

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**June 25, 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 **Vice Mayor Roger Wykle**.

**ROLL CALL**

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

Councilmembers absent: Mayor Ken Chew

**II. PLEDGE OF ALLEGIANCE**

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

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**A. Proclamation Honoring Campolindo High School Boys Varsity Volleyball Team**

**Vice Mayor Wykle** read into the record a proclamation honoring the Campolindo High School Boys Varsity Volleyball Team and declared June 25, 2014 as "Campolindo Boys Varsity Volleyball Team Day."

**PUBLIC COMMENTS OPENED**

John Walker, Principal, Campolindo High School, publicly acknowledged the athletes who had represented Campolindo High School well, not only on the courts but on campus, and also congratulated Coaches Dave Chen and John Vuong on the accomplishments of the Campolindo High School's Volleyball Program and Athletic Department.

Dave Chen, Coach of the Campolindo High School Boys Varsity Volleyball Team, also acknowledged the accomplishments of the athletes.

**PUBLIC COMMENTS CLOSED**

The Town Council congratulated the entire Campolindo High School Boys Varsity Volleyball Team for their accomplishments, and Campolindo High School for its athletic achievements.

**B. Proclamation Honoring Orinda-Moraga Pool Association's 58<sup>th</sup> Anniversary of the OMPA Championship Meet from August 8 to 10, 2014**

**Vice Mayor Wykle** read into the record a proclamation honoring the Orinda-Moraga Pool Association's (OMPA) 58<sup>th</sup> Anniversary of the OMPA Championship Meet from August 8 to 10, 2014; and declared August 8, 9, and 10, 2014 as "SWIMTOWN USA" days in the Town of Moraga.

**PUBLIC COMMENTS OPENED**

Lucy Dendinger, OMPA League Director, thanked the Town Council for the proclamation and recognition. She spoke to the history of OMPA and explained that OMPA Championship Meets would not occur without community sponsorships, the Town, the Moraga Police Department, and the many parents who had volunteered for the meets.

**Councilmember Metcalf** commented that he had been associated with OMPA for many years; OMPA had spawned a number of local Olympians and had experienced a great deal of swimming success.

**PUBLIC COMMENTS CLOSED**

**C. Proclamation Declaring July 2014 to be Parks and Recreation Month**

**Vice Mayor Wykle** read into the record a proclamation declaring July 2014 as Parks and Recreation Month; urged all citizens to use and enjoy the Town's parks, trails, open space, facilities, and recreation opportunities; and presented the proclamation to Parks and Recreation Director Jay Ingram.

**PUBLIC COMMENTS OPENED**

Parks and Recreation Director Jay Ingram thanked the Town Council for continuing the tradition.

John Vuong, Moraga, commented on the collection of puddles of water in the sand volleyball courts at Commons Park during the rainy season and encouraged the improvement of the drainage system.

Mr. Ingram explained that the drainage system at Commons Park had collapsed and was clogged with sand. He expressed his hope that the area would be part of a future Capital Improvement Program (CIP). Responding to Council, he stated that the Buy a Rocket Program for the Fourth of July had a goal to raise \$24,000, and funds raised to date totaled \$17,620.

**PUBLIC COMMENTS CLOSED**

**V. PUBLIC COMMENTS**

Barry Behr, Moraga, reported that he had spoken with Tim Farley, the Director of Community and Government Relations at SMC, regarding SMC's recent graduation ceremony; and had raised concerns related to events that had occurred the day of the commencement ceremony when there had been a traffic jam and vehicles parking along the area at St. Mary's Road and Bollinger Canyon Road into the City of Lafayette which had raised concerns with response times in the event of an emergency. He had suggested to Mr. Farley the use of a shuttle system for those types of events and suggested there were many options that could be considered including the use of professionals to direct traffic during major SMC events.

