

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**May 28, 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 7:01 P.M. by **Mayor Ken Chew**.

ROLL CALL

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

Councilmembers absent: Councilmember Metcalf

II. PLEDGE OF ALLEGIANCE

Councilmember Arth led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Vice Mayor Wykle reported that the Town Council had met in Closed Session prior to the regular meeting and there was no reportable action from the Closed Session.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Presentation by Moraga Youth Involvement Committee (MYIC) Chairperson Zach Taylor and Vice Chairperson Victoria Targett on MYIC's 2013/14 Accomplishments

Zach Taylor, Moraga Youth Involvement Committee (MYIC) Chairperson and Victoria Targett, Vice Chairperson, presented the 2013/14 MYIC Accomplishments; identified the vision and purpose of the MYIC; the activities held by the MYIC to further its purpose; and the new members and elected officers for the 2013/14 term noting that two members also served on the Livable Moraga Road Project Task Force. They provided an outline of the past year's events and multi-town service projects in cooperation with the Lafayette Youth Council and the Orinda Town Association. The MYIC expressed its appreciation to all of the local companies and sponsors for their assistance in MYIC events. Upcoming events included the May 31 Movie Night, trips to the Contra Costa Food Bank, and Clean-up at Ocean Beach in the City of San Francisco to be held during the month of August. All MYIC events were posted on social media sites.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council thanked the members of the MYIC for the presentation and recognized all of the members' volunteerism on behalf of the Town.

V. PUBLIC COMMENTS

Karen Pedraza, of the Contra Costa County Climate Leaders, thanked the Town Council for the creation of the Climate Action Task Force and the Climate Action Plan (CAP). She asked the status of the CAP and provided the Town Council with General Plan fact sheets to be used to assist in the implementation of the environmental policies, along with information from the Governor's Office of Planning and Research. She added that some Contra Costa County cities had adopted a Plastic Bag Ban Ordinance and asked that the Town Council also consider a plastic bag ban. She encouraged the Town to consider becoming a leader in renewable energy. She explained that the Climate Action Leaders website included Town initiatives and asked that the Town provide any updated information.

Edy Schwartz, Moraga, asked that the budget be moved last on the agenda to allow the other items to be moved forward.

VI. ADOPTION OF THE CONSENT AGENDA

A. Approval of Consent Items

Consent Item 3 was removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Wykle) to adopt Consent Agenda Items 1, 2, 4, 5 and 6. Vote: 4-0-1. Absent: Metcalf.

- | | | |
|----|---|----------------|
| 1) | Accounts Payable Claims for: 5/16/14 \$255,553.36 | Approved |
| 2) | Approve Minutes for the Town Council Special Meeting on April 9, 2014 | Approved |
| 3) | <i>Approve Minutes for the Town Council Regular Meeting on April 23, 2014</i> | <i>Removed</i> |
| 4) | Consider Resolution 44-2014 Requesting and Consenting to Consolidation of November 4, 2014 Municipal Election and Setting Specifications of the Election Order; and Consider Resolution 45-2014 Adopting a Policy for Candidates' Statements Printed in Voter's Information Pamphlets | Approved |
| 5) | Accept the HVAC Replacement Improvements Installed by Total Environmental and Power Systems, Inc. (Concord) for the Town Offices (329 Rheem Boulevard) HVAC Replacement Project (CIP 14-307) and Authorize the Town Manager to File | Approved |

the Certificate of Completion with the County

- 6) Consider Resolution 46-2014 Approving Design Professional Services Agreements for On-Call Landscape Architectural Services with Dutchover & Associates (Pleasanton), Placeworks (Berkeley), RHAA (Mill Valley), and Tanaka Design Group (San Francisco) in an Amount Not to Exceed \$50,000 Annually, Contingent on Available Annual Budget Appropriations for a Total Contract Period of Three Years Approved

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for the Town Council Regular Meeting on April 23, 2014

Mayor Chew requested an amendment to the first sentence of the third paragraph on Page 6 of the April 23, 2014 minutes, as follows:

Mayor Chew reported that he had received an invitation to visit the project site by Planning Commissioner Onoda; he had toured the site after inviting the Planning Director and the MOFD Fire Chief to join in; and nothing substantive had been discussed other than to see the terrain of the EVA location in question.

ACTION: It was M/S (Chew/Arth) to approve the Minutes for the Town Council Regular Meeting on April 23, 2014, as amended. Vote: 4-0-1. Absent: Metcalf.

