

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**May 14, 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, and Councilmembers Phil Arth, Michael Metcalf, and Dave Trotter

Councilmembers absent: Vice Mayor Wykle

**II. PLEDGE OF ALLEGIANCE**

**Councilmember Metcalf** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or presentations.

**V. PUBLIC COMMENTS AND SUGGESTIONS**

Ayore Riaunda, Oakley, stated he had been an Accountant with Contra Costa County for the past 17 years. He asked that the Town of Moraga consider the adoption of a resolution or motion requesting that the County allow every property taxpayer to learn exactly how much of his/her one percent property taxes went towards each government agency. He affirmed that he had made the same request of the County Tax Assessor's Office which had been unsuccessful.

**Councilmember Metcalf** reported that information was available on the Town's website and through the Audit and Finance Committee (AFC).

Jency James, Student Consultant, Contra Costa County Climate Leaders, reported on the outcome of a recent workshop with all materials posted on their website; stated the website showcased the environmental work of all cities in Contra Costa County; and encouraged Moraga to inform them of any environmental work that could be added to their website page. She also asked of the status of the Town's Climate Action Plan (CAP).

Town Attorney Michelle Kenyon asked that Ms. James provide her contact information to staff to allow staff to provide her with information on the status of the Town's CAP since the item had not been agendized for discussion.

## VI. ADOPTION OF THE CONSENT AGENDA

### A. Approval of the Consent Items

Consent Agenda Item Nos. 2 and 4 were removed from the agenda.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Trotter) to approve Consent Agenda Items 1, 3, 5, 6, 7 and 8.  
Vote: 4-0-1. Absent: Wykle.**

- |    |   |                |
|----|---|----------------|
| 1) | Accounts Payable Claims for 5/2/14 (\$199,549.24)   | Approved       |
| 2) | <i>Approve Minutes for the Town Council Tri-City Special Meeting on April 7, 2014</i>   | <i>Removed</i> |
| 3) | Approve Minutes for the Town Council Regular Meeting on April 9, 2014   | Approved       |
| 4) | <i>Review and Accept the Third Quarter Year-To-Date Revenue and Expenditure Report for Fiscal Year 2013/14 (July 1, 2013 - March 31, 2014)</i>  | <i>Removed</i> |
| 5) | Consider Resolution 35-2014 Approving Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1 and Consider Resolution 36-2014 Declaring the Town of Moraga's Intention to Levy and Collect Assessments Under Assessment District No. 1979-1, Town of Moraga Street Lighting in Fiscal Year 2014/15 and Setting a Public Hearing Date of June 11, 2014   | Approved       |
| 6) | Consider Resolution 37-2014 Authorizing the Town Manager to Award a Design Professional Services Agreement to Garavaglia Architecture, Inc. (San Francisco) for Architectural Services for the Evaluation of ADA Accessibility to the Upper Floors of the Hacienda Building (CIP 14-301) in an Amount Not to Exceed \$7,500   | Approved       |
| 7) | Consider Resolution 38-2014 Appropriating an Additional \$15,000 from Lighting Assessment District Fund 500 for a Total Project Budget of \$55,000 to Include Public Outreach as Part of the Street Light Master Plan Project (CIP 14-201) and Authorizing the Town Manager to Award a Design Professional Services Agreement with Whitlock & Weinberger Transportation, Inc. (W-Trans) (Oakland) for the Project in an Amount Not to Exceed \$45,000 | Approved       |
| 8) | Consider Resolution 39-2014 Approving Design Professional Services Agreements for On-Call Architectural Services with ATI Architects and Engineers (Danville), Dougherty and Dougherty Architects LLP (Oakland), and Interactive Resources (Richmond) in an Amount Not to Exceed \$50,000 Annually, Contingent on Available   | Approved       |

Annual Budget Appropriations for a Total Contract Period of Three Years

**B. Consideration of Consent Items Removed for Discussion**

1. Approve Minutes for the Town Council Tri-City Special Meeting on April 7, 2014

**Councilmember Trotter** advised that the Town Council and the public had been provided with a redline change to Page 7 of the Town Council Tri-City Special Meeting on April 7, 2014. He asked that the minutes be approved, as modified, subject to the redline revision.

**ACTION: It was M/S (Trotter/Arth) to approve Minutes for the Town Council Tri-City Special Meeting on April 7, 2014, subject to the redline revision provided to the Town Council. Vote: 4-0-1. Absent: Wykle.**

2. Review and Accept the Third Quarter Year-To-Date Revenue and Expenditure Report for Fiscal Year 2013/14 (July 1, 2013 - March 31, 2014)

Administrative Services Director Stephanie Hom responded to questions from the Council and explained that during the Mid-Year budget adjustment the estimated revenue from the Measure K Local Sales Tax had been revised from \$1 million to \$1.4 million based on figures received from the consultant, with \$872,000 through the third quarter; and noted the sales tax was behind schedule in terms of receipts although she was optimistic the Town would reach the \$1.4 million by the end of the year. In this case, the Town would receive the funds for activity through June 30 by September, with sufficient time for review in this fiscal year.

Responding to the Council, Ms. Kenyon explained that the largest expenditures for legal services over the last year related to personnel issues, and to administration and personnel confidential matters. In terms of litigation, the expenditures had not been out of the ordinary and were less than the prior year.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Metcalf/Arth) to accept the Third Quarter Year-To-Date Revenue and Expenditure Report for Fiscal Year 2013/14 (July 1, 2013 - March 31, 2014). Vote: 4-0-1. Absent: Wykle.**

**VII. ADOPTION OF MEETING AGENDA**

**ACTION: It was M/S (Trotter/Arth) to adopt the Meeting Agenda, as shown. Vote: 4-0-1. Absent: Wykle.**

**VIII. REPORTS**

**A. Mayor's and Councilmembers' Reports**

**Mayor Chew** – Reported that he had attended the bocce ball tournament fundraising event for the League of California Cities East Bay Division on April 24;

the 8th Annual Triathlon on April 26; a press conference for the East Bay Municipal Utility District (EBMUD) Freeport facility on April 30; presented a Council proclamation to Moraga Citizen of the Year Cliff Dochterman on May 2; and attended the Community Faire on May 10.

**Vice Mayor Wykle** – No report.

**Councilmember Arth** – Reported that he had attended the Cinco de Mayo festivities at the Hacienda on May 4; a meeting of the Chamber of Commerce on May 7; and along with the Mayor an Audit and Finance Committee (AFC) meeting on May 12.