As a resident of The Bluffs, **Councilmember Trotter** agreed that the issue with traffic during major events at SMC had increased over time, particularly with increased enrollment at SMC. He too had spoken with Mr. Farley and other administration representatives of SMC regarding this issue with SMC informing graduates and families of the need to get on campus by 7:30 a.m. for 9:00 a.m. events. He suggested that a dialogue with SMC should be considered to discuss improved transportation methods during major SMC events, which could be considered under Council Requests for Future Agenda Items.

**Councilmember Arth** agreed that a dialogue with SMC needed to occur and should be considered under Council Requests for Future Agenda Items.

**VI. ADOPTION OF THE CONSENT AGENDA**

**A. Approval of Consent Items**

Consent Item 2 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/Arth) to adopt Consent Agenda Items 1, 3, 4, 5, 6, and 7. Vote: 4-0-1. Absent: Chew.**

- |    |  |                |
|----|--|----------------|
| 1) | Accounts Payable Claims for: 6/13/14 (\$89,099.37)   | Approved       |
| 2) | <i>Approve Minutes for the Town Council Special Meeting on May 21, 2014</i>  | <i>Removed</i> |
| 3) | Approve by Motion the Cancellation of the July 9, 2014 Town Council Meeting and Direct Staff to Schedule a Special Meeting for July 16, 2014                       | Approved       |
| 4) | Approve by Motion a Six-Month Use and Fee Waiver Request for the Lamorinda Wine Growers Association Use of the La Sala Building for Office Space                   | Approved       |
| 5) | Consider Resolution 63-2014 Authorizing Updates to The Town of Moraga Master Fee Schedule to Reflect the Adopted Nuisance Abatement Ordinance                      | Approved       |
| 6) | Receive Report and Town Response to Grand Jury Report No. 1403, "Training City Personnel in Reporting Child Abuse" by the 2013-2014 Contra Costa County Grand Jury | Approved       |
| 7) | Receive Report and Town Response to Grand Jury Report No. 1404, "Planning for Technology" by the 2013-2014 Contra Costa County Grand Jury                          | Approved       |

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

1. Approve Minutes for the Town Council Special Meeting on May 21, 2014

**Councilmember Arth** stated that redline changes had been made to Page 4 of the Town Council minutes of May 21, 2014, with copies provided on the dais and to the public that night. He asked that the Council approve the minutes, as modified.

**ACTION: It was M/S (Trotter/Arth) to approve the Minutes for the Town Council Special Meeting on May 21, 2014, subject to the redline changes provided to the Town Council. Vote: 3-1-1. Abstain: Metcalf. Absent: Chew.**

**VII. ADOPTION OF MEETING AGENDA**

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

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

**VIII. REPORTS**

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

**Mayor Chew** – No report.

**Vice Mayor Wykle** – Reported that he had attended a Moraga Youth Involvement Committee (MYIC) meeting on May 29, with a discussion of the May 31 Movie Night and upcoming events including a visit to the Food Bank and a beach cleanup.

**Councilmember Arth** – No report.

**Councilmember Metcalf** – Reported that he had attended a recent meeting of the Contra Costa Transportation Authority (CCTA) Board when the budget had been adopted, with a discussion to pursue a ballot measure to increase sales taxes another half-cent; had attended a meeting this date for the Lamorinda School Bus Agency Board with the inauguration of the service to transport English as a Second Language students to Acalanes High School; reported the Acalanes Union High School District would be closing its Transportation Department and encouraged staff to consider contacting the District about storing vehicles there; and had attended a meeting of the Joint Facilities Planning Subcommittee with a focus group to be formed and with those interested to contact him or Councilmember Trotter.

**Councilmember Trotter** – Reported that the Lamorinda Sun had published a letter he had written to the community requesting support for \$3,000 for the Lamorinda Spirit Van Program with funds up to \$1,800 having been received and he thanked everyone for their support; reported that Assistant Town Attorney Karen Murphy lost her mother in a vehicle accident in the City of Lafayette, extended his condolences, and asked that the meeting be adjourned in memory

of Maria White; reported he had attended the Joint Facilities Planning Subcommittee on June 23 with a discussion of forming a focus group, the committee would evaluate sites as potential gymnasium sites; and had attended the 4th Anniversary of the founding of the New Rheem Theatre on June 25 with The New Rheem Theatre receiving more major sponsors for the California Independent Film Festival (CAIFF).