VII. ADOPTION OF MEETING AGENDA

By consensus, the Town Council modified the meeting agenda and moved Agenda Item XI. Ordinances, Resolutions and Requests for Action Item A to Item C.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to modify the meeting agenda, and move Agenda Item XI. Ordinances, Resolutions and Requests for Action Item A to Item C. Vote: 4-0-1. Absent: Metcalf.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Chew – Reported that he had attended the East Bay Division of the League of California Cities with a report on the status of the State budget, and a discussion of the PG&E Pipeline Pathway Project on May 22, and that PG&E had paused all tree cutting activities in Contra Costa County associated with this project and had expressed the willingness to discuss with each individual city its tree cutting rules. He had also been invited to attend the Saint Mary's College (SMC) Commencement Ceremony on May 24.

Vice Mayor Wykle – Reported that the next MYIC meeting would be held on May 29.

Councilmember Arth – Reported that he and Councilmember Trotter had attended a Moraga Country Club Lease Negotiating Team special meeting on May 16, and had participated in a conference call meeting of the Negotiating Team on May 23.

Councilmember Metcalf – No report.

Councilmember Trotter – Reported that he had attended a meeting of the Friends of the Joaquin Moraga Adobe on May 15, with plans for a party to be held on September 13, 2014 at the Buehler Home in Orinda; a Moraga Historical Society Fundraising Committee meeting on May 19; a meeting of the Moraga Historical Society Committee for the 40th Anniversary Celebrations on May 15; a special meeting of the Central Contra Costa Solid Waste Authority (CCCSWA) Board on May 16 at which time the Board had unanimously approved contracts for the collection of solid waste, recyclable materials, and green waste, and for the processing of recyclables; and the Moraga Country Club Lease Negotiation Team meetings on May 16 and conference call on May 23.

- B. Town Manager Update – Town Manager Jill Keimach reported that the Lamorinda City Councils would be conducting Emergency Preparedness Training on September 23, 2014; and while PG&E had paused the Pipeline Pathway Project it would be conducting electrical line trimming of trees with the specific locations to be identified in the About Town Newsletter. As to the status of the Moraga Country Club lease, she acknowledged that Moraga Country Club Negotiating Team Subcommittee meetings had been held with the item to be submitted to the Council after the legislative break in August.

IX. DISCUSSION ITEMS

There were no discussion items.

Mayor Chew reported he would need to recuse himself as he had a conflict of interest with respect to Agenda Item X. A. Public Hearings, *Consider Waiving the First Reading and Introducing by Title Only an Ordinance Amending Town of Moraga Municipal Code Section 8.48.040 of Title 8 – Planning and Zoning, in Connection with the Rancho Laguna II Project and in Conformance with General Plan Policy LU1.6(e)*, since his property was situated adjacent to the property line of the Rancho Laguna II project. He turned the gavel over to Vice Mayor Wykle and left the dais at that time.

X. PUBLIC HEARINGS

- A. Consider Waiving the First Reading and Introducing by Title Only Ordinance ___ Amending Town of Moraga Municipal Code Section 8.48.040 of Title 8 - Planning and Zoning, in Connection with the Rancho Laguna II Project and in Conformance with General Plan Policy LU16(e). *(An EIR was previously certified for the Rancho Laguna II project in January 2011, and Addendum Approved in April 2014. An EIR was approved for the Town of Moraga General Plan in 2001.)*

Senior Planner Ellen Clark presented the staff report dated May 28, 2014 for the consideration of waiving the first reading and introducing by Title Only an ordinance amending the Town of Moraga Municipal Code (MMC) Section 8.48.040 of Title 8 – Planning and Zoning, in Connection with the Rancho Laguna II Project and in conformance with General Plan Policy LU1.6(e).

Responding to the Town Council, Ms. Clark identified the changes between the Conceptual Development Plan (CDP) and the General Development Plan (GDP) and stated the number of

lots was consistent between the two plans. The major changes consisted of revisions to the Grading Plan to allow for somewhat steeper slopes within the project site, reduction of the overall grading footprint, and reconfiguration of the project internal roadways to correspond to the Grading Plan. She acknowledged that two lots had been removed from the ridgeline area and placed near Rheem Boulevard to reduce visibility of the development.

PUBLIC HEARING OPENED

Kevin Ebrahimi, Vice President of Development, SummerHill Homes, described the exhaustive review process for the Rancho Laguna II project and stated that a Tentative Map had been unanimously approved by the Planning Commission in the last month. He advised that the developer was happy to comply with the item before the Town Council, as stipulated in the conditions of approval, and welcomed any questions from the Town Council. He looked forward to working with Town staff and the community in completing the project.