**Councilmember Metcalf** – Reported that he and the Chief of Police had attended an East Bay Regional Communications System Authority (EBRCSA) meeting; and a Joint Facilities Planning Subcommittee meeting on May 5, which had been well attended when the joint agreements and potential project possibilities had been under review; and noted the next meeting was scheduled for June 24.

**Councilmember Trotter** – Reported that he had attended the Mayors' Conference in the City of Concord on May 1; participated in the Cinco de Mayo celebrations at the Hacienda on May 4; the Joint Facilities Planning Subcommittee meeting on May 5; had meetings with various people regarding efforts to raise money to acquire the Moraga Adobe and Hacienda usage planning on May 8; and attended a meeting along with others regarding the potential rate setting ramifications of the new Central Contra Costa Solid Waste Authority (CCCSWA) franchise agreement for public services on May 13.

- B. Town Manager Update – Town Manager Jill Keimach reported that the Town of Moraga had hired a new police officer to be sworn in during a community event at the Hacienda de las Flores, to be highlighted in the next About Town newsletter. She also reported that the Moraga Police Department would be recruiting for the Community Services Officer position in the next several months.

## IX. DISCUSSION ITEMS

There were no discussion items.

## X. PUBLIC HEARINGS

- A. Consider Resolution 40-2014 Updating the Town of Moraga's Master Fee Schedule Effective July 14, 2014

Administrative Services Director Hom presented the staff report dated May 14, 2014. She asked that the Town Council adopt a resolution authorizing updates to the Town's Master Fee Schedule, effective July 14, 2014, subject to any modifications directed by the Town Council.

### PUBLIC COMMENTS OPENED

There were no comments from the public.

### PUBLIC COMMENTS CLOSED

In response to the Council, Ms. Keimach clarified that pursuant to State law the Town must meet the requirements of the Permit Streamlining Act requiring staff to accommodate that

process through the Planning Department. She noted that Public Works Department maintenance staff was funded primarily by restricted funds and not by the Town's fees.

Ms. Hom added that the Public Works Department charged an hourly rate to manage capital projects which was a way that the Town could recoup support from restricted funds. The services being charged were not those that benefited the general public, but services that benefited specific parties.

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 40-2014 Updating the Town of Moraga's Master Fee Schedule Effective July 14, 2014. Vote: 4-0-1. Absent: Wykle.**

- B. Consider Appeal of the Planning Commission Decision to Deny Requested Amendments to Conditions of Approval #14 and #15 for the Camino Ricardo Subdivision, in Conformance with the Approved Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities for the Project, and Waiver of Appeal Fee. (*An Environmental Impact Report was Certified for the Project on January 7, 2014.*) (Proposed Resolution 41-2014)

Senior Planner Ellen Clark presented the staff report dated May 14, 2014 for an appeal of the Planning Commission's decision on April 21, 2014, to deny requested amendments to Conditions of Approval #14 and #15 for the Camino Ricardo Subdivision in conformance with the approved Development Agreement (DA) between the Town of Moraga, SummerHill Homes, and C&C Equities, and a waiver of the appeal fee. She provided background to the Town Council's 4-1 approval of the DA on March 12, 2014, which included language that required the applicant to install a bridge and crosswalk, and noted that this element of the DA was not wholly consistent with the Planning Commission's previously-approved Conditions of Approval. The Council-approved DA also required the applicant to request limited amendments to the relevant Conditions #14 and #15 to bring the two approvals into conformance with each other.

Ms. Clark reported that the applicant, SummerHill Homes, had submitted a request for conforming amendments. The Planning Commission had considered the request on April 21, 2014, and had voted four in favor, one opposed, one abstention and one absent to deny the request based on concerns with visibility and safety of the crossing, and consistency with the Planning Commission's previous decision regarding the bridge.

Ms. Clark added that the applicant had also requested a waiver of the appeal fee which staff supported. She asked that the Town Council adopt a resolution to approve the appeal and reverse the Planning Commission's decision, approving amendments to Conditions of Approval #14 and #15 for the Camino Ricardo Subdivision in conformance with the approved Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities, and waive the appeal fee.

#### PUBLIC COMMENTS OPENED

Brita Harris, Moraga, acknowledged the Planning Commission's countless hours to review the Camino Ricardo Subdivision over a number of meetings. She understood the Planning Commission's concerns related to public safety of the high visibility pedestrian crossing at Laguna Creek and walking on the west side of Moraga Road to St. Mary's Road. She stated that although two traffic engineers had studied the project and suggested there would not be a problem, human behavior raised concern with the possibility of an unsafe crossing. She referenced the Moraga Center Specific Plan (MCSP) which had mapped the Laguna Creek and Corliss Tributary bridges in different locations since the connectivity would be more efficient, with more direct access to the Moraga-Lafayette Regional Trail and shops in the Moraga Town Center; and the fact that the bridge, if constructed where originally indicated, would have been

located in proximity to a parcel designed for senior housing, which made more sense. The Planning Commission had suggested waiting until a safer location was available and she saw no harm in doing that, particularly since the trail not a vital link to an existing trail.

#### PUBLIC COMMENTS CLOSED

**Councilmembers Metcalf and Trotter** asked that their comments be included verbatim in the record, as follows:

Per a subsequent request by Councilmember Trotter, the following comments are not quoted verbatim.

**Councilmember Trotter:** *"I am going to support and uphold the appeal for a whole bunch of reasons. Specifically, I think it's a situation where this Council gave direction to the Planning Commission with regard to where we thought those bridges were appropriately located. It was surprising to see the Planning Commission not understand their role in the hierarchy of the Town government when that kind of specific policy direction is given. The Planning Commission, being asked to harmonize its previous documents and conditions of approval with the Town Council's direction, should have taken care of it at that time. That's my personal view.*

*With regard to Ms. Harris' comments, I appreciate them. With regard to the Moraga Center Specific Plan, the problem is that although we have a Master Plan for a 180-acre planning area, we take our projects as we get them on a piecemeal basis. So when we get an opportunity with SummerHill, and with the property that was owned by Richard Chi previously, to do some connectivity of our parks and they dedicate Parcel C to the Town for a future park and it's right next to the Commons, I think it's incumbent on us to try to make that connectivity happen now. And it doesn't rule out the possibility down the road that if the Bruzzones come in with a project in the senior housing area of the Specific Plan that we won't want to put another bridge in to help those folks get over to the Commons. These are not mutually exclusive opportunities.*

*So for all of those reasons, I'm going to support the appeal by SummerHill of the Planning Commission decision and I'm prepared to make a motion to that effect, that we approve the appeal, adopt the resolution provided by staff reversing the Planning Commission decision approving amendments to Conditions of Approval Number 14 and 15 for the Camino Ricardo Subdivision in conformance with the approved Development Agreement, which was approved by the Town Council, between the Town of Moraga, SummerHill Homes, and C&C Equities for the project And I do think it is entirely in the interest of justice that we waive the appeal fee in this case."*

**Councilmember Arth** indicated his agreement with Councilmember Trotter's statement.

**Councilmember Metcalf** explained that he would like to read a statement he had prepared on this issue. He clarified that there was a member of the Planning Commission present, Mr. Woehleke, who had joined the Planning Commission after these decisions had been appealed and before this present decision had been made, and stated that his comments were not directed at him.

