

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**April 9, 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 7:05 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 Trotter led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Mayor Chew reported that the Town Council had met in Closed Session and would report on one of the Closed Session items.

Vice Mayor Wykle recused himself given a potential conflict of interest because of contract work with PG&E. He stepped down from the Council dais at that time.

Assistant Town Attorney Karen Murphy reported that the Town Council had voted unanimously in Closed Session to authorize the Town Manager and Town Attorney's Office to work with a coalition of cities in an effort to address PG&E's Pathway Project as it affected the removal of trees in communities, and to aggressively pursue solutions to protect the Town and residents' interests with respect to the preservation of trees.

Vice Mayor Wykle returned to the dais at this time.

IV. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation Declaring April 2014 to be Alcohol Awareness Month

Mayor Chew read into the record the proclamation declaring April 2014 as Alcohol Awareness Month.

Jaime Rich, Lamorinda Alcohol Policy Coalition, reported that while teen alcohol use had slightly decreased, it remained the main focus of the Coalition given the egregious consequences of alcohol use.

PUBLIC COMMENTS OPENED

Chief of Police Priebe stated that he had worked with the Lamorinda Alcohol Policy Coalition for some time and applauded the effort of the Coalition to address a very serious problem.

Ms. Rich also reported that she had addressed Saint Mary's College (SMC) students for the past two years on behalf of the Coalition and would be working on a focus group with SMC.

V. PUBLIC COMMENTS AND SUGGESTIONS

Graig Crossley, Moraga, stated he was interested in seeing a path up the hill and in front of the bandshell at the Commons Park. While not within the scope of the current work plan, he had attempted to find financing and labor to realize the improvement and had submitted a request to the Park and Recreation Commission to suggest possible locations for such a path, with a request for estimated costs and public input, to be presented as a recommendation to the Town Council for consideration. He asked the Town Council to support the effort.

Town Manager Jill Keimach affirmed that staff had conversations with Mr. Crossley on the matter.

Barry Behr, Moraga, urged the Town Council to support and prioritize the concept of an additional pathway in the Commons Park.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of the Consent Items

Consent Agenda Item 2 was removed from the agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

- | | | |
|----|--|----------------|
| 1) | Accounts Payable Claims for: 3/7/14 (\$692,445.50); 3/12/14 (\$229,375.52); 3/24/14 (\$50.00) | Approved |
| 2) | <i>Approve Minutes for the Town Council Regular and Special Meetings on February 26, 2014</i> | <i>Removed</i> |
| 3) | Consider Resolution 26-2014 Authorizing the Town Manager to Execute a Professional Services Contract with Mintier Harnish for a Contract Amount of \$40,870 with a 15% Contingency for a Total Contract Amount Not to Exceed \$47,000 for Preparation of the Town's 5th Cycle Housing Element Update | Approved |
| 4) | Consider Resolution 27-2014 Authorizing the Town Manager to Execute a 48-Month Lease Agreement with Caltronics Business Systems for a Multi-Function Copier for Town | Approved |

Departments Located at 329 Rheem Boulevard, Second Floor

- 5) Consider Resolution 28-2014 Authorizing the Town Manager to Execute a Professional Services Contract to Omni-Means for \$14,477 with a 15% Contingency for a Total Contract Amount Not to Exceed \$16,675 for Completion of the Rheem Boulevard / St. Mary's Road Roundabout Feasibility Study and Appropriating Funds from Measure J County Half-Cent Transportation Sales Tax (Fund 210) Approved
- 6) Consider Resolution 29-2014 Amending the Town of Moraga 457 Deferred Compensation Retirement Plan and Trust Agreement with ICMA-RC to Permit Loans Approved

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for the Town Council Regular and Special Meetings on February 26, 2014

Councilmember Metcalf requested that staff submit revised minutes for the Regular Town Council Meeting of February 26, 2014 capturing his comments regarding Item C under Ordinances, Resolutions and Requests related to *Resolution 21-2014 Appropriating an Additional \$100,000 from the Infrastructure Preservation and Improvement Fund 705 for a Total Project Budget of \$200,000 to fully Fund the Storm Drain Master Plan Project (CIP 14-201) and Authorizing the Town Manager to Award a Professional Services Contract to Schaaf & Wheeler (San Francisco) in an Amount Not to Exceed \$160,000 for the Project*, particularly whether it was appropriate to use Measure K funds.

Town Clerk Marty McInturf advised that the meeting minutes could be brought back in a redline format at the next Council meeting.

