to have service interruptions for the Hacienda programs and activities, and the many improvements planned for the Hacienda, he did not see how it could be achieved with the continued operation of the Café Hacienda. Given the desire for the Café Hacienda operator to remain in Town, he asked the Town Council to discuss alternative facilities. He recommended that the Town Council accept the recommendation from the Hacienda Subcommittee as outlined in the staff report.

In response to the Council, Mr. Ingram reiterated the challenges in achieving the improvements planned and continuing the Café Hacienda operations, particularly in light of the upcoming Cinco de Mayo festivities scheduled for May 4, 2014.

Mr. Ingram updated the Council on the elevator study and the Request for Proposal (RFP) for the elevator work. The RFPs were due in early April and the Town Council was expected to award a contract for architectural services in the summer. He also acknowledged a recommendation to contact service organizations in Town who may be willing to repaint the institutional white color of the Hacienda's interior walls, although the repainting work that had been planned was minimal at the current time.

PUBLIC COMMENTS OPENED

Judy Dinkle, Moraga, speaking for the Hacienda Subcommittee and the Hacienda Foundation, advised that the Hacienda Foundation urged the Town Council to include the Hacienda when considering a potential survey as part of the assessment of Town facilities. The Hacienda Foundation supported a balance of the uses of the Hacienda itself, continuing as a community center, with a possible separate community gym or multi-use space where both facilities together could be considered a community center to serve the community in different ways.

She asked that a survey include an assessment of how the spaces would be used and how funding would be considered. She supported the continuation of planning for all of the proposed improvements that would occur in April to ensure the facility was ready for the high use season and planned activities.

PUBLIC COMMENTS CLOSED

As to the potential cost for a survey as part of CIP-14, Parks, Trails, Hacienda Open Space Survey, Mr. Ingram budgeted the cost to be \$15,000, which amount was currently unfunded.

Councilmember Trotter was open to the idea of a strategic plan for the Hacienda. He suggested that the recommendation from Mr. Magalhães for a Site Specific Master Plan should be considered along with other ideas. He emphasized the importance of the Hacienda to the Town and suggested a Master Plan could include many ideas from the community. While he had supported the Café Hacienda, he had been persuaded by staff that it would not be able to operate successfully in the middle of a construction zone. He understood the operator of Café Hacienda would like to continue to have her business in Moraga, and suggested that alternative sites could be considered. He looked forward to further dialogue with the Council and the members of the community on how to use the Hacienda.

Mayor Chew re-opened public comment.

Gayle Somers, Café Hacienda, commented that she had understood that the only work to be done was the removal of carpets and had not been aware that the existing wood floors would be redone. She had thought she could manage her business in the outside area since the patio itself would not be changed.

Councilmember Metcalf agreed the improvements identified needed to be done, but was uncertain where the \$35,000 would come from. Mr. Ingram advised that the \$35,000 would come from Palos Colorados funds approved by Council during the FY 2013/14 budget process.

Councilmember Metcalf stated the purpose of permitting the Café Hacienda operation had been to determine whether there was a demonstrated desire of the public to have an eating establishment at the Hacienda. He understood there was a public desire for such a facility, particularly for breakfast and lunch, and while it was something he would like to pursue, he would also like to pursue the possibility of a Bed and Breakfast at the Hacienda given the need for hotel facilities in Town. He suggested that SMC could fill any hotel built in Moraga and he suggested that Mr. Magalhães had made a good case for considering a more aggressive approach than the public had thought for the Hacienda. With a demonstrated market for an eating establishment, there was no reason not to pursue the recommendations from Mr. Magalhães, although he agreed that a concept had to be developed, whether a strategic plan or not.

Councilmember Metcalf did not support budgeting funds for a survey given the fact that the right questions needed to be asked. He cited the two-year effort for Measure K, as an example, and suggested asking residents what they wanted for the Hacienda would result in the same responses as already detailed in the staff report.

Mayor Chew invited members of the Hacienda Subcommittee present in the audience to address the Town Council.