*"Over the past several months, the Town Council has spent considerable time in public discussion on the matter of (1) the foot bridge on the northeast corner of the triangular part of the Camino Ricardo development project, and (2) the crosswalk serving the ridge from the vicinity of the skate park at Moraga Commons. After careful consideration of all relevant information, the Town Council made its decision. This decision was memorialized in a Development Agreement, which was subsequently approved by the Town Council. What remained was for two conditions in the conditions of approval to be altered for conformance with*

*the terms of the Development Agreement. Since this task properly should be done by the Planning Commission, the Town Council asked that the Commission do so. The Planning Commission refused to do as asked by the Town Council. Rather than approving the language of the revised conditions provided by staff, the Commission voted to reject the revised conditions. As explained by staff in the staff report for tonight's meeting, this left the conditions of approval in conflict with the Development Agreement. It is now for the Town Council to sort out the matter. It is generally understood that an important role of the Planning Commission in Moraga is to advise the Town Council on matters of land use. Such advice generally helps the Town Council form policy. It's important for all advisory bodies to always keep in mind that policy matters are the domain of the Town Council. Only the Town Council can make policy, no other body. When policies have been established, it is the duty of the advisory bodies to carry out the policies. What had happened here is, in my view, an act of outright insubordination. In this instance, the Planning Commission has willfully failed to perform its duty as a subordinate advisory body. That a majority of Commissioners voted to reject staff's proposed language for the revised conditions clearly was an act of defiance. This is not acceptable. Either those Commissioners who voted not to approve the revised conditions failed to understand their roles as members of an advisory body, or they elected to publicly defy the Town Council. It's not for appointed members of a Planning Commission to disagree with policies established by elected members of a Town Council. That's the voters' prerogative. I am personally offended. I imagine that the entire Council feels similarly. The citizens of the Town deserve much better than this. For this reason, I would be pleased to learn that those Planning Commissioners who cannot in conscience abide by policies with which they may personally disagree, have tendered their resignations from the Planning Commission. Perhaps then, other citizens who are willing to carry out the duties of a Planning Commissioner can step forward to do so.*

**Councilmember Metcalf's** comments were provided to staff and the public in writing.

**Mayor Chew** thanked his fellow Councilmembers for their comments. He agreed with the sentiments that had been stated.

**ACTION:** It was M/S (Trotter/Arth) to approve the Appeal, Reversing the Planning Commission Decision, Approving Amendments to Conditions of Approval #14 and #15 for the Camino Ricardo Subdivision in Conformance with the Approved Development Agreement between the Town of Moraga, SummerHill Homes, and C&C Equities for the Project, and Waiving the Appeal Fee. Vote: 4-0-1. Absent: Wykle.

## **XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION**

- A.** Consider Resolution 42-2014 Authorizing the Town Manager to Award Consultant Services Contract to Ghirardelli Associates (Oakland) in an Amount Not To Exceed \$275,000 for Construction Management and Inspection Services for the 2014 Pavement Repair Project (CIP 08-106).

Public Works Director/Town Engineer Edric Kwan presented the staff report dated May 14, 2014. He asked that the Town Council approve a resolution authorizing the Town Manager to award a Consultant Services Contract to Ghirardelli Associates (Oakland) in an amount not to exceed \$275,000 for Construction Management and Inspection Services for the 2014 Pavement Repair Project (CIP 08-106). He explained that the program had previously been managed by Harris & Associates, a construction management firm, which had been offered the opportunity to submit a proposal for the project, but had been unable due to other project commitments. He identified the sources of funds for the project including Gas Tax, Measure J, the Measure K One Cent Sales Tax, and the Measure K Certificate of Participation (COP) bond. Measure J and Gas Tax funds would be spent first, and then the Measure K funds, with some carryover funds from the previous fiscal year. He acknowledged a request for a better understanding of the hard

and soft costs for the project. He stated soft costs included the current contract at \$250,000, a contract with Nichols Consulting which had been approved recently for \$240,000, as well as administration, project management and public outreach costs, all exceeding the \$300,000 allocation of Measure J and Gas Tax programmed for the current fiscal year. The Town would be receiving garbage truck impact fees at approximately \$167,000 per year to be appropriated in the next year in addition to whatever had accumulated for the current fiscal year.

Mr. Kwan stated that Ghirardelli Associates was fully aware of the public outreach efforts that had been conducted for the prior year's project, and as part of the Request for Proposal (RFP) Ghirardelli Associates had clearly outlined the public outreach expectations and experience of the construction management team, including examples.

Mary Erchul, Ghirardelli Associates, Oakland, commented that she was familiar with the public outreach efforts for the project that had been completed in the last year; she had extensive experience with public outreach in the pavement industry in many jurisdictions in the State including those similar to the Town of Moraga; Ghirardelli Associates would ensure notices to the public through websites, Facebook, and a continuing conversation on Twitter and other means; and she was comfortable with those efforts as was the construction management team. She cited a former project which had involved a lot of one-on-one, telephone calls, and night work. She emphasized that she would represent the Town for the project, would ensure that the Town's reputation was intact, and the work would be done professionally and smoothly.

In response to inquiries with the possibility of paving private driveways, Mr. Kwan explained that he would connect the contractor with the private property owners who were interested and who would like to work with the contractor directly absent Town involvement.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 42-2014 Authorizing the Town Manager to Award Consultant Services Contract to Ghirardelli Associates (Oakland) in an Amount Not To Exceed \$275,000 for Construction Management and Inspection Services for the 2014 Pavement Repair Project (CIP 08-106). Vote 4-0-1. Absent: Wykle.**

- B. Consider Formation of Geologic Hazard Abatement District (GHAD) and Provide Direction to Staff

Planning Director Shawna Brekke-Read presented the staff report dated May 14, 2014. She explained that the Town had three projects she expected would involve the formation of a Geologic Hazard Abatement District (GHAD) including Hetfield Estates, Rancho Laguna II, and Palos Colorados. The item had been submitted to the Town Council to provide a better understanding of the GHAD formation process and GHAD operations. She asked that the Town Council discuss and consider whether to form a GHAD for the areas in which a GHAD would be required; whether to annex into an existing GHAD; whether the Council should initiate the GHAD or wait for the developer to request formation of a GHAD; and whether the elected body (Town Council) or five property owners within the GHAD should comprise the GHAD Board. She added that the Town had contracted with ENGEIO in order to provide consultant services to the Town for the GHAD process.

