

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**January 14, 2015  
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 Roger Wykle**.

**ROLL CALL**

Councilmembers present: Mayor Roger Wykle, and Councilmembers Phil Arth, Teresa Onoda and Dave Trotter

Councilmembers absent: Vice Mayor Michael Metcalf

**II. PLEDGE OF ALLEGIANCE**

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

**III. SPECIAL ANNOUNCEMENTS**

**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**

There were no proclamations or presentations.

**V. PUBLIC COMMENTS**

Sarina Frush, Moraga, representing Compliance Enclosure, an environmental law firm, described the HERO Program which assisted cities in achieving the goals of Climate Action Plan (CAP) programs. She provided written materials to staff and asked that the Town Council consider the adoption of the HERO Program.

Edy Schwartz, Moraga, welcomed the newly-elected Town Council, and expressed her appreciation for their willingness to serve the Town.

**VI. ADOPTION OF THE CONSENT AGENDA**

**A. Approval of Consent Items**

Consent Items 4, 6, 9, and 11 were removed from the Consent Agenda.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Arth/Trotter) to adopt Consent Agenda Items 1, 2, 3, 5, 7, 8, and 10.  
Vote: 4-0-1. Absent: Metcalf**

- |     |  |                |
|-----|--|----------------|
| 1)  | Account Payable Claims for: 12/5/14 (\$9,025.85);12/9/14 (\$25,802.67); 12/12/14 (\$311,289.43): 12/19/14 (\$96,390.37); 12/31/14 (\$10,812.48)  | Approved       |
| 2)  | Approve Minutes for the Town Council Special Meeting on November 18, 2014  | Approved       |
| 3)  | Approve Minutes for the Town Council Regular Meeting on December 10, 2014  | Approved       |
| 4)  | <i>Approve by Motion the 2015 Town Council Meeting Calendar and Direct Staff to Schedule a Special Meeting if Needed</i>   | <i>Removed</i> |
| 5)  | Consider Resolution 1-2015 Designating Alternates to Serve as Standby Officers to Allow the Town Council to Reconstitute Itself in the Event of Emergency-caused Vacancies and Provide Continuity of Government and Rescind Resolution 3-2013  | Approved       |
| 6)  | <i>Consider Resolution 4-2015 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) In an Amount Not to Exceed \$40,000 for a Total Amount of \$626,200 for Additional Design Services to Incorporate Storm Drain Repairs into the 2015 Pavement Repair Project (CIP 08-106)</i>   | <i>Removed</i> |
| 7)  | Consider Resolution 2-2015 Authorizing the Town Manager to Enter into a Multi-Year Contractual Agreement with Pyro Spectaculars by Souza for the Annual 4 <sup>th</sup> of July Fireworks Display Starting July 4, 2015  | Approved       |
| 8)  | Consider Resolution 3-2015 Authorizing the Town Manager to Suspend the Competitive Bid Process and Enter into a National Joint Powers Alliance (NJPA) Contract with Garton Tractor, Inc. of Stockton, California for a Not-to-Exceed Amount of \$28,000 to Purchase a Kubota L3301HST Tractor for the Parks and Public Works Department and Authorize Town Staff to Surplus the Current Ford Tractor | Approved       |
| 9)  | <i>Consider Resolution 5-2015 Establishing a General Purpose Fund Reserve Policy for Fifth Percent (50%) and Transferring Any Additional Net Surplus at Each Fiscal Year End to the Asset Replacement Fund, and Rescinding Resolution 8-2012</i>   | <i>Removed</i> |
| 10) | Approved by Motion Authorization for the Town Manager to Deem Identified Town-Owned Vehicles as Surplus  | Approved       |

- 11) Consider Resolution \_\_-2015 Supporting an Application for 2015-2016 Fiscal Year Transportation Development Act Article 3 Grant for Moraga Road Bicycle Improvements (Draeger Drive to Donald Drive) Project Removed

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

1. Approve by Motion the 2015 Town Council Meeting Calendar and Direct Staff to Schedule a Special Meeting if Needed

**Councilmember Trotter** asked that the second meeting date identified in March 2015 remain on the meeting calendar, and if there was no business the meeting could be cancelled at a later date. He asked that the calendar be modified accordingly.