Claire Roth, Moraga, a member of the Hacienda Foundation Board and the Hacienda Subcommittee, clarified the rationale for the recommendations from the Subcommittee as outlined in the staff report. She explained that the primary reason for the recommendation to

cease the operations of the Café Hacienda operation was because the operator felt the current operation was unsustainable since it required her to remove her equipment any time special events were held. The café operator also asked for an exclusive arrangement which was incompatible with the existing uses and special events that used the kitchen facilities. While she understood the operator of Café Hacienda wanted to retain her staff during the month of April given delays with her plans for the former Mondello's Restaurant site, and had expressed a desire to continue the operation of her business, she stated it would be only for the month of April. Responding to Council, she stated she was aware of the recommendations made by Mr. Magalhães who had attended the third meeting of the Subcommittee and had outlined his concept.

Councilmember Metcalf recognized that the Hacienda Foundation had the most knowledge of the possibilities, challenges, and weaknesses of the Hacienda facility and encouraged the Hacienda Foundation to start a dialogue with Mr. Magalhães to discuss the validity of his ideas.

Ms. Roth advised that the Hacienda Foundation was not opposed to listening to any ideas but wanted to move forward with the long-range planning for the Hacienda, which was long overdue. She added that the Hacienda Foundation would like to be aware of any plans for a community center, such as if the Town was considering another site for a community center, which could be added into the consideration of Mr. Magalhães' ideas. She emphasized the desire to learn how the Hacienda fit into the Town's vision in terms of community usage.

Councilmember Metcalf acknowledged that the Joint Facilities Planning Subcommittee had recently met and discussed the possibility of a gymnasium/community center, a carry-over from the policies in the MCSP which had shown such a facility across from the Commons Park. He encouraged the Hacienda Foundation to attend the next meeting of the Joint Facilities Planning Subcommittee which would be discussing potential concepts.

Maura Wolf, Moraga, Facilitator for the Hacienda Subcommittee, outlined the discussions of the Subcommittee and the reasons for specific and broader recommendations based on a two-pronged approach.

Councilmember Arth was not convinced that Café Hacienda would be able to operate successfully outside on the patio during the construction period. He agreed there was no purpose for a survey at the current time since the same responses already identified were likely although a survey could be valuable after other concepts had been developed. He suggested that the operation of the Café Hacienda for the past months had proven that although it had good food as part of a nice establishment, a restaurant would not be viable since the Town had received no rent or profited from the business during that time.

In response to the Mayor as to how the Town may productively move forward, Mr. Ingram suggested the survey would benefit the Hacienda Foundation on future long-term planning. As to Mr. Magalhães' recommended concept, he suggested meeting with one or two members of the Hacienda Foundation as a first step to solicit input from the Hacienda Foundation on his ideas. He noted that staff was planning a future field trip with the Park and Recreation Commission to tour the Pleasant Hill Recreation and Park District's Teen, Senior and Community Centers to solicit some ideas.

Mayor Chew agreed that a survey was not appropriate at the time given that it was unknown what questions to ask. He questioned whether the funds were available for a consultant to ask the right questions.

Ms. Keimach understood that the survey was intended to identify a number of priorities and clarify what the community determined were the priorities, similar to the effort for Measure K. It

had been envisioned that the same consultant used for Measure K would be used for the proposed survey.

Councilmember Metcalf pointed out that the Measure K efforts included focus groups as part of the Revenue Enhancement Community Outreach to Neighborhoods (RECON), and a skilled facilitator who was able to get the group talking, along with local volunteers who had experience on the topic at hand, which had been enormously valuable. A voluntary poll had also been posted on the Town's website which had correlated the comments from the focus groups. He noted that the entire project involved a two-year team effort, and he suggested the same effort was required for this situation although it might not take as long.

Mayor Chew recommended that the Town Council accept the recommendations from the Subcommittee knowing that more work was needed, possibly a complete study similar to the Measure K process, with staff to coordinate with the Hacienda Foundation.

Councilmember Trotter noted that the process for the Revenue Enhancement Committee (REC) which had morphed into the RECON was the right process, but suggested that smaller steps be taken before proceeding with a full survey as the issue was more problematic. He offered a motion to accept the recommendations from the Hacienda Subcommittee regarding the Café Hacienda and provide direction to staff to work in conjunction with the Hacienda Foundation and Mr. Magalhães on his proposal, to include a smaller group outreach effort, and not conduct a survey at the current time.