Uri Eliahu, ENGEIO, explained that the Town Council had been provided with a set of exhibits in a PowerPoint format which had addressed the points raised by staff. He stated there were

multiple GHADs in Contra Costa County with the majority governed by legislative bodies. The Town Council would have to decide whether the projects would be asked to satisfy their conditions of approval by annexing into an existing GHAD, or form a new GHAD. If the Town chose to form a new GHAD, he recommended a single GHAD for the three referenced projects, and offered examples of existing GHADs and their assessments. He clarified that a single GHAD would involve a pool of single reserves with the differences in risk and benefit taken into account in the assessment itself, similar to the calculation for vehicle insurance rates.

Mr. Eliahu described the formation of a GHAD whereby an assessment would be placed on the parcels within the GHAD ordered by the newly formed GHAD Board, with the assessment to flow to the individual lots and to be in place prior to occupancy. If for any reason the assessments were increased in the future, the entire GHAD or any subset of the parcels within the GHAD could choose to increase the assessment to provide some new benefit which could be done as a Proposition 218 vote, to be added as another supplemental line item to the homeowner's property tax bill. A reduction in the assessment would be the responsibility of the GHAD Board and not the property owner's. Once the assessment had been ordered and adopted there would be a 30-day appeal period.

Ms. Brekke-Read clarified that the formation of a GHAD was a condition of approval for the Palos Colorados project, Rancho Laguna II, and Hetfield Estates, but not for the Camino Ricardo project since there were no geologic hazards of concern with respect to that project.

Mr. Eliahu also clarified that the assessment itself would be authorized by the voters, to be indexed to the Consumer Price Index (CPI), and the amount actually levied and collected would be an annual decision of the GHAD Board. If there was an opportunity for a reduction, he recommended that the levy as opposed to the assessment cap be reduced, the authorized amount pursuant to Proposition 218 law. He further clarified in terms of liability that the GHAD was a State level independent entity. As long as the two entities were kept separate in terms of financial resource and operations, the liability would not flow to the Town. He added that GHADs could sue and be sued, and if any potential litigation ensued, presumably the developer and the GHAD would be named. He acknowledged there were no guarantees there would be sufficient reserves in a GHAD to address an issue once it occurred although no GHAD had gone bankrupt, and GHADs had the ability to borrow against future revenue, if needed.

Mr. Eliahu further described in detail how GHADs enjoyed the same sorts of legal immunities as other State agencies along with exemptions pursuant to State law that were in place to make the GHAD non-bureaucratic, with exemptions from the Local Area Formation Commission (LAFCO), the California Environmental Quality Act (CEQA), and certain public contracting law. GHADs also enjoyed the same sorts of civil liability exemptions as other State agencies such as Caltrans as an example; if the GHAD undertook a design flaw, it would be liable. As a State level agency, GHADs were not subject to local ordinances of the Town, but to State and federal law. As to how the GHAD would operate in the face of the Moraga Open Space Ordinance (MOSO), he explained that while MOSO would not trump the GHAD since MOSO could not trump a State level agency, if there was some other restriction on the title, or conservation easement, it would be operative. He reiterated that all sorts of restrictions could be imposed on the title of the parcels which would effectively achieve the same objectives, although the GHAD would not be subject to a Town ordinance.

Mr. Eliahu further explained that the developer would presumably be gone at the time the GHAD was operative. There would be a process by which the GHAD would be formed, and at that point it would have no money or duties, and during the building permit period the revenues would come in and the GHAD would receive funds but still have no obligation, although there was a point when the developer would turn over the areas to the GHAD, the GHAD would accept the areas, and the developer's responsibility would end.

Ms. Kenyon also commented that as an agency the GHAD was separate and distinct from the Town Council. As a separate agency, it was exempt from the Town's ordinances. If there was a situation where the GHAD Board was not the Town Council, the Board would be comprised of property owners within the GHAD. The Town Council was being asked to consider what it meant to have within the Town an agency that was not bound by Town ordinances, resolutions, and rules including CEQA. She asked the Council to discuss whether elected officials should form the GHAD Board or whether that authority should be given to unelected property owners. She noted that there were only certain things the GHAD would be able to do; it must further the purpose of the GHAD and eliminate a hazard or abate a geologic concern.

Mr. Eliahu emphasized that all GHAD functions must be tied to abatement, prevention, mitigation, and control of geologic hazards; the GHAD was not a land use authority that could build more homes. There was one minor exception; if the GHAD also owned property (which was not uncommon where GHADs owned open space/land in fee), in those cases the GHAD would take on typical property-owner responsibilities such as repair of fences.

Ms. Kenyon clarified that if a new developer wanted to construct homes in a GHAD, that private developer would be bound by MOSO and other Town ordinances.

Ms. Keimach questioned whether a GHAD-repaired slide within a MOSO designated high risk area could open the land for increased development in the future, to which Mr. Eliahu explained that would be a decision of the Town Council sitting as the Town Council and not the GHAD Board.

With respect to the GHAD boundary, Mr. Eliahu explained that the GHAD Board could designate the GHAD boundaries more broadly than the boundaries of the three projects, and even beyond the Town limits. He agreed it made sense to limit the GHAD boundary to the three projects and in the future the Town Council could add additional projects to the GHAD.

As to the appropriateness of a GHAD, Mr. Eliahu acknowledged that GHADs were not appropriate everywhere; GHADs provided certain advantages over other certain mechanisms to address stability; most areas did not have a GHAD and there were no means to address larger scale geologic hazards; a property owner could deduct a GHAD assessment; some real estate sales agents used GHADs as selling points; and older GHADs had gone through multiple cycles of GHAD activities as reflected in the examples contained in the exhibits provided. He further noted that GHAD funds would be restricted to the GHAD activities as defined by the Plan of Control and the original Engineer's Report which set the assessment, although the GHAD Board could choose to suspend the levying of an assessment indefinitely; and it was conceivable that a reserve balance could be achieved where the earnings on the reserve were sufficient to fund the operations, maintenance, monitoring, and prevention efforts where the levying of the assessment could be suspended; the funds could not be diverted to other uses; and a GHAD could also implement solutions that were non-permanent.

