

SPECIAL JOINT MEETING

**TOWN OF MORAGA
CITY OF LAFAYETTE AND CITY OF ORINDA
April 7, 2014
MINUTES**

7:00 P.M. Special Meeting

Saint Mary's College, Soda Center, Claeys Lounge
1928 St. Mary's Road, Moraga, California 94556

I. CALL TO ORDER

The Special Joint Meeting of the Town of Moraga, City of Lafayette, and City of Orinda was called to order at 7:10 P.M. by **Moraga Mayor Ken Chew**.

ROLL CALL

MORAGA TOWN COUNCIL

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

Councilmembers absent: None

LAFAYETTE CITY COUNCIL

Councilmembers present: Mayor Don Tatzin, Vice Mayor Brandt Andersson, and Councilmembers Mike Anderson, Mark Mitchell, and Traci Reilly

Councilmembers absent: None

ORINDA CITY COUNCIL

Councilmembers present: Mayor Sue Severson, Vice Mayor Steve Glazer, and Councilmembers Dean Orr, and Amy Worth

Councilmembers excused: Councilmember Victoria Smith

II. PLEDGE OF ALLEGIANCE

Mayors' and citizens led the Pledge of Allegiance.

III. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Tatzin/Severson) to adopt the Meeting Agenda, as shown. Vote: 14-0-1. Absent: Orinda Councilmember Smith

IV. PUBLIC COMMENTS AND SUGGESTIONS

There were no comments from the public.

V. NEW BUSINESS

A. Introduction of Ken Etherington, new Executive Director, Central Contra Costa Solid Waste Authority (CCCSWA)

Ken Etherington, Executive Director of the Central Contra Costa Solid Waste Authority (CCCSWA), introduced himself and described his experience and background. He explained that his focus with the CCCSWA would be on the new contracts with Republic Services for the collection of garbage, green waste, and recycling, and with Mt. Diablo Recycling to provide processing services. He stated that he would reach out to the member cities to schedule regular meetings with staff to discuss the transition and any issues/concerns from the member cities. He looked forward to meeting with everyone.

Moraga Mayor Chew spoke to the CCCSWA selection process and was confident Mr. Etherington would be a good fit for the CCCSWA and would provide much needed services to the member cities.

B. Update on Moraga-Orinda Fire District (MOFD) Activities and Emergency Preparedness and Update on Contra Costa County Fire Protection District (Con Fire)

Stephen Healy, Fire Chief for the Moraga-Orinda Fire District (MOFD), advised that Jeff Carman, Fire Chief for the Contra Costa County Fire Protection District (Con Fire), was unable to be present. Chief Healy relayed Chief Carman's wish to maintain a good relationship with the member cities operationally and on other issues. He advised that Dennis Rein, the Emergency Preparedness Coordinator with the MOFD was also not able to be present at this time.

Chief Healy reported that the Sleepy Hollow community in north Orinda had received a Firewise designation in the last month retroactive to December 2013, with community support from the Emergency Preparedness Coordinator, the former Fire Chief, and many other MOFD staff. The achievement would be celebrated on May 8, 2014 at Sleepy Hollow School Gymnasium and everyone was invited to attend.

Chief Healy complimented the activities of the Emergency Preparedness Coordinator with the Lamorinda Area Community Emergency Response Teams (CERT), and advised that evacuation plans were being prepared for some of the communities along with advanced leadership in the CERT program, and continued pursuit of grant opportunities. He provided a document dated April 7, 2014 to the respective Councils to identify the MOFD activities from December 2013 to January 2014. He welcomed questions from the respective Councils.

Responding to **Orinda Councilmember Worth**, Chief Healy provided details on the Firewise designation for Sleepy Hollow, which designation acknowledged that the community had gone through a series of steps including a review of the hazards in the community and had taken positive action to remedy those hazards. He noted that process involved a great deal of MOFD staff time and community input and follow-up would be required to renew the designation in the future.

Lafayette Councilmember Mitchell requested further details on the evacuation plan from the Lamorinda communities, particularly from the Town of Moraga.

Chief Healy acknowledged that Moraga was essentially at the end of a cul-de-sac which presented a challenge in the event of an emergency. The MOFD had prepared a first draft of the evacuation plan which should be ready in a few months. There would be a focus at the neighborhood level, with 18 potential Firewise communities identified in the MOFD and approximately a dozen that could be identified in Lafayette.

Lafayette Vice Mayor Andersson asked about the status of the ongoing labor negotiations between MOFD and its firefighters, and the discussions with Con Fire regarding Fire Station No. 46.