PUBLIC HEARING CLOSED

Councilmember Trotter requested that his comments be reflected verbatim in the record as follows:

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

"Thank you Mr. Vice Mayor. I have a quick statement. As people I think know, I was not a supporter of this project originally. I think it was too much density, and the original development I believe was a fairly glaring violation of our General Plan. I was in the minority on the Council on that item. After that item was approved and in the years since that item was approved, I want to commend SummerHill for coming to the Town staff and also reaching out to others in the community to see what could be done, to take some of the more problematic aspects of that project, and more obvious violations of our General Plan and try to make them less obvious, less of a problem. I want to commend SummerHill for doing that. And so, although I would not have approved this project in the density that's proposed tonight that was proposed originally, I am going to support this item tonight, and I do have one suggested change to the proposed ordinance that I want to bring up for consideration by the small plurality of the Council that we have here tonight. The language that is being proposed as subparagraph H, that's being proposed for addition to Section 8.48.040 of the Moraga Municipal Code is of general effect, would apply to other areas of the Town not just limited to this project. I think that given that we are a plurality, there's only three of us I don't know that we need to go that far this evening. I am uncomfortable going beyond making the necessary changes to the ordinance to accommodate this project tonight, and with that in mind I have some suggested language changes I'd like to run by my fellow Councilmembers and the Town Attorney and Town Manager. If you're looking at the proposed ordinance, on Page 3, Section 1 of the proposed ordinance, where it talks about this new subsection H, I'd like to read what I think that should say as opposed to what's in the staff report. It should read something along the following lines: 'Notwithstanding any other provision of this section, the minimum lot size in the N-OS-PD designation for the Rancho Laguna II Residential Subdivision Project may be decreased to no less than 15,000 square feet because the overall project includes outdoor recreational facilities (public trails) approved by the Town with guaranteed permanent access to the public'."

Assistant Town Attorney Karen Murphy commented that all of the prior approvals had referred to the Rancho Laguna II Project, in all titles and which term had been approved consistently in the approved GDP. She suggested the title read "Rancho Laguna II Project." As to the other revisions to Section H, if the Council desired such a revision, it could read as follows: "The minimum lot size for the Rancho Laguna II Project shall be no less than 15,000 square feet,"

with the rest of the language changes recommended by Councilmember Trotter. She recommended that Section H now read:

“ H. Notwithstanding any other provision of this section, the minimum lot size for the Rancho Laguna II Project shall be no less than 15,000 square feet because the overall project includes outdoor recreational facilities (public trails) approved by the Town with guaranteed permanent access to the general public.”

By consensus, the Town Council accepted the Town Attorney’s recommended revisions to Section H, as read into the record.

ACTION: It was M/S (Trotter/Arth) to waive the First Reading and Introduce by Title Only an Ordinance Amending Town of Moraga Municipal Code Section 8.48.040 of Title 8 - Planning and Zoning, in Connection with Condition of Approval 1.2 of the Rancho Laguna II Project and in Conformance with General Plan Policy LU1.6(e), in accordance with the proposed ordinance provided by staff with the changes read into the record by the Town Attorney. Roll Call Vote: 3-1-1. Abstain: Chew. Absent: Metcalf.

Mayor Chew returned to the dais at this time and chaired the meeting.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Consider Proposed Amendments to Chapter 8.88 Signs and Outdoor Advertising of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code (MMC) and Provide Direction to Staff

Planning Director Shawna Brekke-Read presented the staff report for consideration of proposed amendments to Chapter 8.88 Signs and Outdoor Advertising of Title 8, Planning and Zoning, of the MMC. She reported there had been a total of five public meetings/study sessions with the Design Review Board (DRB) and the Planning Commission on the item, and staff had met with the Moraga Chamber of Commerce and business owners to ensure that the needs of the community were being met. She outlined First Amendment issues and the fact the Town may not regulate signs based on content, with the Draft Sign Ordinance allowing regulations based on time, location, and size. The size regulations for each zoning district had been established, and a framework for content neutrality for non-commercial signs had been included as had a differentiation between commercial and non-commercial messages.

Ms. Brekke-Read spoke to the number of exemptions allowed in the current Sign Ordinance, which had resulted in a lack of clarity for the DRB, and the community was of the opinion that aesthetics were not being effectively addressed. The Draft Sign Ordinance did not allow any exemptions from the regulations, and if certain standards were met, those signs could be handled administratively by the Zoning or Design Review Administrator.

Ms. Brekke-Read outlined the changes in the Draft Sign Ordinance including the regulations for signs on Town-owned property, recommendation for a Master Sign Program for multiple tenants, regulations for portable signs, and recommendations from the DRB and the Planning Commission as outlined in the May 28, 2014 staff report. Responding to the Council, Ms. Brekke-Read acknowledged concerns with portable signs and noted that the Draft Sign Ordinance had proposed a permit process and fee. The Planning Commission and staff had agreed to revisit the Sign Ordinance after one year to review any hot button issues. If portable signs were determined to be an issue, that part of the ordinance could be amended or deleted.

As to why the Draft Sign Ordinance had not included a definition for political signs, Ms. Murphy explained that a political sign was a non-commercial sign containing certain content and the Town could not regulate the content of the sign. Political signs had been addressed in the ordinance under the definition for Election Period. She commented that there had been a concern defining the content of a non-political message, with the intent of the Draft Sign Ordinance to limit temporary signs, and during the election period that would be changed to allow more signage. She cited the definition of Election Period, which ended five days after each election, and whereby technically political signs would be allowed as a temporary sign any time of the year, but during the election period there was an allowance for more signs.