VII. ADOPTION OF MEETING AGENDA

ACTION: It was M/S (Trotter/Wykle) to adopt the Meeting Agenda, as shown. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew – Reported that he had attended a Central Contra Costa Solid Waste Authority (CCCSWA) Board meeting at which time the new General Manager had been introduced on March 17; an emergency meeting for Mayors/Managers to discuss the PG&E Pathway Project on March 21; and had presented a speech to accept students and parents at SMC on April 8.

Vice Mayor Wykle – Reported that he had attended the Tri-City meeting on April 7; and at the end of March there had been a small gathering of community members to watch the Mid-West Supremacy in College Basketball.

Councilmember Arth – Reported that he had attended the Moraga-Orinda Fire District (MOFD) Directors meeting on March 1; along with the Mayor and Councilmember Metcalf had attended the retirement dinner for Lieutenant Price at Moraga Country Club on March 29; attended the Moraga Chamber of Commerce

Board meeting when there had been a discussion of signage on April 2; reported the Chamber of Commerce Business Meeting scheduled for May 1 would include a presentation from Dr. Donahue; Massage Envy would have its Grand Opening Ribbon Cutting Ceremony in the Rheem Shopping Center on May 8; and with the Mayor, attended Active Shooter training at Campolindo High School on April 3.

Councilmember Metcalf – Reported that he had attended a meeting of the Contra Costa Transportation Authority (CCTA) with a briefing on House Resolution 29, which prohibited outsourcing of services by agencies; and reported that Caltrans had new requirements for water conservation and design which could impact how landscaping design was conducted in the Town.

Councilmember Trotter – Reported that he had attended meetings and events sponsored by Friends of the Joaquin Moraga Adobe during the month of March; the first Friends of the Joaquin Moraga Adobe Fundraising Fandango would be held at the Buehler House on September 13, 2014; attended a CCCSWA Board meeting at which time the recycling processing portion of the contract had been awarded to Mt. Diablo Recycling on March 27; met with representatives from City Ventures to view their proposed plans on March 28; attended the Mayors' Conference in the City of Richmond on April 3; along with Councilmember Metcalf had attended a meeting of the Joint Facilities Planning Subcommittee on April 7; attended a meeting of the CCCSWA Finance Committee on April 9; and had toured the Hetfield Estates project site and met with the developer for the project regarding issues related to the proposed Emergency Vehicle Access (EVA).

B. Town Manager Update – No report.

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 Conceptual Designs for a New Electronic Community Information Sign on Moraga Road

Parks and Recreation Director Jay Ingram explained that the possibility of replacing the current non-electronic, manually changeable sign with an electronic version had been adopted as part of the Town Council goals for 2012, and the Town Council had last discussed the topic in October 2013. He asked the Town Council to discuss the conceptual designs for a new electronic community information sign on Moraga Road; stated the current sign and proposed new sign would be roughly the same size; and Town staff had conducted a review of the different design concepts, identifying the top two as Attachments B and C.

Based on Council direction, Mr. Ingram advised that a staff report would be prepared for the May 12, 2014 Design Review Board (DRB) meeting, and staff would ensure that the new sign conformed to the new Sign Ordinance language. The DRB would be asked to make a recommendation to the Town Council, at which time the Council would be asked to appropriate funds for the project. Staff would also present to the Council an electronic community information sign usage policy.

Mr. Ingram identified the alternatives outlined in the April 9, 2014 staff report and identified the unanimous staff recommendation for Attachment B. As to the sign location, he affirmed that the location had been discussed as part of the Livable Moraga Road Project. That discussion would be detailed further as part of the DRB review process.

Mike McClure, Ad Art Sign Company, San Francisco, advised that Ad Art had proposed a 20-millimeter display.

On the discussion of the use of Comcast funds, Ms. Keimach clarified that Information Technology (IT) expenses had come from the Comcast Restricted Funds while the subject project would be funded through Comcast Unrestricted Funds, a one-time grant that did not involve any restrictions.

Mr. McClure stated he had discussions with the Parks and Recreation Director regarding a possible maintenance agreement. He advised that the sign would have a two-year warranty period, any problems with the hardware would occur typically within the first 90 days and would be covered during the warranty period, any issues with the software could be handled remotely from Ad Art's San Francisco office, and maintenance beyond the two-year warranty period could be addressed through a maintenance agreement. As part of the proposal, a vandal-resistant cover had been proposed for the face of the sign to ensure the image could be easily visible. The life span for the sign could be 15 to 20 years although he acknowledged technology may progress beyond the life of the sign.