Chief Healy advised that he would be meeting this week with the new Con Fire Support Services Chief and they were close to operational and financial agreements. He hoped to have agreements ready for the public in the next two to three months.

PUBLIC COMMENTS OPENED

Jerry Dimsdale, Orinda, expressed concern with the potential relocation of Fire Station No. 46 from Orinda to Lafayette. He had reviewed the history of the formation of the MOFD, the recent closure by Con Fire of the only fire station in West Lafayette, and noted that no one was asking Orinda residents whether they wanted to retain the same Level of Service (LOS) without losing their independence given a relocation would increase the coverage area and response times. He questioned the recent negotiation tactics of the MOFD Board, advised that he had spoken with a MOFD Director regarding his concerns, and had not been satisfied with the responses. He again questioned why Orinda residents were not allowed to vote whether to maintain the current LOS; asked whether any guarantees would be required from any partner prior to the relocation of Fire Station No. 46 to Lafayette; questioned what would occur in the interim to meet current earthquake standards in the current station; and asked whether the Orinda City Council supported the MOFD's plans to move Fire Station No. 46 to the City of Lafayette.

Dick Olsen, Moraga, expressed concern with the changes proposed by the MOFD which would significantly decrease the number of firefighters on duty, and a decision to cease operating a paramedic out of Fire Station No. 45 with no public discussion or debate during MOFD Board meetings. He also questioned a plan to substitute civilian paramedics with firefighter paramedics which would result in a 21 percent decline in firefighters, impacting effectiveness and responses. He saw no reason for the use of civilian paramedics at this time.

Donna Johnke, Orinda, understood the plan was to privatize paramedics. She identified the difference between Emergency Medical Technicians (EMTs) and paramedics in terms of first responders.

Chief Healy explained that the MOFD Board had discussed the idea of providing paramedics on ambulances that were non-safety members, and he detailed the differences between a safety and a non-safety member. If the MOFD were to move forward with that model, he explained that employees would be sworn MOFD employees and be placed in a retirement system that provided a lesser benefit. This model was under consideration given the need to maintain MOFD costs. He emphasized that the MOFD was committed to providing high quality ambulance services within the MOFD, with a goal to restore the ambulance full time in Orinda as quickly as possible.

Chief Healy clarified that retirement costs for MOFD employees were for costs of services already rendered for people no longer providing services to the MOFD. The MOFD provided training through the Emergency Preparedness Coordinator's Office to staff the three cities, and as a result it had well trained and motivated people on the various town/city staffs. He emphasized that the MOFD would continue those efforts as it moved forward.

Moraga Councilmember Trotter commented on a prior decision that MOFD firefighters would be cross-trained as paramedics to provide dual coverage in the event of a fire or medical emergency. Given the potential changes in the model which would reduce the number of firefighters at any given time, he asked whether the three communities would become more vulnerable.

Chief Healy suggested that having firefighters on ambulances in the MOFD had always been a value added and was a good thing to have in that the quicker they could respond to an emergency the better. Considering the area the MOFD covered, the risks that existed and the fires, having the number of firefighters on duty 24/7 and a Battalion Chief would be sufficient in the event of a conflagration. He stated the MOFD had five fire stations staffed by professional firefighters 24/7 with a high percentage of availability due to the low call volume. He suggested the model under consideration was more financially sustainable for the MOFD and he was confident the model would work, firefighters would be kept as safe as possible, and property would not be lost because of a change in the deployment model.

Jonathan Goodwin, Canyon, commented on the lack of framework to show how well CERT operated. He suggested that CERT should be evaluated with a definition to clarify CERT's capabilities with a measure of accountability; noted that the area of Canyon was not dissimilar to other Lamorinda communities, with narrow roads, difficult access, and dense vegetation; and stated if the MOFD were to change its deployment model that could result in four fewer firefighters to respond to a serious fire which was a cause for concern. He understood that Moraga would be holding a series of meetings to allow open discussion and provide information to the public, and he expressed his hope that would work well and become a model which the MOFD could use.

PUBLIC COMMENTS CLOSED

Lafayette Councilmember Reilly asked about the rationale for the relocation of Fire Station No. 46 to Lafayette, and asked about the relationship between Con Fire and the MOFD.