Town Manager Jill Keimach reported that she would be out of town on March 25, 2015 although that would not prevent the Town Council from meeting, if needed.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Onoda) to approve by motion the 2015 Town Council Meeting Calendar; and direct staff to schedule a Special Meeting, if needed, and subject to modification, with the schedule to include the meeting date of March 25, 2015. Vote: 4-0-1. Absent: Metcalf.**

2. Consider Resolution 4-2015 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount Not to Exceed \$15,000 for a Total Amount of \$601,200 for Additional Design Services to Incorporate Storm Drain Repairs into the 2015 Pavement Repair Project (CIP 08-106)

In response to **Councilmember Trotter**, Edric Kwan, Public Works Director/Town Engineer, explained that as part of the design package there were up to fourteen segments in the Town that would require storm drain and street repair. Staff was in the process of reviewing the cost estimates and would refine the list of candidate segments. The public would be notified of the segments, when selected.

Ms. Keimach added that the Storm Drain Master Plan Project would be discussed as part of Item XI. B. under Ordinances, Resolutions and Requests for Action.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 4-2015 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) In an Amount Not to Exceed \$15,000 for a Total Amount of \$601,200 for Additional Design Services to Incorporate Storm Drain Repairs into the 2015 Pavement Repair Project (CIP 08-106). Vote: 4-0-1. Absent: Metcalf.**

3. Consider Resolution 5-2015 Establishing a General Purpose Fund Reserve Policy for Fifty Percent (50%) and Transferring Any Additional Net Surplus at Each Fiscal Year End to the Asset Replacement Fund, and Rescinding Resolution 8-2012

Responding to the Mayor, Administrative Services Director Stephanie Hom clarified that the referenced 50 percent applied only to the General Purpose Fund (Fund 101), and not to Palos Colorados Funds (Fund 100).

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Wykle/Trotter) to adopt Resolution 5-2015 Establishing a General Purpose Fund Reserve Policy for Fifty Percent (50%) and Transferring Any Additional Net Surplus at Each Fiscal Year End to the Asset Replacement Fund, and Rescinding Resolution 8-2012. Vote: 4-0-1. Absent: Metcalf.**

4. Consider Resolution \_\_-2015 Supporting an Application For 2015-2016 Fiscal Year Transportation Development Act Article 3 Grant for Moraga Road Bicycle Improvements (Draeger Drive to Donald Drive) Project

**Councilmember Trotter** suggested that the item was intertwined with the Livable Moraga Road Project and could not be considered until the Livable Moraga Road Project had been decided. He asked that the item be removed from the Consent Agenda and be placed on the regular agenda for discussion immediately after the first item under Ordinances, Resolutions and Requests for Action.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

Ms. Keimach explained that the item, as described, was directly dependent on what the Town Council chose for the Livable Moraga Road Project. The item had been placed on the Consent Agenda and had included language that it would be contingent upon Town Council action for the Livable Moraga Road Project. She added that the application for this grant period would expire on January 22, 2015.

**ACTION: It was M/S (Trotter/Onoda) to remove Consent Agenda Item 11, and Consider Resolution \_\_-2015 Supporting an Application for 2015-2016 Fiscal Year Transportation Development Act Article 3 Grant for Moraga Road Bicycle Improvements (Draeger Drive to Donald Drive) Project on the regular agenda for consideration immediately after the first item under Ordinances, Resolutions and Requests for Action. Vote: 4-0-1. Absent: Metcalf.**

## VII. ADOPTION OF MEETING AGENDA

By consensus, the Town Council modified the meeting agenda and moved Consent Agenda Item 11 to the regular agenda for consideration immediately after the first item under Ordinances, Resolutions and Requests for Action.

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 by moving Consent Agenda Item 11, Consider Resolution \_\_-2015 Supporting an Application For 2015-2016 Fiscal Year Transportation Development Act Article 3 Grant for Moraga Road Bicycle Improvements (Draeger Drive to Donald Drive) Project to the regular agenda for consideration immediately after the first item under Ordinances, Resolutions and Requests for Action. Vote: 4-0-1. Absent: Metcalf.**

**VIII. REPORTS**

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

**Mayor Wykle** – Reported that he had attended Liaison Meetings on December 12 and January 9; and the Contra Costa County Mayors' Conference in the City of Antioch on January 8.