Mr. Eliahu acknowledged that a GHAD Board was similar to a Benefit Assessment District as to its normal operations; the GHAD Board would appoint a GHAD Manager, Treasurer, and Attorney; typically hold a meeting once a year to approve the following year's budget; with those serving as the legislative body and as the GHAD Board meeting at the end of a regularly scheduled Town Council meeting.

Ms. Kenyon clarified that the Town Council, if it decided to serve as the GHAD Board, would not be acting as the Town Council but would be acting as the GHAD Board. The Town Council would adjourn the Town Council meeting, and then adjourn the GHAD meeting with a separate person/entity (not the Town Manager) serving as the GHAD Manager, and someone other than

the Town Attorney serving as the GHAD Attorney. She explained that it was very important that Town Council activities be separate and apart from the GHAD's activities.

Mr. Eliahu also described in detail the funding mechanism for the GHAD with a minimum reserve at the time that the GHAD accepted an area for maintenance; detailed the sequence for the receipt of revenue after the imposition of the assessments, and noted that the developer could make up the difference to meet the minimum balance and offer it for acceptance or the developer could choose to wait and take on the responsibility of the GHAD to manage the land until the reserve had accumulated. While the GHAD Board could impose a condition where the developer would make up the difference to meet the minimum reserve, even if it had not been imposed as a project condition of approval he was not aware of a situation where a seed fund or minimum reserve came as a condition of approval from the land use authority. The GHAD Board would impose that requirement rather than the Town Council since the GHAD Board adopted the Plan of Control and accepted the Engineer's Report. Although he could not recall a case where it had been done in that fashion, it was within the GHAD's legal ability to do so.

When asked by Ms. Kenyon how the developer would be bound by that condition, Mr. Eliahu explained the developer was bound to have the project be within a GHAD, a condition satisfied when the GHAD was formed and the assessment authorized. The developer could wait indefinitely to turn it over to the GHAD and could choose to never turn it over to the GHAD, and in the meantime the GHAD was collecting money and not providing a service. The developer would still be liable until the property had been turned over to the GHAD.

Mr. Eliahu reiterated that no GHAD had ever failed. He noted a situation in a nearby city, prior to the voter approval of Proposition 218, where the GHAD Board chose to reduce the assessment. After the passage of Proposition 218 the GHAD needed more money, could not get the vote, and that GHAD currently collected only a small amount of money. Also in that case, the El Niño of 1998 had destroyed one and damaged two homes and there was no money in the GHAD. That GHAD could not step up and deal with the situation but it had not failed. There was also an Association of GHADs which was able to locate commercial lenders able to lend to GHADs because of the security of the revenue stream, and GHADs could avail themselves of credit facilities; GHADs did not have to use bonds although they were legally entitled to do so. With the exception of the referenced GHAD, all GHADs he knew of had met their obligations, even though some had been quite costly. He cited another example of a GHAD for Blackhawk which had involved multiple repairs in excess of one million dollars and that GHAD had been able to cover those costs with its reserves.

Mr. Eliahu further explained that anyone would be able to petition the GHAD Board for annexation and if the GHAD Board made certain findings it could annex that area. The GHAD Board could not impose an assessment without a Proposition 218 vote on the newcomers, with the homeowners required to vote to tax themselves; any community could annex in and did not have to be within the boundaries of Moraga although there were limitations. In the event a group petitioned to come into the GHAD and the GHAD Board accepted that request the group would still need to vote for an assessment; until that was done, the GHAD could not provide services to the group pursuant to Proposition 218 law. The formation of the GHAD and annexation of a new community required merely the absence of a majority protest and it therefore made sense to form a GHAD for the three previously identified projects and not beyond at the current time.

#### PUBLIC COMMENTS OPENED

John Bissum, Moraga, explained that he lived in a townhome complex and asked whether or not homeowners could form their own GHAD as a way to obtain earthquake insurance.

Mr. Eliahu reiterated that any community could petition the GHAD Board. The GHAD could only be formed by a legislation body but the homeowners could offer themselves to any GHAD in the State.

#### PUBLIC COMMENTS CLOSED

The Town Council discussed the formation of a GHAD and offered the following comments and/or direction to staff:

- Consensus to start the process for the formation of a GHAD with respect to the three projects previously identified (Rancho Laguna II, Hetfield Estates, and Palos Colorados);
- Consensus to designate the Town Council as the GHAD Board;
- Direct staff to consider expanding the initial GHAD formation area to include the Los Encinos property; and
- Direct staff to track the cost of the formation of a GHAD in terms of the costs that were not covered by the three projects, with clarification from Mr. Eliahu that it was possible for the GHAD to repay the Town for the formation costs out of the GHAD reserves.

Ms. Kenyon clarified that whatever process was chosen for the selection of the GHAD Manager, it must be done legally. She added that ENGEO was the most prevalent GHAD Manager of which she was aware.

Mr. Eliahu stated that ENGEO personally managed in the range of 10 GHADs, had been involved in virtually every GHAD in the State, and could provide staff with information on examples of fees for a GHAD Manager.

In terms of budgeting for a GHAD, Ms. Keimach explained that for most planning projects, the situation would involve the receipt of revenue without being added to the actual budget, and the GHAD situation would be addressed similar to a deposit for a planning application.

- C. Consider and Provide Input on Draft Preferred Concept for Livable Moraga Road Prior to Presentation at the Public Workshop

Planning Director Brekke-Read presented the staff report dated May 14, 2014; reported that staff had been working on the Livable Moraga Road Project for over a year which was funded by a Measure J Transportation for Livable Communities Grant; there had been a visioning process in late 2011 with community input on what the community wanted to see for the Rheem Area; with a desire to live, walk, and ride to the Rheem Shopping Center, and for increased mobility and a way for bicyclists and pedestrians to co-exist with vehicles.

Ms. Brekke-Read identified the scope of the project from St. Mary's Road to Campolindo Drive. She explained that the Town's Consultant Planner, Traffic and Civil Engineers were present to address the Town Council. She emphasized that the community participation process for the Livable Moraga Road Project had been robust with the next Community Workshop scheduled shortly; a presentation would be made to Parent Teacher Association (PTA) meetings at Los Perales and Donald Rheem Elementary Schools in the next week; and presentations had already been made to the Acalanes Union High School District (AUHSD) and Campolindo High School; outreach to the Hacienda Foundation; presentations to Moraga Movers, the Women's Society, and flyers had been mailed to all members of the community. The intent of the Draft Preferred Concept was to result in a plan and 35 percent drawings for four intersections or road

segments based on recommended plan concepts, and once completed the Town would be well positioned to use the design drawings to pursue grant funds for construction.

Brett Hondorp, Alta Planning + Design, offered a PowerPoint presentation on the Livable Moraga Road Study and Design and identified the vision statement; detailed the community and stakeholder outreach efforts; scope of work; and the effort to identify a preferred concept to allow the Town to move forward for funding and implementation.