Vice Mayor Wykle seconded the motion.

On the motion, **Mayor Chew** recommended that the Town Council accept the recommendation from the Hacienda Subcommittee regarding the Café Hacienda, and continue discussions as to whether a survey was needed based on the discussions from the Town Council, which would return for Town Council consideration.

Councilmember Trotter did not accept the modification to his motion. He opposed a survey in this budget cycle, suggested it may be a budget cycle away, and reiterated his motion.

Vice Mayor Wykle also stood by his second to the original motion.

ACTION: It was M/S (Trotter/Wykle) to accept the recommendation from the Hacienda Subcommittee regarding the Café Hacienda and provide direction to staff to work in conjunction with the Hacienda Foundation and Mr. Magalhães on his proposal, and that the Town Council include a smaller group outreach effort, and not conduct a survey at the current time. Vote: 5-0.

Councilmember Trotter stated that Ms. Somers had a future in the community and he wished her luck moving into the former Mondello's Restaurant space.

- C. Consider Resolution 24-2014 Concluding the Services of and Dissolving the Traffic Safety Advisory Committee (TSAC)

Public Works Director/Town Engineer Edric Kwan reported on February 12, 2014 that the Town Council had reviewed and accepted the Council and Community Goals for 2014. One of the goals was the dissolution of the Traffic Safety Advisory Committee (TSAC) due to a lack of interest of citizens to serve on the committee, minimal Traffic Action Requests (TARs), and poor attendance from past committee members. He identified the Charter for TSAC, the number of committee members and meetings held since the formation of TSAC in 2007, and stated that if

the Town Council took action to dissolve TSAC, the TARs would be processed by staff, as had been done prior to the formation of TSAC.

PUBLIC COMMENTS OPENED

John Valentine, Moraga, TSAC Chair for the past four years, acknowledged that the appointment of TSAC members had been difficult over the years; emphasized qualifications of TSAC members; and questioned the fact that the Council would be considering a request to create a new Bicycle Pedestrian Advisory Committee when TSAC had served the function of such a committee during his tenure on TSAC. He expressed concern that the Town would lose a valuable resource with the dissolution of TSAC.

Mayor Chew explained that recruitment of the five appointed TSAC members had been difficult for several years since some members had been asked to serve by Council after not being selected to other committees since oftentimes there were more candidates than positions available. He explained that the creation of a new Bicycle Pedestrian Advisory Committee was not the same as the TSAC effort since the new committee would focus more on the connectivity of bicycles and pedestrians in Town.

PUBLIC COMMENTS CLOSED

Councilmember Metcalf thanked Mr. Valentine for his service to the community and tenure on TSAC. He suggested that TSAC was not unlike Circulation Commissions in other communities; stated such a commission was needed in Moraga; did not want to overburden the Public Works Department; and supported an advisory body to focus on traffic and safety issues. He was disappointed there had been a Town Council Goal to dissolve TSAC given the need for an advisory body to provide an outlet for the public to address any concerns absent overburdening staff or the Town's boards/commissions. He did not support the dissolution of TSAC and recommended that TSAC be changed through a more comprehensive and meaningful charter.

Mayor Chew noted the dissolution of TSAC had been discussed during the Town Council Goal Setting Workshop and staff had been directed to return with a formal agenda item to dissolve TSAC. He suggested it would be more burdensome to staff to retain TSAC when there was no need or action to be taken. He was confident staff could address any issues that needed to be discussed, which could be forwarded to the Town Council as needed.

Vice Mayor Wykle recalled during the Town Council Goal Setting Workshop that TSAC members who were present at that time had been supportive of the dissolution of the committee. He asked whether the remaining TSAC members were interested in serving in some capacity.

Mr. Valentine encouraged the Town Council to continue with the current TSAC process but change the charter to allow fewer than five committee members.