Ms. Keimach added that the Town had a candidate packet for local elections which included that section of the Sign Ordinance to clarify the Town's sign regulations during election periods.

Ms. Brekke-Read also addressed concerns with the use of neon signs and advised that neon signs had been identified under prohibited signs. Ms. Murphy also cited Section 8.88.090 Permanent Signs (A) (6), Lighting, (iii), which addressed neon signs.

Ms. Brekke-Read cited Section 8.88.050, Signs allowed without a permit (E), Informational Signs, and acknowledged that section could be better clarified to address neon signs. She also clarified the intent of the definition for Internal Illumination halo type lighting, which was diffused lighting behind the letter; and the regulations for Section 8.88.040, Signs on Town property (C) 4) as related to real estate signs, which was consistent with the previous ordinance.

Ms. Murphy added that there was a Civil Code section which protected real estate signs.

PUBLIC COMMENTS OPENED

Bob Kennedy, Moraga, commented that as a resident of a Homeowner's Association (HOA) there were some directional signs used to identify where some homes were located. He asked whether the Draft Sign Ordinance would regulate that type of signage.

Edy Schwartz, Moraga, thanked Town staff, particularly Associate Planner Ella Samonsky, for the time and effort on the Draft Sign Ordinance and the inclusion of the Chamber of Commerce from the beginning allowing the Chamber to timely notify its members when the Sign Ordinance was under discussion. She pointed out that the Sign Ordinance was to have been discussed by the Town Council seven years ago. She commented that seven years ago there had been concerns that no "open" signs would be allowed, and she understood that type of signage used by many businesses was technically illegal. The Draft Sign Ordinance allowed one illuminated sign in a business window. She noted that there had been a great deal of discussion during the study sessions on the use of A-frame signs, which signage she had supported in the past although she had concerns with the impacts along Moraga Road and Moraga Way. She suggested that the use of A-frame signs would likely be regulated by cost and the need to physically place them out on the sidewalk each day. She agreed that the Sign Ordinance should be reviewed after a year and urged an ordinance that would quicken the approval process for businesses coming to Moraga, which would allow property owners of multi-tenant properties to be able to design their own individual Master Sign Programs. She otherwise emphasized that enforcement of the ordinance would be key; provided the Council with photographs of a virtual monument sign offering an idea of a nice visual of a semi-rural monument sign in the Town; and a photograph of an example of a gas station with banners and lighting, which was not permitted. She urged consideration of enforcement with monetary penalties.

Dave Bruzzone, Moraga, stated he had attended the latest Planning Commission hearing when the Draft Sign Ordinance had been discussed. He found the ordinance to be difficult despite the

intent was that it would make the process easier. He took exception to the regulations for the Master Sign Program, specifically Section 8.88.070 Master Sign Program, which may affect the Moraga Shopping Center, hold the property owner hostage, and impose what he described as a punitive measure against the property owner. He asked that the regulation be stricken from the ordinance. He added that the Bruzzone family also owned the putting green area in front of the Moraga Country Club which was zoned Moraga Open Space Ordinance (MOSO). At some point, homes would be built in the Moraga Country Club and the intent was that a sign be placed on that property to advertise the housing development; however, pursuant to the regulations of the Draft Sign Ordinance that type of signage may be prohibited. He questioned the imposition of more restrictive rules; and cited the use of temporary freestanding signs, particularly during election periods, with no maximum standard for that type of sign, raising concerns that very large political signs may be permitted.

PUBLIC COMMENTS CLOSED

Ms. Keimach cited Section 8.88.100 Temporary signs, Table 2, Temporary Freestanding Sign Standards, and identified the maximum sign area for single and double-sided signs, maximum aggregate area for all signs, and the minimum distance between temporary freestanding signs.

Ms. Brekke-Read added that a differentiation had been provided for the different sign standards, and clarified that if signage was placed in the putting green area in front of the Moraga Country Club, the signage would be restricted to the standards pursuant to Section 8.88.100 Temporary Signs B), Specific Sign Standards, 1)Temporary freestanding sign.

Ms. Keimach commented that the issue of a Master Sign Program had been discussed at length at the Planning Commission level, with the Planning Commission having initially considered more restrictive standards. The new standard was not intended to affect new businesses occupying existing vacant space. Master Sign Programs would be required for new construction pursuant to the standards identified in the Draft Sign Ordinance.

As to how the Draft Sign Ordinance may affect the Town Council's consideration of a new electronic marquee sign, Ms. Brekke-Read cited Section 8.88.040, Signs on Town property and which had been drafted to ensure that an electronic marquee sign would be allowed on Town property. However, staff would check the regulations.