**Vice Mayor Metcalf** – Absent

**Councilmember Arth** – Reported that he had attended a meeting of the Audit and Finance Committee (AFC) on January 13; and a Chamber of Commerce Board meeting on January 14.

**Councilmember Onoda** – Reported that she had attended the Chamber of Commerce Holiday Party on December 16; the Active Shooter Training at Saint Mary's College (SMC) on December 17; the Swearing-In Ceremony for the Moraga-Orinda Fire District (MOFD) on December 1; the Contra Costa Mayors' Conference in the City of Antioch on January 8; and the New Mayors and Councilmembers Academy in Sacramento on January 14.

**Councilmember Trotter** – Reported that he had attended the Central Contra Costa Solid Waste Authority (CCCSWA) Board meeting on December 11; a meeting with Edy Schwartz, Bruce Burns, and members of Town staff to discuss fields and facilities on January 6; and had met with Planning Commission Chair Christine Kuckuk to discuss the Livable Moraga Road Project on January 11.

- B.** Town Manager Update – Town Manager Keimach reported that the Part 1 Crimes Report for 2014 had been distributed by the Chief of Police. The Report reflected a negative eight percent in the various categories. She also reported that the Town had received a nice note from a couple who had recently held a wedding at the Hacienda and who had complimented the Town on the condition of the Hacienda grounds and the assistance of the Park and Recreation Coordinator. A copy of the letter had been distributed to the Town Council.

**IX. DISCUSSION ITEMS**

There were no discussion items.

**X. PUBLIC HEARINGS**

**A. Historic Preservation Ordinance**

Conduct a Public Hearing and Consider Waiving First Reading and Introducing an Ordinance Adding Chapter 8.176: Historic Preservation to the Moraga Municipal Code

Planning Director Ellen Clark presented the staff report and asked that the Town Council conduct a public hearing to waive a first reading and introduce an Ordinance Adding Chapter 8.176: Historic Preservation to the Moraga Municipal Code (MMC).

In response to the Council, Ms. Clark clarified the intent of Section 8.176.030, Designation of Historical Landmarks, subsection I. Decision, which would make clear to the owner the protections and requirements applicable to the property pursuant to the ordinance that applied to the landmark.

Assistant Town Attorney Karen Murphy added that the ordinance set forth the preservation incentives as well as requirements to apply for any environmental change, and maintain the landmark in accordance with the proposed ordinance.

**PUBLIC HEARING OPENED**

Joan Bruzzone, Lafayette, stated that while historic preservation appeared to be innocent at face value, she was concerned with the fact that historic preservation could be imposed absent property owner's consent. If the Historic Preservation Ordinance was adopted absent property owner consent, she asked that the Town Council consider funds to allow meetings with property owners who had grievances with the potential loss of property rights, and address the fact that property owners could not safeguard their properties from extensive intrusion by a public entity. She suggested the Town Council should be more flexible with the building codes to allow a property owner the ability to develop or repair, remodel, and protect one's property.

David Bowie, Attorney representing the property owner of The New Rheem Theatre, stated he had approached the Town Council previously when the same ordinance had initially been considered. If a Historic Preservation Ordinance was imposed, he asked that it include a condition requiring property owner consent prior to any historic designation. He noted that the Planning Commission had been sensitive to property owners' concerns, which was reflected in the current ordinance. He supported the current ordinance, as recommended by the Planning Commission, and insisted that it include a clause that no historic preservation be imposed absent consent of the property owner. This would allow a collegial process with incentives, where appropriate, to protect properties where it was prudent and feasible. While he liked the incentives included in the Historic Preservation Ordinance, the designation of a historic landmark over an owner's objection could create an economically unviable project.

Mr. Bowie stated he had previously submitted correspondence to the Town Council where he had cited the State Historic Resources Code, which had reflected the intent behind all State legislation to protect historic resources to the extent reasonable and prudent. The staff report had noted that the California Environmental Quality Act (CEQA) included historic preservation as one of the criteria to review as to whether an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) was required. Absent property owner consent or CEQA review, the Town could be faced with liability to the property owner which could constitute a taking of the property. On behalf of his client, Mr. Bowie advised of his client's support for the Historic Preservation Ordinance, with the recommendation from the Planning Commission. He also commented that, on behalf of the Bruzzone family, they also supported the Historic Preservation Ordinance subject to property owner consent.