Chief Healy explained that Fire Station No. 43 was susceptible to earthquakes and Fire Station No. 16 operated by Con Fire was now closed and both stations were located in low call volume fire stations and in an area vulnerable to catastrophic wildfire. He described the background of the closure of Fire Station No. 16, with the MOFD to continue to provide automatic aid to Con Fire. He also detailed the background and deliberations leading to the recognition that the two low call volume fire stations which were in close proximity to one another could be combined with savings. Based on the research and data, more homes would benefit in Orinda than be negatively impacted by moving Fire Station No. 46 from Orinda to Lafayette. He added that as part of his job duties, he had been directed to pursue the move of Fire Station No. 46 from both an operational standpoint and a fiscal perspective. He suggested it was the right thing for both communities and he hoped it would be successful.

Moraga Mayor Chew clarified with the Chief that the number of MOFD medical calls was approximately 63 percent, and if the deployment program was implemented it would involve participation from the MOFD Board, public comment, participation from the labor group, and there were plans to proceed with that effort pursuant to the required process.

Responding to **Orinda Councilmember Worth**, Chief Healy noted that the MOFD's revenue source was driven by assessed property tax values, and although the MOFD had been greatly impacted by the 2008 economic decline, it was operating and was sustainable with a bright future. He acknowledged the public attention and criticisms of the MOFD's finances and explained that the MOFD had listened to all comments and was moving forward with changes that would ensure sustainability while also providing high quality services.

Responding to Mr. Dimsdale, Chief Healy recognized that everyone in the MOFD lived in some proximity to a fire house, and in the event of an emergency it was everyone's expectation that personnel would be available to respond, arrive quickly, and be competent. Given the properties within the MOFD and agreements with neighboring organizations to provide help, and based on the polygons prepared, he acknowledged a concern with an increase in response times but suggested in the long run the community would benefit. He expressed the willingness to speak with Mr. Dimsdale after the meeting.

Moraga Town Manager Jill Keimach recognized that the MOFD had done an extraordinary job training Town staff. She reported on the plans to train all three Councils together in September or October, with the Councils to be kept apprised of the training schedule, and with everyone to be able to work together in the event of an emergency.

C. Update on the Lamorinda Communities' Pavement Repair and Infrastructure Projects

Moraga Mayor Chew explained the history of discussions that had commenced in 2009 through the formation of a Revenue Enhancement Committee (REC) comprised of Councilmember representatives and citizens when roads had been identified as the main priority. Due to the cost of road repairs and the fact the Town did not have the necessary funds to conduct said repairs, the Town Council had sought voter approval of a one cent sales tax measure to be used to repair the Town's roads. Measure K, a 20-year measure, had been approved by the voters in November 2012, with the annual revenue projected at \$1 million a year. Since the passage of Measure K, the Town's estimated revenues had increased from \$1 to \$1.4 million annually. He noted that the Town Council had authorized a construction contract in the amount of \$2.15 million to repair half of the Town's neighboring roads, and ended the construction with approximately \$100,000 in savings. The Town of Moraga was currently engineering and preparing plans for street work to begin in late August for its 2014 Pavement Repair Project.

Lafayette Mayor Tatzin advised that Lafayette voters had approved a \$13.5 million bond measure in the 1990's to conduct repairs to some of the City's failed roads. The City had historically contributed \$1 million a year from the General Fund to augment Gas Tax, and Measures C and J emergency return-to-source funds. At the end of the last road bond measure failure, City staff had been asked to find a way to address the problem without new sources of funds. As a result, the City of Lafayette had contributed \$3 million of its reserve surplus above its 50 percent reserve requirement to get a head start, with a policy to maintain major roads in an acceptable condition. He acknowledged that while it may take some time, all roads would be repaired.

Orinda Mayor Severson reported that the City of Orinda had established a Road and Drainage Repair Plan which was under revision to address both road and drainage problems, to be completed in a multi-phase, multi-year approach. In Orinda, a Citizens' Infrastructure Oversight Committee made recommendations annually to the City Council for roads to be repaired through established objective criteria, which involved an open and public process.

Phase 1 of the multi-phase plan had been implemented and Measure L, a half cent sales tax measure passed in 2012, included a 10-year expiration date and provided approximately \$1 million per year. In January 2014, the City had conducted a public opinion poll for Phase 2, showing an approximate 70 percent support for a \$20 million bond to be placed on the June 3, 2014 ballot, identified as Measure J. Phases 3 and 4 would be contingent upon voter approval, with Phase 3 seeking additional revenues to complete road repairs for arterials and residential roads, and Phase 4 seeking funding to maintain the roads once approved. Orinda had also completed the replacement of the Manzanita Bridge and the completion of emergency repairs to a sinkhole at the Terra Brook storm drain which had occurred about a year ago.