Ms. Murphy stated that electronic message signs were different from an animated sign, as defined in the Draft Sign Ordinance. Staff would review that section.

The Town Council discussed the Draft Sign Ordinance and made the following comments and/or direction to staff:

- Staff to better clarify the definitions for animated and electronic message signs, particularly in light of future consideration of an electronic marquee sign on Town-owned property;
- Staff to revise Section 8.88.040 Signs on Town property, Section (C) 4) with the reference to Section 8.88.050 (J) corrected to read *Section 8.88.050 (K)*;
- Recognized that the past effort to update the Sign Ordinance had not been successful although the current Draft Sign Ordinance did make sense, and encouraged the continuation of the current effort to create pamphlets for prospective candidates for local elections, identifying political signs as temporary signs;
- Recognized Chamber of Commerce support for the Draft Sign Ordinance; and;

- Recommended a revision to Section 8.88.100 Temporary Signs, b) Specific Sign Standards, 1) Temporary freestanding sign, Table 2, Temporary Freestanding Sign Standards, to increase the minimum distance between temporary freestanding signs from one to four feet for Residential and Open Space Zoning Districts.

Ms. Brekke-Read advised that the item would be noticed for a future public hearing scheduled for June 11, 2014, and brought back for Town Council consideration for a first reading. She acknowledged that the project had involved a team effort of all Town Departments and she thanked staff for that effort.

- B.** Council Consideration of Mayor Chew's Request to Authorize the Town Manager to Use Town Funds to Order Town Pins and to Design, Translate, and Print a Marketing Brochure for the "Silicon Valley Mayors' China Trip" from June 16 to 27, 2014

Ms. Keimach reported that the Mayor had been invited to join the Silicon Valley Mayors' China Trip from June 16 to 27, 2014, to be funded by the non-profit China Silicon Valley. The purpose of the trip was to encourage partnerships between Silicon Valley city governments and businesses in China, and to increase investment, job growth, and business opportunities between China and Silicon Valley. She explained that there was a practice in China to give gifts when visiting, which was a customary form of respect. The May 28, 2014 staff report had identified two options for consideration. A third option, not included in the staff report, had been discussed between the Mayor and the Town Manager in an effort to consider all options without having to spend Town funds.

Ms. Keimach reported that the Mayor had met with Saint Mary's College (SMC); SMC had an interest in bringing new students from China to the SMC campus and had donated 200 undergraduate brochures from SMC as a gift; Matt Biondi pins could also be considered as another gift and had been paid for as part of a past effort; and a third gift could be five Town of Moraga polo shirts which had previously been paid for as part of a different project. Those three gifts could be something that could be considered as a third option as well as the other two options outlined in the staff report.

Mayor Chew reiterated the purpose of the trip as part of the non-profit China Silicon Valley; identified the 12 Mayors including himself who had been invited to participate; and noted the intention of the trip to create zero expense for the Town. He suggested the third option for gifts would be an acceptable option for the Town, emphasized that in discussions with SMC there was great support for this effort, and that SMC was willing to print undergraduate brochures.

PUBLIC COMMENTS OPENED

Connie Stanley, Moraga, commented that there had been three other Olympian alumni from Campolindo High School Class of 2002, and asked if pins for Matt Biondi were to be considered and whether recognition of the other athletes would be considered as well.

PUBLIC COMMENTS CLOSED

The Town Council discussed the three options for consideration and the consensus was to support the third option, as identified by the Town Manager, at no cost to the Town. The Town Manager and the Mayor were commended for that solution.

Mayor Chew asked for a motion of approval to include the following language: *Support Mayor Chew's Silicon Valley Mayors' China Trip from June 16 to 27, 2014, which requires no Town expense.*

Ms. Murphy advised that a formal motion was not required but could be made for Town Council consideration.

ACTION: It was M/S (Chew/Wykle) to support Mayor Chew's Silicon Valley Mayors' China Trip from June 16 to 27, 2014, which requires no Town expense. Vote: 4-0-1. Absent: Metcalf.

- C. Consider Proposed Fiscal Year 2014/15 Operating and Capital Improvement Program Budgets, Including Updates to the Five-Year Financial Plan, and Financial Policies

Administrative Services Director Stephanie Hom presented PowerPoint slides that highlighted the Proposed Fiscal Year 2014/15 Operating Budget; identified the budget development process; advised that the budget would be structurally balanced; identified the revenue sources for the General Fund; showed a historic comparison of property and sales tax revenues compared to the Town personnel expenditures; identified the expenditures of the General Fund; the Five-Year Financial Plan projection; significant changes in the FY 2014-15 Expenditure Budget for each Town Department; and transfers from other funds for Public Safety, Public Works, Planning, and the Asset Replacement (one-time capital outlays). She stated that the Town was making do, was drawing down on a number of one time revenues including the Asset Replacement Fund which had been used to replace vehicles, repair roofs, effect repairs to the Hacienda and other buildings, and with the proposed budget the balance in the Asset Replacement Fund would be under \$100,000, which was a concern and which needed to be replenished for future needs.