Mr. Ingram explained that the timeline for the process with PG&E for power was difficult to determine absent specifics for the project at the time. Discussions with PG&E for a conceptual design in the same location had indicated a timeline from 6 to 12 weeks to approve plans and an additional 6 to 12 weeks for PG&E to bring power to a box for the sign. He affirmed that a new sign would not be in place by summer 2014, and given the need for DRB review and approval of the details of the sign, concurrence with the new Sign Ordinance, and PG&E requirements, a new sign might not be in place prior to summer 2015.

PUBLIC COMMENTS OPENED

Barry Behr, Moraga, liked the idea of a sign, agreed it was needed in the community, and as a member of the Moraga Valley Kiwanis Club, stated the club and other service organizations had used the current sign in the past to promote events. He asked that the cost and ability to use the sign remain constant with the new sign, and that the sign be used to promote the activities and events in the community.

Ellen Beans, Moraga, echoed Mr. Behr's comments, was pleased with how far the Town had come to advertise and educate the public on Town events and activities, and emphasized the importance of the sign as a landmark in the community.

PUBLIC COMMENTS CLOSED

Responding to the Council, Chief Priebe stated that he supported the sign as long as the use was appropriate.

Mr. McClure clarified the technical aspects of the sign and stated that any messages displayed would be determined by the Town. He noted that Caltrans had an eight-second rule for message duration which should work well for any thoroughfare, although the programming would be part of the sign package software and the Town would control the duration and scheduling. Ad Art would offer tutorials for those controlling the sign and would be available for

tech support. The Police Department would be able to override any message in the event of an emergency. When asked, he affirmed that Ad Art would be available to attend DRB meetings.

Ms. Keimach also verified that Town staff had conducted a long and competitive process for the sign proposal.

Mr. Ingram added that he had already discussed with Ad Art the desire to use the California Multiple Award Schedule (CMAS) process (or other multiple-award schedules) and that the vendor was working through the process.

ACTION: It was M/S (Trotter/Arth) to Select the Proposed Sign by Ad Art of San Francisco; with the payment of the sign from the Comcast Unrestricted Funds; and with the matter referred to the Design Review Board based on that recommendation for further processing. Vote: 5-0.

- B. Consider Resolution 30-2014 Authorizing the Town Manager to appropriate up to \$169,962 from the General Fund and execute contracts to design, permit, and construct interior improvements, an additional accessible restroom and façade and landscape improvements to 331 Rheem Boulevard Community Meeting Room

Ms. Keimach explained that Certificates of Participation (COP) had been completed in 2010 for the remodel of 329 Rheem Boulevard and the Corporation Yard with Town Council direction for a Council Chambers/Community Meeting Room, and with the design and location of the Town Council Chambers/Community Meeting Room the subject of ongoing discussion since that time. In May 2012, the Town Council made the final decision to begin a minimal cost-effective remodel at 331 Rheem Boulevard. She explained that the COP included a reserve fund of \$117,000 that could not be spent until the last year of the COP and requested that the \$117,000 come from another fund until that time. She requested that the Town Council authorize the Town Manager to appropriate \$287,581 from the General Fund and execute contracts to design, permit, and construct interior improvements, an additional accessible restroom, façade, and landscape improvements to the 331 Rheem Boulevard Town Council Chambers/Community Meeting Room. A revised resolution had been provided to the Town Council to reflect the new appropriation amount.

Steven Forster, Architect, offered a PowerPoint presentation for solutions to the 331 Rheem Boulevard Town Council Chambers/Community Meeting Room; identified the existing architecture in the Town; Moraga's values as a small town with quality education, quality of life, and a community which values beauty of natural surroundings; and explained the goal of the project was to improve the building and plaza for Council meetings, offer a new entry sign, and identity statement and image as a new source of civic pride. He suggested that those goals could be achieved through institutional, not residential, high quality and durable construction and materials, depth of color, texture, and a unique design that was well thought out, respectful of the community and residents, while also offering a sense of permanence.

Mr. Forster offered sketches of the site plan to reflect the proposed landscape and hardscape materials and explained that the floor plan changes would include enlarging the two existing thin columns at the front of the building, adding a third column to provide massing and a sense of permanence for the revised façade and entry, new doors and windows, and clerestory windows to complement the deep recess of the columns and façade by providing soft light into the building and views of the hills beyond. The existing building's composition shingle mansard roof would be replaced with a lightweight clay tile roof in context with the Spanish style and historical buildings in the Town, rich fascia details with a half round copper gutter, wood corbels, overhang, and recessed columns. The interior revisions would add an accessible restroom in

the lobby, a partition between the lobby and Public Works Department offices, carpeting in the community room, a new audio visual system, and other updates to the room itself. He explained that the proposed roof would be the same height as the current roof. He did not recommend solar panels on the south tile roof although there was the possibility for photovoltaic options to be considered on the flat portion of the roof.