Tom Krakow, DKS Associates, detailed the traffic analysis and advised that Moraga Road was in good condition relative to the current volume of traffic with room to take on additional roadways based on the existing configuration, and the hot spot was in the vicinity of Campolindo High School during the peak hours. He identified the Level of Service (LOS) for the roadways; reported that traffic counts had been conducted for the project with the LOS of existing conditions based on lane capacity of the roads, which were found to meet or exceed the Town's standards of LOS of "C." He noted the Town's LOS was relatively good with room for users living along the frontage allowing vehicles to back out onto the street, with the major constraint not to infringe on the community to require additional right-of-way.

Mr. Hondorp explained that three different options had been presented and discussed during the March 2014 public workshop. Option A, Modest Improvements, included connections to sidewalk gaps, re-stripping bike lanes, installing few landscaping improvements, operating transit shelter, and improvements to the corridor at low cost. Option B would be built on Option A and allow more space for those facilities, with buffering for bike lanes from the lanes of transportation, widening sidewalks, and other improvements than those contained in the first option. Option C, the Complete Connected Corridor, included a multi-use pathway for pedestrians and bicyclists that would be shared from one end of the corridor to the other, include connected bike lanes and sidewalks, additional bike crossings, and require more real estate in the road with lane reductions and lane reconfigurations.

During the March 2014 public workshop, all the pros and cons of the alternatives had been reviewed with a consensus on a number of points: support for the idea of a generous multi-use trail stretching from Commons Park all the way to Campolindo High School; a need for signalization at Corliss Drive, with the intersection to be improved to better connect to the spur trail; a bus stop; continuous bike lanes; traffic to be accommodated in a safe way with side street turning movements off Moraga Road to be accommodated in a safe way; driveways off of the Rheem Center were problematic creating conflicts and a less than desirable operational aesthetic; with discussion of a trade-off to provide better bicycle and pedestrian facilities and how it would affect the traffic flow particularly if there were lane reductions. Most of the public supported some pedestrian crossings with an emphasis on maintaining the vehicle flow.

Based on the input from the community as well as consideration of all ideas including Options A, B, and C, the consultant had prepared a Draft Preferred Concept. The Draft Preferred Concept consisted of continuous bike lanes along the entire corridor; complete and connected sidewalks; intersection improvements including signalization at Corliss Drive; improvements in the Woodford Drive areas to be determined with input from the School District; reconfiguration of the Rheem Boulevard/Moraga Road intersection to simplify the intersection and improve pedestrian conditions; and a four-way intersection at Moraga Road/St. Mary's Road; reduction of travel lanes in Segment 3 from Donald to Corliss Drives from four lanes to two, plus a center turn lane with turn pockets; reduction of some on-street parking between Donald Drive and Corliss; and improvements to the Hacienda entry. Two options had been shown for Segment 3 which included the area between Donald and Corliss Drives and which included the placement of the multi-use trail on one or the other side of Moraga Road, with sidewalks on the opposite side as well as options for providing a pedestrian crossing either at an existing signal or via a new crosswalk. Depending on the available pavement width right-of-way, different areas of on-

street parking could be provided. A photo simulation was provided which would also be presented during the public workshop allowing the public and stakeholders to have a better visual of the project.

Mr. Krakow described the methodology used to analyze the growth along the Moraga Road Corridor with an effort to come up with solutions that would minimize impacts to the travel lanes along the corridor, which had led to the recommended Draft Preferred Concept and which should more than accommodate future trip generation. He identified the LOS for Segment 3 southbound which was currently at LOS "A," and would reach LOS "D" in the year 2024, and beyond that to 2030, the horizon year. The remainder of the directions would maintain LOS "C" or better.

Mr. Hondorp explained that a five-year phased timeline had been identified for the project; in the short term the consultant recommended a focus around Campolindo High School, with those improvements to be installed by developers such as the Camino Ricardo Skate Park crosswalk and the Donald to Corliss Drives gap. In the mid-term, it was recommended that there be a focus on projects in the vicinity of Rheem Boulevard and area around Commons Park. Long-term projects included the St. Mary's Road intersection and the area between Campolindo High School and Rheem Boulevard. Low cost improvements that could be made to the trail components without having to move a lot of curb would be considered, positioning the Town for grant opportunities for active transportation and leveraging other existing funding such as utility undergrounding, existing Safe Routes to Schools funding sources, and street maintenance, with all funding sources to be considered.

The third and final public workshop would include a presentation of the Final Preferred Concept. The results of the workshop would be presented to the Town Council subsequently, and thereafter work on the 35 percent drawings would commence which would provide a better idea of the cost of the project and design elements.

As to the recommendation for lane reductions at Donald and Corliss Drives in terms of the feedback from the public workshops, Mr. Hondorp reported that there were concerns the current configuration resulted in unsafe motorist behavior, and suggestions that signalization and reconfiguration of that intersection would be a benefit, with general consensus that some improvement was needed at that location. There was general concern throughout the process that the project not significantly and negatively impact traffic. While a reduction in lanes would change the LOS, they were looking at excess traffic capacity along many of the segments and taking advantage of that excess capacity and putting it towards another use of the roadway for pedestrians and bicyclists to use and keeping within the Town's established LOS threshold. The consultants had also recommended an option that did not involve a lane reduction in front of the Rheem Valley Shopping Center, with the maintenance of two lanes in each direction, taking a bit of width from the current lanes and retaining all current travel lanes other than the proposed revisions to Segment 3.

Mr. Hondorp also corrected information in the staff report that had shown the Draft Preferred Concept with a reduction of travel lanes in Segment 3 from Donald to Corliss Drives from four lanes to three, plus a center turn lane with turn pockets. In fact, the consultants had proposed a reduction from four lanes to two with a center turn lane with turn pockets.

Ms. Brekke-Read explained that the reference in the staff report for a reduction of travel lanes in Segment 3 from Donald Drive to Corliss Drive from four lanes to three, plus a center turn lane with turn pockets, was an error and should have read three lanes total, one in each direction plus the center turn lane.

In response to **Councilmember Trotter**, who understood there had been discussions during the workshops to keep two northbound lanes plus the turn pocket and reduce the number of southbound lanes from two to one as a possible alternative since there was a problem with traffic backing up north to Campolindo in the morning, and responding to concerns with the adequacy of outreach to commuters, Ms. Brekke-Read explained that from the beginning the consultants had been aware of the Council's and community concerns which had been communicated openly and freely as part of the Request for Qualifications (RFQ) process. While those same concerns had been communicated to the consultants during the community workshops and during the walking tour, people identified the roadway as a freeway, vehicles drove too fast, and there was a desire for parents and children to have the ability to walk and bike in the corridor.