- B. Town Manager Update – Town Manager Jill Keimach reported on the efforts of the Town to provide information to the public through the use of Nextdoor.com as of July 1, 2014, with a launch including the About Town Newsletter, and a Town brochure that had been drafted by the Lamorinda Weekly. She also reported that the Design Review Board (DRB) had reviewed the Town’s electronic marquee message board sign and offered modifications to the design.

Mr. Ingram reported he had did not envision the placement of the electronic marquee until the spring of 2015 depending on PG&E.

## IX. DISCUSSION ITEMS

There were no discussion items.

## X. PUBLIC HEARINGS

There were no public hearings.

## XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Consider Resolution 64-2014 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$346,200 for a Total Amount of \$586,200 for Additional Pavement Management and Design Services for the 2015 Pavement Repair Project (CIP 08-106)

Public Works Director/Town Engineer Edric Kwan reported that a Volunteer Outreach Meeting would be held on July 7, 2014, with a Town Hall meeting to educate the public on July 24, 2014. He expressed his hope to educate every resident on the streets affected by the Pavement Repair Project. He reported that Nichols Consulting Engineers (NCE) had a history with the Town of Moraga; had met the needs of the Town by providing its services; was accustomed to the Town’s culture; and had met the Town’s goal to minimize limited dollars and maximize the average Pavement Condition Index (PCI) given that the PCI had jumped from 49 to 58 from last year’s Pavement Repair Project.

Mr. Kwan advised that the 2014 contract with NCE included the ability to amend the contract to include the 2015 project. If the contract was awarded, the goal for the 2015 project would be to address streets in poor and failed conditions that would require reconstruction. Additional design tasks and time would be necessary for the types of reconstruction treatments.

Mr. Kwan asked that the Town Council adopt a resolution authorizing the Town Manager to amend the Design Professional Services Agreement with NCE in an amount not to exceed \$356,200 for a total amount of \$586,200 for additional pavement management and design services for the 2015 Pavement Repair Project (CIP 08-106).

Responding to the Council, Mr. Kwan explained that the rates from NCE were lower than other competitors. He expressed the willingness to provide information from the past year’s program

and the proposals received, but noted that professional services contracts were awarded based on qualifications and experience and for the best value for the Town of Moraga. He agreed there was a connection between storm drains and pavement and commented that issue had been addressed in the prior pavement program through the televising of the storm drain pipelines. If the storm drain pipes were found to be in poor shape, needing repair within five years to be consistent with the street cut moratorium, those streets had been deferred. An anticipated Storm Drain Master Plan would review the entire network and identify the storm drain pipeline repair priorities.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Councilmember Trotter** offered a motion to adopt Resolution 64-2014 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$346,200 for a Total Amount of \$586,200 for Additional Pavement Management and Design Services for the 2015 Pavement Repair Project (CIP 08-106). The motion was seconded by Councilmember Metcalf.

On the motion, **Councilmember Metcalf** asked that the motion be amended to modify the first paragraph of Resolution 64-2014, to read:

***WHEREAS**, Nichols Consulting Engineers (NCE) has served as the consultant to provide pavement management and design services for the 2013 and 2014 Pavement Repair projects, and has been assigned by the Metropolitan Transportation Commission (MTC) to prepare the Town's Pavement Management report updates, including the recently completed April 2014 report submitted to MTC for Town certification; and*

As the maker of the motion, **Councilmember Trotter** accepted the modification.