Caroline Wood, Moraga, asked how changing the historic landmark status would improve the daily operation of the Rheem Theatre given that taxes would increase. Speaking on her own behalf, she noted that Derek Zemrak, and his partner, operators of the Rheem Theatre, had no rights to the theatre, paid rent, but were neither the owners of the theatre nor residents of Moraga. While Mr. Zemrak had brought films to the Rheem Theatre that the community had requested, theatre patrons had been few and the theatre would not survive without movie patrons beyond attendance at special events. She commented that the California Independent Film Festival (CAIFF) had made the Rheem Theatre its new home, which was intended to be a permanent move. She was saddened that the Town could lose the Rheem Theatre and suggested the Town had done nothing to address that situation.

Graig Crossley, Moraga, supported the idea of historic preservation with the land owner's consent, and suggested if the property owner chose not to give consent, the Town should pay for it.

Edy Schwartz, Moraga, spoke on the intent of the Historic Preservation Ordinance. Speaking as an individual, she suggested if the Town had such an ordinance in place at the time the Rheem Theatre had applied for County permits for an exterior elevator, she believed the application would have been approved. Because of the age and construction of the building, an interior ADA accessible lift had been installed, which she found was not in the best interests of the disabled, the theatre, or the community at large. The Historic Preservation Ordinance would have allowed flexibility from typical building code requirements, and consideration of Mills Act Tax Benefits as an incentive to a property owner to maintain the historic building. She read into the record the historic preservation requirements under CEQA, including details related to tax benefits, property owner rights and General Plan policies. She believed that property owner rights would be addressed through the ordinance, and suggested the Town Council should be allowed to make the decision for historic designation of a building absent the consent of a property owner in order to ensure that the General Plan would be upheld.

Tim Farley, Saint Mary's College (SMC), Director of Community and Government Relations, commented that SMC was interested in the proposed Ordinance and had a great deal of interest in historic preservation. He pointed out that SMC had the highest standards for the design in the community, and reported that SMC planned to create its own Master Plan with language that would have stringent standards with respect to historic preservation.

Dave Bruzzone, Moraga, stated he had previously spoken to the Town Council and the Planning Commission on the issue, and had raised concerns with the potential impacts a Historic Preservation Ordinance would have on the Moraga Center Specific Plan (MCSP) and Moraga Ranch properties. When the ordinance had first been presented to the Planning Commission, it had not included property owner consent although after deliberations, the Planning Commission had agreed that property owner consent should be included. If the Town Council changed that policy, it could impact his ability to improve the MCSP Area, particularly Moraga Ranch where the imposition of a Historic Preservation Ordinance could trigger additional CEQA concerns. He requested that the Town Council support the recommendations from the Planning Commission and approve the Historic Preservation Ordinance subject to property owner consent. He commented that a Historic Preservation Ordinance in the Town of Danville included property owner consent.

PUBLIC HEARING CLOSED

**Councilmember Trotter** stated that he had respect for the Planning Commission's recommendation, although he suggested it would be appropriate for the Town to have a Historic Preservation Ordinance that included the ability for the Town to designate or nominate a historical structure or building with or without property owner consent. He suggested the

inclusion of a provision for property owner consent allowed the property owner veto power with respect to a designation process, with countervailing interests from the community and the Town Council. He disagreed that the inclusion of property owner consent was the only practical way to proceed, favored a harmonious dialogue with a property owner, but suggested if the Town had the ability under an ordinance to potentially designate or nominate without property owner consent, there could still be a dialogue and discussion on the right way to deal with a specific issue. Absent that tool, he suggested there was no incentive for a dialogue.

**Councilmember Arth** disagreed with Councilmember Trotter's recommendation, suggested that was not the way to treat the Town's property owners in that it could result in a taking of property. If the Town declared a property a historic landmark, he suggested the property owner would lose some rights. He found the incentives in the ordinance to be something that the property owner should be able to consider as a fair trade, rather than something imposed by the Town. Instead of eliminating the rights of a property owner, he would rather see the offer of the Mills Act Tax Benefits and ADA relief. If the property owner decided not to use those incentives, the property could then be purchased. He supported the Historic Preservation Ordinance, as written, and would oppose any effort to bypass property owner consent.