Tara Bhuthimethee, Landscape Architect, identified the proposed use of native drought tolerant “no mow” grasses, which would need to be maintained but would offer a more natural appearance. She outlined the planting plan with the building nestled into the hillside with a naturalistic setting with existing oak trees above, with the intent to use boulders to be buried a third deep offering a sense of permanence to meander throughout the site, the use of a new coastal live oak tree species, and plants that would be green for most of the year and for the other part of the year flower into purple flowers to meander through the oak trees and boulders. A residential fence, which currently surrounded the building, would be replaced with a stucco wall offering a more institutional appearance, and the existing pavement would be complemented with some textural quality and depth of color. The front portion of the building would be opened up to be more approachable, with the wall to act as a backdrop to the existing trees. A set of bollards would flank the sidewalk as one approached the building; the plaza depth would be the same width as the front of the building, flanked on both sides by a trellis that would offer the west and east sides a vertical enclosure without actually being enclosed. A seat wall would be provided on the south side to end where the trellis began.

A combination of colored concrete and brick pavers would be used on the front portion of the path; the paving in the plaza area would offer texture and color; a custom cast bronze Town of Moraga seal would be in the middle; doors would open to the plaza area and create an indoor/outdoor space; there would be a meandering line of boulders throughout the site appropriate to the scale of the space, and a Town of Moraga sign would be placed coming out of a boulder itself with lettering and down lighting. All plant materials would be drought tolerant and low maintenance.

Responding to the Council, Ms. Bhuthimethee reiterated the use of native grasses which would involve low water usage, to be watered approximately once a week. She identified the native grass *Agrostis Pallens* species proposed to be used which was more tolerant than *Fescue*, and emphasized the intent for the building to fit in and be appropriate for the community.

Mr. Forster explained that it would be difficult to achieve Leadership in Energy and Environmental Design (LEED) certification on a remodel although all efforts would be made for the project to be as green as possible.

Rob Kalkbrenner, Project Manager, Common Goal Consulting Group, Inc., advised that a cost-benefit analysis could be considered for the potential installation of solar panels; anything under Title 24 would be considered to ensure the most cost-efficient materials and building construction.

Ms. Keimach explained that the chairs would be moveable and staff was comfortable there could be flexibility in the Council Chambers. She also identified a separate area off of the community meeting room that could be used for closed session meetings with direct access in/out to the Council Chambers. She added there was the potential for more on-site parking at the Town Offices at 329 Rheem Boulevard since Town staff would be directed to park on the street.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Ms. Keimach reiterated that the COP ran through the year 2029, and explained that the staff recommendation was that the funds for the project come from the General Fund, or as an option the Council may consider the use of Palos Colorados funds. She clarified that the note on the building at 331 Rheem Boulevard had been paid two years ago, half of the funds for payment from the General Fund, and there was therefore precedence for the use of those funds.

Administrative Services Director Stephanie Hom further explained that the annual audit had been completed in January 2014 and the Town was above the 50 percent target at that time, with some of the funds moved to the Infrastructure Preservation Fund. A third quarter report for this fiscal year would be presented to the Town Council soon, with unaudited figures available in September, and audited figures available in December. The status of any surplus in the General Fund would be known after June 30, 2014 when the fiscal year was completed.

Councilmember Metcalf expressed concern with the current costs of the project. He sought assurance there would be no risk by taking the funds from the General Fund and wanted a better comfort level there was a surplus in the General Fund.

Ms. Hom stated she could not promise that, but pointed out the Town had a very healthy reserve.

Ms. Keimach advised that in addition to the reserve the Town had the Palos Colorados funds which fell under the General Fund Unallocated Amount, and once the grading permits for Palos Colorados had been triggered there would be another \$5.75 million from the developer, which was anticipated to occur sometime this year. As such, there were monies in the General Fund with an opportunity for more funds to come in.

Councilmember Trotter was not inclined to use Palos Colorados funds for the project; clarified with staff the debt service required as part of the COP through 2029; and if the Town paid off the COP it would free up the reserve which was an option for the Council to consider.