Ms. Brekke-Read acknowledged that other concepts had been presented during the public workshop with an acknowledgement of the excess capacity and ability to reduce the southbound lanes to one lane, which concept had also been presented not only during the public workshops but also to the Town Advisory Committee (TAC). She detailed the discussions of the TAC on the other concepts.

As to whether the east side of Moraga Road had been considered for the public right-of-way, which may not be private property, and whether two northbound lanes and one southbound lane had been considered in further response to Councilmember Trotter, Mr. Hondorp explained that for the segment from Corliss to Donald Drives in order to accommodate a 10-foot multi-use path and additional sidewalk segments, they had to gain the width of a travel lane resulting in the loss of one of the lanes, with a reduction from four down to three lanes. Based on the traffic data collected, they had to start with the configuration of one lane in each direction plus a center turn lane, which benefited the corridor and current traffic conditions and the LOS "C" to 2024, and which had addressed the common complaints and safety issues with left turning movements. Beyond 2024 with an LOS of "D," they could take the center left turn lane and convert it to a travel lane, and while that was possible now given the traffic data for existing conditions, he suggested they would be better served with the center left turn lane. He added that based on the existing traffic data, the southbound rather than the northbound movements were considered to be more critical.

Mr. Hondorp further commented that they did not have an exact survey of the right-of-way as requested as part of the project scope of work which should be available soon and before the next public workshop. Responding to Council questions, Mr. Hondorp explained that he was uncertain whether members of his team had conversations with the Hacienda Foundation. He noted that as part of Option B, a new entrance connection to the Hacienda towards the Devin Drive corner had been considered with the path on the west side. He reiterated the phasing timeline for the project and suggested a project that would provide a multi-use pathway eventually connecting to the core roadway to the high school which would be one way to address the traffic problems.

Mr. Krakow stated he had the opportunity to meet with the PTA at Campolindo High School and the AUHSD to discuss a variety of solutions; detailed some of the conversations held; and emphasized the challenges towards the solution to minimize the amount of traffic activity in the morning, mid-day, and around 3:00 p.m. One of the options was to provide two separate areas to control access more efficiently. All opportunities would be explored, with the AUHSD to provide input, yet to be received.

Ms. Brekke-Read identified the extensive public outreach efforts; noticing through various methods; signage throughout the community; noticing to all Moraga residents; discussions with Campolindo High School; discussion with PTAs; and messaging with the Hacienda Foundation, the Chamber of Commerce, the Moraga-Orinda Fire District (MOFD), and the Bruzzone family.

Mr. Hondorp acknowledged that while there could be more public outreach, he emphasized the effort to provide a balance that would not impact traffic to a level that would bring everything to a halt. He recognized there would be different opinions on the options presented and that Segment 3 required more study and potential revision.

#### PUBLIC COMMENTS OPENED

Michael Carradine, Moraga, commented that he regularly picked up trash along the Moraga Road/Corliss Drive corner; suggested that both Options A and B would remove on-street parking in front of his residence which he found to be unacceptable and likely would all of the residents on the west side of his street from Devin Drive on down since residents parked on the street; and stated that he would be discussing the Draft Preferred Concept with his neighbors and would be in attendance at the next public workshop. He added that removing the right hand turn at Rheem Boulevard, a pork chop island, was the best feature of the intersection and he opposed its removal; suggested that the traffic issue could be relieved by having the traffic drive around; and commented that a prior plan had included a roundabout at Commons Park and St. Mary's Road which would be challenging to motorists unfamiliar with the circulation of roundabouts, and which could impact traffic if one was trying to cross the street.

Dave Bruzzone, Moraga, expressed concern with Segment 3; agreed with the concerns raised by Councilmember Trotter; suggested there was not sufficient information to make a decision on the Preferred Concept; questioned a reduction from four lanes to two; noted the vast majority of the circulation in the corridor was vehicular traffic in the AM and PM periods, as compared to pedestrians and bicyclists, with many pedestrian drop-offs; questioned a significant multi-use path along Segment 3 absent a survey that would identify the problems; and supported a safe route to school which did not have to be a multi-use path and sidewalk that would not be utilized that heavily with no evidence in the traffic counts for pedestrians between St. Mary's Road/Campolindo intersection and the Rheem Boulevard/Moraga Road intersections. He also questioned the number of existing pedestrians using that route today and asked for assurance that there was a demand for a multi-path.

Scott Bowhay, Moraga, urged the Town to slow down the process while recognizing the efforts made by staff and the consultants. He suggested that staff and the consultants' priorities were different from many in the Town; recognized the advertising campaign, but suggested participation during the public workshops was minimal; and questioned the number of crosswalks and stop lights that would be added as part of the Draft Preferred Concept which could greatly change the nature of the commute and impact Moraga residents. He urged increased public outreach and suggested if the Council moved forward with the Draft Preferred Concept, absent increased outreach, there would be more people present to address the Council.

George Benchefskey, Moraga, referenced the east side of Campolindo Drive which had around 10 signs posted by the Town which read "No Parking 8:00 A.M. to 12:00 P.M. with the exception of school days," which signs had been in place for almost 30 years and should be taken down or they would have more cars turning right rather than left into the high school.

#### PUBLIC COMMENTS CLOSED

Ms. Brekke-Read reiterated the extent of community outreach on the design and emphasized that before proceeding with 35 percent design drawings, and prior to the last public workshop, staff wanted input from the Town Council.

Further responding to the Council, Mr. Hondorp explained that Segment 3 had depicted a long corridor with the parking offering some flexibility, and while some parking spaces would be lost they would conduct parking occupancy surveys to minimize that loss. He clarified the only intersection which had been proposed to be signalized was at Corliss Drive.

**Mayor Chew** commented that years ago a project had been done at Ascot Drive with funding for a signal given the number of accidents. He noted that the Town of Moraga was small; was not concerned with the addition of more stop lights; supported a multi-use path which would allow safe routes to schools; and encouraged staff and the consultants to continue and improve the outreach efforts.

**Councilmember Metcalf** understood that traffic issues were a hot topic in the Town. He recognized there was confusion and concern with Segment 3 and suggested the only way to communicate the efforts would be through good and clear photo simulations, particularly all of Segment 3, which would better illustrate the benefits of the concept proposed. He found that most of the concept was great but Segment 3 needed more work and was a dangerous stretch of road with vehicles driving too fast.