Ms. Hom described the details of the credit card processing which was a cost of doing business and which had been an added expenditure for the Planning Department in the amount of \$10,000 as part of the Proposed FY 2014/15 Expenditure Budget; and while the system had been used by the Parks and Recreation Department, it would be new to the Planning Department. She clarified that an applicant could not be charged a processing fee to use a credit card.

Town Clerk Marty McInturf clarified that the one-time expenditure for the Town Clerk in the amount of \$14,500 was for the November election, primarily to pay the Contra Costa County Elections Division and for the cost of legal advertising. She added that the costs could increase if there was also a measure on the ballot, not just Councilmember elections, which cost had not been budgeted. She commented that the Elections Division had streamlined the costs over the years although registered voters had increased.

Ms. Hom also clarified the FY 2014-15 Expenditure Budget for the Police Department, and as noted there would be increased costs to cover Dispatch Services. She suggested the Town's dispatch services were a small percentage of the total cost to operate the County Dispatch Center. As part of the Audit and Finance Committee (AFC) discussion, a chart showing the dispatch services costs and the history of what the Town had paid which had been offset by some savings with the County Sheriff's Department had been added to the Budget Message.

Ms. Hom asked that the Town Council discuss the FY 2014/15 Budget, Five-Year Financial Plan, Capital improvement Program (CIP), and financial policies and provide direction to staff to bring back the documents to the Town Council on June 11, 2014, along with a proposed resolution to adopt the FY 2014/15 Budget.

Chief of Police Robert Priebe explained the background and history of the dispatch fees with the County Sheriff's Department, stated that rates had increased in 2010 to \$169,539 although not implemented until Fiscal Year 2012/13, with the fee set at that time at \$144,889 based on the Town's overall usage of 2.47 percent of the program. At that time the Town had been able to draw down monies from an acquisition fund (which was to be used to acquire interoperable radios) to pay an actual fee in Fiscal Year 2013 of \$70,450. In 2013/14, there had been a 12.6 percent increase up to \$163,104 based on an increased usage of up to 2.7 percent. The Town drew down another \$70,000 to pay an actual fee of \$92,858. He had learned this date that the Town's usage for the system was 2.4 percent for 2013/14 and he anticipated paying an estimated \$150,000 based on a total of 9,103 calls for service at a rate of \$16.50 per call.

Chief Priebe stated that the Moraga-Orinda Fire District (MOFD) would be paying approximately \$170,000 in dispatch fees based on a rate of \$55 per call for service. He noted that the Town's dispatch calls were more detailed than the MOFD and he stated that the County Sheriff's Department had been a great partner. He described in detail the monies the Town had been charged for dispatch, 10 percent went into the acquisition fund to be used for the transition to the P25 Compliance System, and the money was earmarked for that purpose but had been used to pay for the dispatch fees rather than for equipment. He affirmed that at the end of 2014, the fund balance in the acquisition fund would be zero; no new fund would be created by future costs.

Ms. Keimach clarified that the Town had paid for the interoperable radios out of Citizens Option for Public Safety (COPS) funds; the Town would not receive a bill from the County since the costs for dispatch services had been paid.

Chief Priebe suggested the dispatch fees being imposed on the Town were reasonable and emphasized the benefit to the Town to be on the same radio channel as Orinda and Lafayette.

As to the \$10,000 expenditure added to the Parks and Recreation Department for the Town's 40th Anniversary Celebration, Parks and Recreation Director Jay Ingram clarified that the money would go towards the 40th Anniversary Celebration after the Pear and Wine Festival for a community picnic at Commons Park. He was confident there would be community contributions to offset the cost. The proposed expenditure did not include the cost of banners to be placed on poles throughout the Town celebrating the Town's 40th Anniversary.

PUBLIC COMMENTS OPENED

Rodger Lum, President, Friends of the Moraga Library, spoke to the Town Council's agreement to increase Library hours of operation to include Sundays as of September 2013, at which time circulation and attendance had increased. He asked that the Town Council continue allowing the Moraga Library to have Sunday hours of operation at a cost to the Town of \$5,000 a year for building maintenance costs, with the Friends to pay \$31,000 to cover the cost of salaries and benefits of Library staff. He also asked that the Town Council consider increasing the maintenance of the Library facility in response to patron complaints with respect to the condition of the facility and given the increase in patronage. He reported that the new County Librarian and Deputy County Librarian were present in the audience to respond to any questions.

Jane Low, Moraga, a volunteer at the Moraga Library, also asked that the Town consider increasing the maintenance for the facility. She referred to the carpet in the community room, the restrooms, windows, staff room carpeting, and parking lot which all required improved maintenance. She emphasized the use of the public facility, which was Town-owned, but which had been neglected for years.