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 64-2014 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$346,200 for a Total Amount of \$586,200 for Additional Pavement Management and Design Services for the 2015 Pavement Repair Project (CIP 08-106), as amended. Vote: 4-0-1. Absent: Chew.**

- B.** Consider Waiving the Second Reading and Adopting Ordinance 246 Amending in its Entirety Chapter 8.88 Signs and Outdoor Advertising, of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code; and Consider Resolution 65-2014 Authorizing Updates to the Town of Moraga Master Fee Schedule to Reflect the Adopted Sign Ordinance

Associate Planner Ella Samonsky reported that the Draft Sign Ordinance would be updated to legally conform to the First Amendment requirements for content neutrality, clarify and simplify the sign review approval process, and contain additional revisions and clarifying edits as directed during the June 11, 2014 Town Council meeting. Accompanying the ordinance was a resolution to update the Master Fee Schedule, with staff recommending that the fees for sign permits be retained but that the titles be amended to match the new organization of the Draft Sign Ordinance.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Metcalf) to waive the Second Reading and adopt Ordinance 246, Amending in its Entirety Chapter 8.88 Signs and Outdoor Advertising, of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code. Roll Call Vote: 4-0-1. Absent: Chew.**

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 65-2014 Authorizing Updates to the Town of Moraga Master Fee Schedule to Reflect the Adopted Sign Ordinance. Vote: 4-0-1. Absent: Chew.**

- C. Consider Waiving the Second Reading and Adopting Ordinance 247 Amending 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). (An EIR was previously certified for the Rancho Laguna II project in January 2011, and Addendum Approved in April 2014.)

**Councilmember Metcalf** recused himself from the discussion since he lived within 500 feet of the Rancho Laguna II property. He left the Council Chambers at this time.

Senior Planner Ellen Clark reported that the item had been initiated as part of the approval of the Rancho Laguna II Project, Conceptual Development Plan (CDP), and would bring the Zoning Ordinance into conformance with the General Plan and Condition of Approval 1.2. During the first reading, the Town Council had made some revisions to the draft language as reflected in the redline format contained in the June 25, 2014 staff report, to make the provisions refer more explicitly to the Rancho Laguna II project as opposed to the Non-MOSO Open Space/Planned Development N-OS-PD zoning district.

Town Attorney Michelle Kenyon advised that the item would require a unanimous vote of the Town Council present to adopt the ordinance.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Arth/Trotter) to waive the Second Reading and adopt Ordinance 247 Amending 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). Roll Call Vote: 3-1-1. Absent: Chew. Abstain: Metcalf.**

**Councilmember Metcalf** returned to the dais at this time.

- D. Review and Discuss Information Regarding Whether to Establish a Committee on Aging and Senior Issues in the Community and Provide Direction to Staff

Mr. Ingram explained that the Town Council had discussed whether to establish a Committee on Aging and Senior Issues in late February. The Town Council had appointed a representative to the Contra Costa County Advisory Council on Aging (ACOA), Keith Katzman, who had provided

a status report on the ACOA to the Town Council a few months ago. The Town Council was now being asked to consider whether to establish a new Moraga specific Committee on Aging. The staff report had addressed the community needs and interest on this endeavor and a comparison of other Contra Costa County cities was provided.

Mr. Ingram suggested that to increase the input and establish a stronger voice on senior issues at the County level, the Town Council may consider quarterly or biannual reports from the current ACOA representative. Additionally, the Town Council may increase its involvement and direction to the ACOA and ask that the Moraga representative address specific senior citizen issues on an as-needed basis. Based on the information outlined in the staff report including the potential fiscal impacts to the Town, particularly the Parks and Recreation Department, he recommended that the Town Council not establish a Committee on Aging and Senior Issues specific to Moraga.

In response to the Council, Mr. Ingram advised that the Park and Recreation Commission had four Commissioners in the senior age category who would also qualify for a Moraga Movers membership. He had asked Moraga Movers in the past to consider having someone from Moraga Movers apply to the Park and Recreation Commission and noted that senior issues had currently been addressed as they arose. The Park and Recreation Commission currently had subcommittees which were more or less active depending on the need. In the event of a senior issue, he suggested that could be addressed by the Park and Recreation Commission absent the need for a subcommittee given the current members on the Commission. He was confident that if there was a senior issue it could be addressed by the Park and Recreation Commission or its subcommittee absent Town Council action.