As a member of the Planning Commission at the time the Historic Preservation Ordinance had unanimously been recommended to the Town Council subject to property owner consent, **Councilmember Onoda** stated she had since reflected on the ordinance and could see both sides of the issue. She commented on the rich history in Moraga, suggested the ordinance allowed flexibility for the Rheem Theatre, and recognized that SMC took spectacular care of its campus. At this time, she favored approval of the ordinance absent property owner consent.

**Mayor Wykle** clarified with the Planning Director the CEQA exemptions for historic properties. In response to a request from Mr. Bowie to add to that clarification, **Mayor Wykle** re-opened public comment.

Mr. Bowie further clarified the CEQA requirements, affirmed the Planning Director's comments regarding the definition of a "project" under CEQA, and identified the categorical exemptions from CEQA, with unusual circumstances requiring an evaluation process to determine the potential significant environmental impacts of a particular project. He noted that historical preservation issues were an unusual circumstance that could, within CEQA, require an Initial Study, and as part of that study the adoption of mitigating conditions. He explained that if there were historical elements to a project the conditions of approval could be tailored to take into account the historic elements. He reiterated his opinion that approval of the Ordinance absent property owner consent would produce deteriorating properties since they could become economically unviable. He suggested it was better for the Town to use the tools available as part of its normal process to incorporate CEQA and appropriate mitigation conditions for protection.

**Mayor Wykle** noted that the General Plan included policies for historic resources and commented that this was just a process, and no specific properties were being designated.

**Councilmember Trotter** requested the following revisions to the Draft Historic Preservation Ordinance shown as Attachment A to the staff report dated January 14, 2015:

- Revise Section 8.176.030, subsection B. Nominations on Page 5, to read:

***Nominations.** Nominations for the designation of landmarks may be made to the Town Council by (1) a Town Councilmember, Planning Commission, Design Review Board, or Moraga Historical Society; or (2) the owner of the property proposed for designation.*

- Amend Section 8.176.030, subsection C. Nomination Form on Page 5, to read:

5. *Other information which may be requested by the Zoning Administrator; and*

- Strike the language in Section 8.176.030, subsection C. Nomination Form on Page 5, number 6 and re-number 7 as 6.
- Revise the first sentence of Section 8.176.030, subsection I. Decision on Page 6, to read:

**Decision.** *Within 30 days after the conclusion of the hearing, the Town Council shall by resolution either designate the property as a landmark, or reject the nomination.*

**Councilmember Trotter** offered a motion to consider waiving the first reading and introduce the Historic Preservation Ordinance in the form provided by staff, as modified.

**Councilmember Onoda** seconded the motion, but recommended a further modification, to Section 8.176.020 Definitions, on Page 4 to revise the definition for Natural Feature, to read:

*Natural feature or man-made feature, means a landform, body of water, tree, orchard, significant landscaping feature, geological formation or other object of the native landscape.*

Ms. Murphy advised that even if an orchard is man-made, it would be incorporated as a natural feature. As such, she recommended that the definition be revised, to read:

*Natural feature means a landform, body of water, tree, orchard, significant landscaping feature, geological formation or other object of the native landscape.*

As the maker of the motion, **Councilmember Trotter** accepted the Assistant Town Attorney's revision, as did **Councilmember Onoda**.

Prior to the vote on the motion and speaking from the audience, Ms. Bruzzone commented that she had twice stated and it had been recorded, her opinion that Councilmember Trotter should recuse himself on this matter given what she described as a conflict of interest that went back to the Orchard Supply Hardware (OSH) situation in 2005. She emphasized the need for the issue to be on the record, for someone to know what Councilmember Trotter was doing, and for the community to know who they had voted for.

**ACTION: It was M/S (Trotter/Onoda) to waive the First Reading and Introduce an Ordinance Adding Chapter 8.176: Historic Preservation to the Moraga Municipal Code, in the form provided by staff, as modified. Roll Call Vote: 3-1-1. Noes: Arth. Absent: Metcalf.**

**B. Underground Utility District**

Conduct a Public Hearing to Consider Resolution \_\_-2015 Establishing an Underground Utility District Along Moraga Road from St. Mary's Road to Devin Drive

Public Works Director/Town Engineer Kwan presented the staff report and asked that the Town Council conduct a public hearing to consider a resolution establishing an Underground Utility District along Moraga Road from St. Mary's Road to Devin Drive. He introduced representatives from PG&E and BKF Engineers to make presentations on the proposed Underground Utility District.