Mr. Ingram explained that the maintenance of the Library had been conducted by a janitorial service which had a three-year annual contract approved by the Town Council, which firm also maintained the Hacienda, 329 and 331 Rheem Boulevard, and the Moraga Library. He acknowledged some of the Town facilities did not always get the attention needed and it was a concern. He spoke with the janitor on a daily basis, noted that the current janitorial contract had another year, and explained that windows were not part of the Town's maintenance responsibility for the Library which was either the responsibility of the Friends or the County. Carpets were the responsibility of the Town and the carpets were cleaned once a year pursuant to the maintenance budget for the Library facility. He added that there were other maintenance issues related to the facility as part of the Library Agreement between the County and the Town.

Ms. Keimach acknowledged concerns with the current janitorial contract services and explained that the hours for the facility could be increased but at a cost to the Town which would come out of other facilities.

Mary Bruns, representing the Lamorinda Spirit Van Program, stated she had provided the Town Council with a report on the Lamorinda Spirit Van Program reporting that the program served more people than in the past; the City of Lafayette had agreed to a funding request of \$25,000; the Town of Moraga had funded \$9,000 in the past, although she requested a contribution of \$15,000 for the Program given the increase in patrons and needs; and emphasized that the Lamorinda community was an aging community and the program was a valuable asset to that aging community. She again asked that the Town Council consider an increase in funding from \$9,000 to \$15,000.

Ms. Bruns acknowledged, when asked, that a patron had offered a large donation a couple of years ago to make up a perceived shortfall; she had tried but had been unsuccessful in reaching that individual to solicit future donations; advised that fundraising efforts had been outlined on Page 5 of the report provided to the Town Council with substantial effort made to increase passengers, funding, and volunteer drivers; prices had been raised this year to make the program more sustainable; donations had been received for fund matches for new vehicles and there had been passenger support; Lafayette's general level of contribution had been \$25,000 although it had contributed \$40,000 (the normal \$25,000 and the remainder to cover benefits); and Orinda contributed \$3,500 to the program through the Orinda Community Foundation.

Ms. Bruns clarified that the new Freedom Funding from the Metropolitan Transportation Commission (MTC) would be eliminated and be folded into the 5310 Program. She advised that MTC had put out a Request for Proposal (RFP); the Lamorinda Spirit Van had received one year of funding in the amount of \$51,000, with 75 percent of the funds to come in 2014/15 and 25 percent in 2015/16. She acknowledged that the costs of operation continued to increase and she identified other efforts to find funding sources.

Dave Cummins, Volunteer Driver for the Lamorinda Spirit Van, expressed his appreciation for all of the funding contributions for the program; emphasized the value of the program for the most vulnerable of the population; commended the work done by Ms. Bruns for the program; and asked that the Town Council consider a modest increase in funding from \$9,000 to \$15,000. He stated the program was more valuable than County Connection since it offered services not provided by County Connection.

PUBLIC COMMENTS CLOSED

The Town Council discussed the Proposed Fiscal Year 2014/15 Proposed Operating Budget and offered the following comments and/or direction to staff:

- Consensus to provide \$5,000 in funds to the Friends of the Moraga Library.

As to the request from the Lamorinda Spirit Van Program to increase the funding from \$9,000 to \$15,000, **Councilmember Trotter** did not support the request; supported funding in the amount of \$9,000 for Fiscal Year 2014/15; and expressed the willingness to speak with Ms. Bruns off-line to assist in requesting funding from the Moraga community.

Vice Mayor Wykle and **Councilmember Arth** supported an increase in funding to the Lamorinda Spirit Van Program to \$12,000.

Ms. Hom explained that the current funding of \$9,000 for the Lamorinda Spirit Van Program had come from Measure J. If more Measure J funds were used, it would mean less funding available for capital projects in the future and draw down Measure J funds.

Councilmember Arth acknowledged that although he had supported an increase in funding to \$12,000, he was ready to stay at \$9,000 with confidence that Councilmember Trotter may be able to provide assistance to Ms. Bruns off-line to request funding from the Moraga community.

Mayor Chew emphasized the importance of a balanced budget. He supported funding in the amount of \$9,000 for the Lamorinda Spirit Van Program.

- Consensus to provide \$9,000 in funds to the Lamorinda Spirit Van Program.

Councilmember Trotter expressed concern that the numbers shown for the Garbage Vehicle Impact Fee, as shown on Page iii of the Budget Message of the Five-Year Financial Plan, FY 2014-15 Budget, was misleading, given that new rates had recently been set which had gone into effect in March 2014, including a Vehicle Impact Fee for the twelve month period from March 1 to February 28, 2015 of \$167,000, and with the rates to be revisited in the fall with no guarantee that same fee would be assessed and go into effect on March 1, 2015. He would like the budget message to acknowledge the uncertainty and that the number could be less.