Mr. Kalkbrenner clarified that a cost-benefit analysis for the use of solar panels had not been part of the current budget for the project, although he could prepare a proposal. He did not see that would be an expensive item.

Ms. Keimach advised that once a feasibility analysis had been completed staff could bring it back to the Town Council as a separate issue, subject to Council direction.

Vice Mayor Wykle was comfortable with compliance with Title 24 in terms of the available green features. He did not want to see the project delayed or more monies expended.

Councilmember Metcalf offered a motion, seconded by **Councilmember Arth** to adopt Resolution 30-2014 Authorizing the Town Manager to Appropriate Up to \$287,581 from the General Fund and Execute Contracts to Design, Permit, and Construct Interior Improvements, an Additional Accessible Restroom, Façade, and Landscape Improvements to 331 Rheem Boulevard Community Meeting Room, as amended.

Mayor Chew asked whether the maker of the motion would amend the motion to include an analysis of green standards.

As to what that analysis would entail, Ms. Bhuthimethee commented that LEED had been created as an incentive to be more green and efficient. She detailed some of the green building

options that could be considered and suggested that local resources and different fixtures could be considered where possible.

Mr. Kalkbrenner clarified his suggestion for a low-cost, cost-benefit analysis, would be limited to solar panels on the roof. He reiterated the project would be required to comply with Title 24 requirements.

Councilmember Metcalf accepted an amendment to his motion, limited only to investigate a cost-benefit analysis of solar generation. As the seconder to the motion, **Councilmember Arth** accepted the amendment to the motion, as stated.

ACTION: It was M/S (Metcalf/Arth) to adopt Resolution 30-2014 Authorizing the Town Manager to Appropriate Up to \$287,581 from the General Fund and Execute Contracts to Design, Permit, and Construct Interior Improvements, an Additional Accessible Restroom, Façade, and Landscape Improvements to 331 Rheem Boulevard Community Meeting Room; subject to the revised resolution presented to the Town Council April 9, 2014; and subject to investigation of a cost-benefit analysis of solar generation only. Vote: 5-0.

- C. Consider Resolution 31-2014 Amending the Salary Schedule for Town of Moraga Adding the Classifications of Intern and Recreation Assistant for the Current Fiscal Year 2013/14 and Increasing the Recreation Leader I Classification to be in Compliance with the State Minimum Wage Effective July 1, 2014

Ms. Hom explained that the Town Council approved the salary schedule for Town of Moraga employees pursuant to the Moraga Municipal Code (MMC) on an annual basis. The Council was asked to add an Intern position to be used both in the Planning and Public Works Departments; the position was not budgeted and was used as needed, to be monitored by budget and hours. There was also a need to add Recreation Assistant and an appropriate classification for the position; the position was required to have a Class B Driver's License since the individual in the position would be required to participate in field trips with Moraga Movers. In addition as of July 1, 2014, the Town would be required to comply with State law for a new minimum wage of \$9.00 per hour, which affected the Recreation Leader I classification, a seasonal position used for the summer camps.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Trotter) to adopt Resolution 31-2014 Amending the Salary Schedule for Town of Moraga Adding the Classifications of Intern and Recreation Assistant for the Current Fiscal Year 2013/14 and Increasing the Recreation Leader I Classification to be in Compliance with the State Minimum Wage Effective July 1, 2014. Vote: 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Trotter asked that a future agenda item include the question whether the Town of Moraga and the Town Council wished to take a public position with a resolution in opposition to HR 29 along with a letter to the local legislative delegation. He noted that the City Manager of the City of Lafayette had provided information in writing in opposition to HR 29 which Moraga could review to research its response.

Ms. Keimach affirmed that HR 29, which had already been approved, had been discussed during the latest Mayors' Conference.

Ms. Keimach also explained that applicable staff had met with Mr. Crossley to review the schedule for all projects for Parks and Recreation, Engineering, and Public Works Departments; the projects would be reviewed by the Park and Recreation Commission at its next meeting; there were concerns with the pathway design in the front of the bandshell at the Commons Park and different alternatives were to be considered; with staff tentatively considering a June time period to bring the matter to the Town Council.

XIII. COMMUNICATIONS

- A.** Cover Letter, Notice of Intent, Draft Negative Declaration, and Initial Study for the project: *Waste Collection, Processing, and Disposal Service Agreements for the Central Contra Costa Solid Waste Authority Service Area* dated April 3, 2014.

XIV. ADJOURNMENT

ACTION: It was M/S (Wykle/Arth) to adjourn the meeting at 9:15 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Ken Chew, Mayor