Lizette Burtis, PG&E, Rule 20A Liaison, provided a presentation on the Rule 20A Program which set aside money for the conversion of overhead utilities to underground utilities. She identified the history of Rule 20A; work credit allocations; statistics for the Rule 20A tariff; why undergrounding was done; resolution versus ordinance; how PG&E had identified the work boundary; and before and after photographs of Rule 20A projects in other communities, including photographs of the construction techniques that had been used.

Robert Stevens, BKF Engineers, provided an overview of the project, with design work having commenced on the paving and sidewalk improvements for the area along Moraga Road from St. Mary's Road to Devin Drive. He identified the project site, the future sidewalk from Devin to Draeger Drives with existing poles blocking the path of the sidewalk making it inaccessible and challenging to meet ADA requirements, and as a result explained that they had initially planned to relocate utility poles. However, since Rule 20A funds were available, undergrounding the utilities offered a better approach. He identified the boundary of the Underground Utility District and explained that every property along that section with an overhead conductor whether electricity, telephone, or cable television would be relocated underground. He described the process for the project and stated that the utility company would submit intent drawings for electrical designs, the Town would integrate those designs into the plans, and when the utility company approved the plans they would become part of the bid package for the road improvements. There would be meetings with each affected property owner to review the design/conversion to undergrounding.

Mr. Kwan clarified that Rule 20A funds would be used to cover the costs of the project and there would be no cost to the property owner.

Ms. Burtis further clarified the alternative \$1,500 rule, whereby each property would be reimbursed up to \$1,500 for each property with the Town to decide whether to pay the difference or place the burden on the property owner. PG&E could also be asked to manage the panel conversion work, and if so, the panel conversion costs would come from the Town's Rule 20A funds.

As to whether the Town's Rule 20A funds would be able to cover the costs of the undergrounding and the connections to residences, Mr. Kwan advised that staff was in the process of preparing a cost estimate and preliminary engineering information to be presented at a future date. Based on the information to date on the Town's Rule 20A credits, the Town had slightly more than \$1.7 million, which included borrowing ahead five years. There were also Street Light Assessment District funds, with an ample balance that could be used to contribute to the project. If and when more Rule 20A funds were available, staff could return and request an expansion of the boundary area. He noted that if the Town Council decided to expand the Underground Utility District now, the public hearing would have to be re-noticed. Given the lead time required for the undergrounding of utilities and other time challenges, he wanted to proceed with the project at the current time.

Ms. Murphy added that as part of the resolution, a completion date certain for the undergrounding of utilities would be required and had been identified for the affected properties as December 2016.

When asked, Mr. Kwan affirmed that a high transmission line crossed the project boundary although the pole was not within the Moraga Road area.

#### PUBLIC HEARING OPENED

Domenico Perrella, Moraga, stated his initial concern had been the potential cost to residents, although he now understood that issue had been addressed. He liked the idea of the project.

Graig Crossley, Moraga, recommended the project boundary be expanded past the Hacienda and identified an existing pole near the Corporation Yard to the Hacienda that should be underground to allow consideration of an alternative entrance to the Hacienda.

Sam Sperry, Moraga, spoke to his experience as a Municipal Law Attorney on Assessment Districts for underground utilities, noted it appeared there was a shortfall in the Town's Rule 20A funds based on the current estimates, and questioned who would be responsible for the shortfall. He requested clarification of the language in Section 5 of the proposed resolution.

Mr. Kwan explained that Section 5 of the resolution stated that the Town did not elect to use the \$1,500 option but would use 100 percent of Rule 20A funds to cover the costs of undergrounding the service connections.

Mr. Stevens advised that the Town proposed to take the lead in developing the actual composite, conduit, trench, and associated work and would take the lead in installing the conduits. Prior to pulling the wires through, PG&E would make the service conversions at each individual property, make the connections, and energize each home. He cited Section 4 of the resolution, which stated that any property within 100 feet of the service point would receive the service conversion and panel conversion by PG&E, to be funded by Rule 20A fees.