PUBLIC COMMENTS OPENED

Donna Johnke, Orinda, a resident of Lost Valley Drive, commented that her road had been marked for repairs although she understood that changes had been made with Charles Hill Road and only a portion of Lost Valley Drive would be repaired. She asked for clarification.

Orinda Mayor Severson reiterated that the plan was to repair all public roads over time, with the first funds to be obtained through Measure L. Through that process, a road segment in north Orinda (Charles Hill Road) and south Orinda (Lost Valley Drive) would move forward with repairs in the spring. She offered the name and telephone number of Orinda's Director of Public Works to provide additional details.

PUBLIC COMMENTS CLOSED

Moraga Councilmember Trotter clarified with **Orinda Mayor Severson** that there had been 70 percent support for Measure L, and that a similar public outreach process would be pursued for the Measure J ballot initiative.

D. Update on the Lamorinda Communities' Development Projects

Lafayette Mayor Tatzin provided an update on Lafayette's development projects including 300 units in the downtown area in the process of being approved, completed, or under construction, 25 percent of which would be affordable. There were 75 additional single-family homes in process or complete; four new restaurants had opened for business; five commercial developments; and retrofits of numerous buildings along Mt. Diablo Boulevard. Other projects included a renovation of the Manzanita Room Community Center and the completion of the medians and other sections of the downtown.

Orinda Mayor Severson reported that Orinda's development projects included the 67-unit Eden Senior Affordable Housing project; and the 245-home Wilder Project with five homes occupied, one model home completed, six other homes under construction, 52 additional lots closed escrow, and 63 lots under an option for purchase and build out, with 118 lots still available. Playfields and tot lots had also been completed as part of the Wilder Project with another two fields to be constructed in 2018. The Orinda Grove Pulte project would also contain a new Orinda Union School District (OUSD) Administration building, two City playfields, a tot lot, and eight below market rate housing units.

Moraga Mayor Chew identified the projects previously approved in Moraga including the 123-unit Palos Colorados project which should obtain Final Map approval in December 2014 and start grading in 2015; and the 67-lot Bruzzone Upper Country Club Lots. Projects approved in Fiscal Year 2013/14 included the 25-unit single-family Camino Ricardo development located in the Moraga Center Specific Plan (MCSP) area, and the 7-lot infill subdivision for Hetfield Estates which had been appealed to the Town Council, to be considered in two weeks.

He added the current applications being processed included 18 single-family residences for Via Moraga, 36 townhomes for Moraga Town Center Homes, 27 lots for Rancho Laguna II, and 126 residences proposed for Bollinger Valley which was being processed for a General Plan Amendment (GPA) and rezoning.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Moraga Councilmember Trotter commented that he had driven past the Eden Housing Project in Orinda and had found it to be an attractive project. He spoke to a Memorandum of Agreement (MOA) between the Friends of Joaquin Moraga Adobe and the developers, J&J Ranch, to eventually convey the parcel for refurbishing and renovation, and plans to amend the plans approved by the Orinda Planning Commission, which had been appealed. He asked the status of any resubmitted plans.

Orinda City Manager Janet Keeter reported that a Draft Environmental Impact Report (DEIR) was in the process of being prepared for the J&J Ranch project which would be available for public review in three months, with certification of the EIR anticipated in September. If Friends of the Joaquin Moraga Adobe were unable to raise needed funds, the adobe would revert back and remain in the ownership of J&J Ranch.

Moraga Councilmember Trotter also commented that he enjoyed dining at Lafayette restaurants, and had tried to patronize The Cooperage American Grille, but it had been too noisy.

Lafayette Mayor Tatzin was unaware of the noise concerns and would forward the comments to the business establishment.

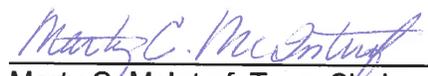
In response to **Moraga Mayor Chew**, **Orinda Mayor Severson** understood that a number of lots in the Wilder Project had been sold to Taylor Morrison Home Builders to be independently developed for home sites.

Ms. Keeter added that Taylor Morrison was taking a total of 60 parcels and other companies had also purchased some of the lots.

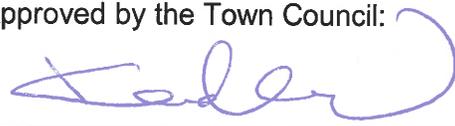
VI. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 8:51 P.M. Vote: 14-0-1. Absent: Orinda Councilmember Smith.
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Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:


Ken Chew, Mayor