Ms. Keimach suggested that since there was representation from Moraga Movers, there was no need to form another committee that could impact limited staff.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

By consensus, the Town Council supported the staff recommendation not to establish a Committee on Aging and Senior Issues in the Community given the lack of interest from the audience present, the lack of staff resources, and since the Moraga Movers Board had indicated it could address senior issues, and if not, an issue could then be referred to the Park and Recreation Commission.

- E. Consider Resolution 66-2014 Approving and Authorizing the Mayor to Execute the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager

Ms. Kenyon advised that the item was related to the Town Manager's Employment Agreement, which had first been executed in November 2010, with several amendments and a new employment agreement since then. The most recent employment agreement would expire June 30, 2014. The Town Council had conducted a performance evaluation of the Town Manager and subsequent to that the Town Attorney had been directed to prepare a new employment agreement for a term of three years and a 1.5 percent salary increase; otherwise all other terms of the prior employment agreement remained in place.

Ms. Kenyon asked that the Town Council adopt a resolution approving and authorizing the Mayor to Execute the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Trotter) to adopt Resolution 66-2014 Approving and Authorizing the Mayor to Execute the Employment Agreement between the Town of Moraga and Jill Keimach, Town Manager. Vote: 4-0-1. Absent: Chew.**

**XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

**Councilmember Trotter** asked that the Town Manager have a dialogue with the SMC President along with possibly one or two Councilmembers to address traffic conditions on commencement day in response to public feedback, and to discuss with SMC its plans for the 2015 commencement.

Ms. Kenyon recommended that the item be agendized for a future meeting.

**Vice Mayor Wykle** commented on a related matter in that the Town Council had requested a Traffic Management Plan from SMC, to which Ms. Keimach affirmed that a Traffic Management Plan had been part of the approval of the SMC Alioto Recreation Center and that SMC was also preparing a Strategic/Master Plan to be part of that document.

Ms. Clark clarified it was actually a Parking Management Plan as opposed to a Traffic Management Plan, and that SMC's Master Plan was under development.

**Vice Mayor Wykle** directed the Town Manager to inquire of the status of the SMC Strategic/Master Plan and asked that the plan be expedited prior to the next commencement.

On the discussion, **Councilmember Metcalf** asked that the matter be agendized for a future discussion to allow SMC to provide a report on its Strategic/Master Plan.

Ms. Keimach recommended that the issue be agendized at such time as SMC had enough information on its Strategic/Master Plan. In the meantime, she would also have a discussion with SMC President Donahue.

**Councilmember Trotter** understood as part of the SMC Strategic/Master Plan, that there were plans to construct a parking deck above the parking area at the front of the SMC campus. He had commented during his last meeting with Mr. Farley why only one and not two decks had been under consideration. He was anxious to learn more about the Strategic/Master Plan given the interest and concerns of the community.

**Councilmember Arth** asked that another future agenda item include a presentation reconciling the Moraga Municipal Code (MMC) with home occupations with vineyards, some of which did not meet the criteria for permitted home occupations.

Ms. Clark affirmed that was on the Planning Department's list of goals but had been deferred to allow staff to address the larger issues such as the Draft Sign Ordinance and Nuisance Abatement. Staff could look at the issue and return with a schedule.

**XIII. COMMUNICATIONS**

There were no communications.

**XIV. ADJOURNMENT**

**ACTION:** It was M/S (Trotter/Wykle) to adjourn the meeting at 8:30 p.m. *In Memory of Assistant Town Attorney Karen Murphy's Mother, Maria White.* Vote: 4-0-1. Absent: Chew.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Ken Chew, Mayor