Ms. Burtis added that for the panels to be converted, PG&E must trench from the property line into where the panel would be converted. She identified the 100-foot rule, with 100 feet of trenching included if PG&E managed the work. The 100-foot rule would cover 100 feet of trenching on private property from the property line to where the panel was located.

Mr. Sperry understood that the trenching had been addressed in Section 4, although Section 4 did not address the panels that had been addressed under Section 5. He recommended that Section 5 be revised to be more of a positive statement.

Ferenc Kovac, Moraga, asked whether other utilities beyond PG&E would also be included in the project, to which Mr. Kwan clarified that all utilities would be responsible for their infrastructure. In the case of Town owned street lights, the Town would be responsible for undergrounding them. As proposed, the project would place all utilities in one trench.

Ms. Burtis clarified that the phone companies, as an example, had their own tariffs for undergrounding. Each utility would pay for its portion of the project; the other utilities did not have the funding capabilities as PG&E had offered. When asked, she was unaware that any fiber optic upgrades had been proposed.

William Carman, Moraga, asked for consideration of an option for an empty pipe to go through the homes in the event that fiber optics were proposed in the future.

PUBLIC HEARING CLOSED

Mr. Kwan clarified that the Street Lighting Assessment District could potentially have at least \$300,000 in surplus.

**Councilmember Trotter** recommended consideration of extending the Underground Utility District along the west side of Moraga Road past Devin Drive as far as the Hacienda property line. Since the only property owner along that area was the Town, he questioned whether re-noticing would be required and asked that action be taken at this time.

**Mayor Wykle** suggested that the Underground Utility District be extended beyond the Hacienda all the way to Ascot Drive. He recognized the concerns with timing and re-noticing but suggested that if the district was not extended now, it would not likely occur in the future.

Ms. Keimach expressed concern with an expansion of the boundary absent a closer look at the budget given that the resolution obligated undergrounding at a certain date. She would rather the resolution be modified to provide undergrounding with certain sections which would not commit the Town to undergrounding that could exceed the Town's budget and resources. With a currently identified shortfall in the Rule 20A fund and since Section 5 stated that the Town would be financially responsible for any cost not covered by Rule 20A, she wanted to know the ultimate costs prior to any additional commitment.

Ms. Murphy explained that the resolution was an obligation where the Town would create an Underground Utility District. She was uncertain of the process to modify the boundaries of the district once formed. She too sought a better understanding of the potential impacts on the budget and ways to modify the district.

**Councilmember Trotter** conceptually supported the creation of an Underground Utility District, suggested it was a good idea irrespective of the Livable Moraga Road Project for connectivity and beautification reasons, but was concerned with the language in Section 5. He suggested that staff be directed to evaluate some of the issues that had not been incorporated into the resolution. If re-noticing was required to expand the district, he would support that direction.

**Mayor Wykle** agreed and also asked staff to identify potential budgeting sources to allow an informed decision.

Mr. Kwan explained that for PG&E to be part of the project and to fine-tune their cost estimates, the boundary must be established. Staff was working with BKF Engineers and their expertise to develop similar cost estimates. Expansion of the boundary could create issues given that the Town had a limited budget. Once the boundary had been established, staff would work with PG&E to refine the numbers and return with a financial plan. Given the tight budget, he would defer an expansion of the boundary at this time although he suggested that a phase two could be established in the future when the boundary could be considered for expansion.

**Councilmember Trotter** suggested that the boundary be expanded all the way on both sides of the street on Ascot Drive or up to Donald Drive, or one side of the street all the way to the Hacienda.

Mr. Kwan stated that overhead utilities were located on a portion on both sides of the street and the issue was more complicated once past Devin Drive where there were two sets of overhead utility lines.

Mr. Stevens commented that part of the Town's funding for street improvements originated from a federal source and the project was under the supervision of the Caltrans Office of Local Assistance. The Town must seek authorization for Local Assistance, and if the undergrounding project were to be linked with that and bid together, Local Assistance would require environmental review for the entire segment. Since they would be trenching the paving area that would constrain the project description and limit the amount of environmental work to support that, keeping the undergrounding limits with the street improvement limits made the entire approval process and securing the funding easier.