Ms. Hom suggested for this budget the \$167,000 number was appropriate to use because she had started receiving it on March 1, 2014 and it had not been built into the FY 2013/14 budget. She stated the use of the term “annually” could be stricken from the first paragraph under Revenue Sources, as shown on Page iii of the Budget Message Five-Year Financial Plan, FY 2014-15 Budget. She also identified the increase from the previous year’s budget which had led to the current operating budget at \$7.2 million, which was due to the one percent increase in salary; slight rate increases pursuant to California Public Employee Retirement System (CalPERS) new rates; but expressed the willingness to better define what was driving that increase, to be brought back to the Council at its next meeting.

Councilmember Trotter asked that monies be budgeted for banners for the Town’s 40th Anniversary Celebration; suggested it would be a good use of public funds to celebrate the Town’s 40th anniversary; and he had spoken to Councilmember Metcalf who was supportive. He had also spoken with an individual who had created the banners for the City of Walnut Creek’s 100th Anniversary and other Moraga events, and who had offered pro bono work with the Town on the potential costs and offer a quote by June 11. He asked that the Town Council consider formalizing its direction during the meeting on June 11.

Ms Keimach advised that a cost estimate and potential funding sources could be brought back for consideration on June 11, 2014.

Public Works Director/Town Engineer Edric Kwan presented PowerPoint slides of the FY 2014-15 Capital Improvement Program (CIP) highlighting the Hacienda de las Flores Main Power Replacement project; Moraga Library Restroom Improvements (Design); Turf Improvement

Projects (Pavilion); Moraga Bicycle and Pedestrian Master Plan Update; Moraga Road (St. Mary's to Draeger) Resurfacing; Pavement Management Program; and the Municipal Wayfinding Signage Program (Design).

Responding to the Council, Ms. Keimach understood that the developer for Rancho Laguna II planned to go back to the DRB for individual designs and that the project was moving quickly.

Mr. Kwan added that a pot hole blitz was conducted the first of every month and he encouraged anyone to contact staff to advise of any pot holes on Town roads.

As to the Moraga Road (St. Mary's – Draeger) Resurfacing Project, Ms. Keimach explained that the OneBayArea Grant's Local Streets & Road Preservation grant was a large grant the Town had obtained with efforts to coordinate that grant with the Livable Moraga Road Project. She noted that the project could be delayed given the closeness to the Livable Moraga Road Project and she would know more as they moved forward.

Mr. Kwan added, when asked, that it was very challenging to change the scope of work for a federal grant, with Public Works and Planning to work together, and with the design process to start in FY 2015 with construction in FY 2016 for the Moraga Road (St. Mary's – Draeger) Resurfacing Project. The striping and any realignment would be better refined during the Livable Moraga Road Project process.

As to the Pavement Management Program, Mr. Kwan stated with the funding allocated they would likely be able to tackle 75 percent of the streets needing reconstruction and any savings this year would go to the next year's program. He identified the process working with Town staff and Town maintenance crews to identify various needs, staff working closely with the AFC and the Administrative Services Director to identify the Town's assets, and costs for replacement with the AFC to make a presentation on those needs. He recognized the concerns with respect to the replacement of aging assets, the limited funds in the Asset Replacement Fund, and the continued work with the various Town Departments.

Speaking to the Hacienda de las Flores Main Power Replacement Project, Mr. Kwan identified the scope of work to include an upgrade to the system and replacement of the outdated main electrical switchboard taking into account future Hacienda events. The scope of work would not include the anticipation of high tech improvements and data upgrades in the future, which would have to be explored at that time. Any proposal for a large draw on electricity, whatever the use, would have to be accommodated as part of the Town's operation and maintenance and in working with the needs of the Hacienda, the Parks and Recreation Director, and the Hacienda Strategic Plan under development. He was not aware of any future super power draws on electricity at the Hacienda. The Town's maintenance crew had already identified what was needed at the Hacienda facility.

Ms Keimach added that the Hacienda de las Flores Main Power Replacement Project has been on the list since 2008, was a critical project to maintain the status quo and beyond, and that the project was being coordinated with PG&E. As to whether the project would accommodate future needs, she stated that could be clarified by the next meeting on June 11.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

There was no further direction provided to staff on the Proposed Fiscal Year 2014/15 Capital Improvement Program Budget.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Ms. Brekke-Read updated the Council on the status of the Climate Action Plan (CAP) with an Administrative Draft expected in the next three weeks, and with the Draft CAP to be presented to the Planning Commission, and then to the Town Council, which was anticipated in the fall.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

**ACTION: It was M/S (Trotter/Arth) to adjourn the meeting at 10:41 P.M. Vote: 4-0-1.
Absent: Metcalf.**

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Ken Chew, Mayor