In response to **Councilmember Trotter**, Mr. Krakow explained that the existing pork chop island at Rheem Boulevard allowed vehicles to yield when turning right, with the right on red still prohibited, and with traffic having to look for pedestrians in the crosswalk. There was no actual stop sign if vehicles wanted to turn right. He noted it was a trade-off to eliminate the island so that pedestrians would have an easier and safer way to walk across.

**Councilmember Trotter** disagreed there were no pedestrians on Campolindo during the afternoon with pedestrians walking along the sidewalk, crossing safely at Rheem Boulevard, and hanging out at Nation's or Subway with many people arranging to pick up their children at those businesses rather than at Campolindo High School. He agreed there was a need for greater public outreach and suggested that had not been done yet. He could not support Segment 3 in its current configuration or Options A or B; encouraged an Option C, an analysis of the rights-of-way to accommodate three travel lanes including two northbound; and accommodate a good left hand turn northbound into the Hacienda on Moraga Road. He also suggested that Segment 3 was contrary to the direction the Town Council had previously provided.

**Councilmember Trotter** was sympathetic to Mr. Carradine and the possible removal of parking in front of his residence as shown in the photo simulations. He suggested the consultants look carefully at what was being done, the public outreach be expanded, and local newspapers highlight the possibility of narrowing Moraga Road from four to two lanes to ensure a real dialogue and public interest. He commented that the effort reminded him of a former Town committee, the Beautification Committee and an effort to beautify Moraga Road with landscaping plans showing a narrowing of the lanes on Moraga Road from four to two lanes, which had involved a great deal of public opposition. He reiterated the need to increase the public outreach efforts.

Ms. Keimach spoke to her experience with the project and found the outreach to be excellent, extensive, with feedback from the public on the outreach efforts, and with the public outreach very clear on the issues. She pointed out this was one of the most expensive outreach efforts for the Town, above and beyond the outreach efforts employed for Measure K.

**Mayor Chew** suggested a public workshop for the entire Corliss Drive neighborhood be considered, to gauge the interest of those that would be most affected. He would not rule out Segment 3 since it had not been finalized and would like to see more feedback to allow the concept to be better refined.

**Councilmember Trotter** recommended increased and more direct outreach efforts to commuters who use Moraga Road daily.

**Councilmember Arth** commended the staff and consultants' efforts and found the public outreach effort had been extensive, although he agreed a greater effort to provide outreach to commuters was needed.

**Councilmember Trotter** again asked for a greater public outreach effort to commuters, suggested the idea of studying a traffic light at the Corliss Drive intersection was worth considering, and suggested that reducing the travel lanes down to two lanes would affect residents of Corliss Drive although the predominant outreach should be for commuters all over Town.

Ms. Keimach commented that some communities had used temporary paint or cones when testing out such concepts and asked the consultants whether there was a way to show people while driving and on a temporary basis what the concept would be like, which could reach all commuters.

**Councilmember Trotter** pointed out that the work showing what the right-of-way was on the east side of Moraga Road between Corliss and Donald Drives had not been done to really see the space they were dealing with, and it would be nice to see some mapping.

**Councilmember Metcalf** noted that roundabouts were used throughout the State and suggested that drivers would learn quickly how to use roundabouts.

**Mayor Chew** agreed and commented that there were roundabouts at Saint Mary's College (SMC). He reiterated the need to increase the public outreach efforts and clarified that this was not the final solution since the concept had yet to be refined.

<b>ACTION: It was M/S (Trotter/Metcalf) to extend the Town Council meeting to 11:30 P.M. Vote: 4-0-1. Absent: Wykle.</b>
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- D. Review and Accept Annual General Plan Implementation Report and Provide Input on Town Work Program Priorities Related to Implementation of the General Plan for the 2014/2015 Fiscal Year Budget

Ms. Brekke-Read advised that Council review and acceptance of the Annual General Plan Implementation Report was routine, the report would be sent to the State Department of Housing and Community Development (HCD), and the report was part of the Biannual Measure J Checklist. She added the report had been presented to the Planning Commission and no substantive issues had been raised.

**Councilmember Metcalf** referenced Page 3 of the staff report, the reference to the Regional Housing Needs Allocation (RHNA) numbers, and the impression the Town was making limited progress and was deficient in meeting the RHNA numbers, although a Housing Needs Table required by the HCD had shown the Town was not doing anything and did not include a statement as to why because the Town had projects that were not proceeding forward for various reasons. He emphasized the importance of clarifying that information since the Association of Bay Area Governments (ABAG) had used those tables to suggest that Contra Costa County was not addressing regional housing needs. Also because of that situation, the Contra Costa Transportation Agency (CCTA) had to make a point to ABAG to identify the reasons the regional housing needs had not progressed.

**Councilmember Trotter** agreed and suggested that a statement should be added to the Report that the Town's Housing Element had been certified in early 2010, and that the Town had actually planned for its regional housing needs and affordable units could be built, with the obligation to plan not to build the housing.

Ms. Brekke-Read advised that staff could make the changes prior to submittal to the HCD; acknowledged the Council's request for changes in a redline format although the Report should have been submitted to the HCD in April; noted that Page 25 of the Report had shown that the Town had adopted the Housing Element in 2010, had received State certification in 2010, and had met the two purposes pursuant to State law including assessing future housing needs; and acknowledged the recommendation for the same statement to be included in the table on Page 26, with clarifications of the development constraints as identified by Councilmember Metcalf.

On the discussion, the majority of the Council did not want to see the Report again, specifically in a redline format, and trusted staff to make the changes as recommended.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Metcalf) to accept the Annual General Plan Implementation Report, and prior to submittal to the Department of Housing and Community Development the Report shall include revisions as suggested by Councilmembers Metcalf and Trotter to Pages 25 and 26. Vote: 4-0-1. Absent: Wykle.**

### XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

**Councilmember Trotter** requested that a future agenda item include discussion of the fact that the CCCSWA exclusive franchise agreement did not include the collection of construction and demolition (C&D) debris. He said it would be appropriate to consider an amendment to the Town's existing C&D Ordinance to provide for the granting of non-exclusive C&D franchises and possible vehicle impact fees to help defray future road paving costs, particularly given the increase in construction activities in the Town.

Ms. Kenyon stated that staff could look into the matter.

**Mayor Chew** noted the issue was not urgent but could be brought back at a future meeting.

### XIII. COMMUNICATIONS

There were no communications.

### XIV. ADJOURNMENT

**ACTION: It was M/S (Metcalf/Arth) to adjourn the meeting at 11:10 P.M. Vote: 4-0-1. Absent: Wykle.**

Respectfully submitted by:

  
\_\_\_\_\_  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
\_\_\_\_\_  
Ken Chew, Mayor