Chief of Police Robert Priebe stated there were not a sufficient number of members to sit on TSAC; recognized the Town was dependent on volunteers; expressed concern with oversaturation; and noted that a couple of the TSAC members were no longer interested in participating on TSAC. He acknowledged there had been more activity when the former Public Works Director/Town Engineer had been employed. He commended the work of the current Public Works and Engineering Department staffs.

In response to the Mayor, Mr. Kwan stated that the three TARs, as shown on the table on Page 2 of the March 12 staff report, were under review and being analyzed by the Police Department, which could be done absent TSAC.

Councilmember Arth stated that he had been the Council Liaison to TSAC and had been impressed with the TSAC discussions regarding the three TARs considered in 2013, although he suggested that TSAC was a dying committee. He cited the Moraga Seniors which had also been a dying committee prior to its being renamed Moraga Movers and suggested that if TSAC was renamed the Circulation Committee it was possible there would be more volunteers. He stated, however, that the number of TARs would take more effort than the committee was worth. As such, he supported the sunset of TSAC.

Councilmember Trotter shared the views of Councilmember Arth. He spoke to the creation of TSAC in the wake of a bad year for traffic safety and stated that TSAC had done good work over the years and had prepared a Traffic Calming Guide. Since TSAC did not have critical mass in its current form, he agreed it should be dissolved, although there could be another discussion in the future. In the meantime, the Traffic Calming Guide would continue to be followed and if there were Level Two or Level Three physical changes to the roadway that issue would come to the Town Council regardless.

Ms. Keimach requested the following revision to the first sentence of the NOW, THEREFORE BE IT RESOLVED clause as shown on Page 1, of Attachment A, Resolution 24-2014, Concluding the Services of and Dissolving TSAC, to read:

***NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Moraga concludes the services of and dissolves the Traffic Safety Advisory Committee.*

ACTION: It was M/S (Arth/Trotter) to adopt Resolution 24-2014 Concluding the Services of and Dissolving the Traffic Safety Advisory Committee (TSAC), as modified. Vote: 4-1. Noes: Metcalf.

- D. Consider Resolution 25-2014 Transferring \$108,842 from the General Purpose Fund Reserve Balance (Fund 101) to the Public Works Performance Bonds and Deposits (Fund 440) for the Palos Colorados Development Deposit Account to Correct for Prior Year Accounting of the Funds Received

Administrative Services Director Stephanie Hom asked that the Town Council approve the request to transfer \$108,842 from the General Purpose Fund Reserve (Fund 101) to the Public Works Performance Bonds and Deposits (Fund 440) for the Palos Colorados Development Deposit Account to correct for prior year accounting of the funds received. The money had been received in May 2008 for improvement plan and grading plan review services. While some activity had taken place, it had been halted before the project was able to advance. In the meantime, the funds had been deposited into the General Purpose Fund Reserve and Richland Investment Corporation, which had provided the funding, experienced some delay in obtaining regulatory permits from other agencies and no activity had occurred for a time.

In the current fiscal year, Richland Investment Corporation had resumed the work and had approached the Town to continue the engineering plan review, and staff had found that some reconciliation would be required after the approval of the transfer, although there would be some balance remaining to continue the work. Because the funds had originally been deposited into the General Fund when they should have been deposited into a deposit account, staff was required to make this transfer and create the deposit account. If the Town Council approved the resolution, it would leave an unassigned fund balance in the General Purpose Fund in the amount of \$2,905,320. Some reconciliation would be required after Town Council action since the Town's fee schedule and some of the developer's figures had changed.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Metcalf was pleased the correction would be made with transparency to the public. He expressed his hope that such a correction would not be necessary in the future.

Ms. Hom advised that she anticipated improving processes, communication, and monthly reconciliation for all Town Departments. She clarified that this matter had been discovered recently and staff had conducted a thorough research on the project to ensure there were no further corrections that would be required in the system, although staff would also conduct a systematic review of outstanding projects.

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 25-2014 Transferring \$108,842 from the General Purpose Fund Reserve Balance (Fund 101) to the Public Works Performance Bonds and Deposits (Fund 440) for the Palos Colorado Development Deposit Account to Correct for Prior Year Accounting of the Funds Received. Vote: 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 9:29 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Ken Chew, Mayor