Ms. Burtis explained that the \$1.7 million in Rule 20A funds and the five-year borrow had come from the Town receipts of approximately \$40,000 in work credits each year.

Ms. Murphy explained that the noticing requirements for the public hearing were based on whether the Town retained the same boundaries for the district or modified them.

**Councilmember Arth** stated he preferred to extend the district to include the Hacienda pole and was sensitive to the fact that the poles were on both sides of the street. He sought a future staff report with more detailed information.

**Councilmember Onoda** agreed that the district should be extended to include the Hacienda given that it was Town-owned property. She also asked staff to provide information on whether it would be feasible to add another pipe as part of the project to accommodate future technology.

Ms. Murphy affirmed the direction to staff to extend the district boundary which would require re-noticing, with Section 5 to be clarified. A formal motion was not required of the Council to continue the item to a date uncertain since the project would be re-noticed to the public.

Mr. Kwan explained that adding additional conduit as part of the project would be at the Town's cost, which would affect the budget.

Mr. Crossley suggested that the Town should consider whether the Hacienda electricity was fed from Moraga Road or Donald Drive, which could make a difference in terms of undergrounding expenses.

The Town Council endorsed that additional direction to staff.

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

### **A. Livable Moraga Road**

Consider Endorsement of Livable Moraga Road Corridor-wide Concept and Segment 3 (Donald Drive to Corliss Drive) Short-Term and Long-Term Preferred Options for Preparation of 35% Design Drawings and CEQA Review

Planning Director Clark presented the staff report and asked that the Town Council endorse the final Town Advisory Committee (TAC) recommendation for the Livable Moraga Road Project, as outlined in the staff report. She introduced the design team from Alta Planning + Design and expressed appreciation to the members of the TAC for its effort to provide input and guidance to staff.

Nora Daley-Peng, Senior Associate, Alta Planning + Design, offered a PowerPoint presentation on the Livable Moraga Road Project; identified the project schedule and background since 2013; and the extensive outreach efforts. She also identified the recommended corridor concept from Campolindo High School to the Commons Park to improve the connectivity, safety, and beauty of the corridor with a commitment to keep traffic flowing at posted speeds, encourage new pedestrian/bicycle facilities, and improve intersection functionalities and safety.

Ms. Daley-Peng detailed Segments 1, 2, 3, and 4, which had been reviewed and discussed as part of the project effort; described the plan for a continuous multi-use path which had received tremendous support from the community and which would provide connectivity to key destinations on the west side of the street including Campolindo High School, the Rheem Shopping Center, the Hacienda, the elementary school and the Commons Park. She identified Preferred Segment 3, Option B which would convert one southbound vehicle travel lane to a two-way center turn lane, add bicycle lanes, a multi-use path, and sidewalks while retaining parking. Short-term Option B would also restripe within the existing pavement to provide a protected multi-use path and bicycle lane. This concept would be developed with 35 percent design drawings and undergo CEQA review prior to final plan adoption in mid-2015.

Tom Krakow, Principal, DKS Associates, detailed the existing conditions of Segment 3, Donald to Corliss Drives, which he described as the most constrained segment. He noted that the Segment 3 options had been studied at length and short- and long-range options had been considered and had been presented to both the public and the TAC. Option B had been chosen as the Preferred Alternative, and would maintain two lanes in the northbound direction in the short term as well as the long term as a means of providing sufficient vehicle capacity. It would also provide safe access to and from the driveways of the homes fronting Moraga Road with a two-way left turn lane and an exclusive left-turn entrance into some of the side streets. Option B would also allow a safe means to provide a multi-purpose path, a bicycle lane in the northbound direction to complement the multi-purpose path in the southbound direction, the ultimate long-term configuration for bicycle lanes in both directions, and maintain the capacity of the roadway at least through 2024.

Mr. Krakow detailed the existing traffic conditions for all four segments with or without the project, and noted that traffic volumes southbound were higher than the northbound traffic based on prepared traffic studies. As a result, with Option B it was recommended in 2024 or sometime in the future, that the consultants revisit the traffic analysis to determine whether or not it would be appropriate to convert one of the northbound lanes to a southbound lane or conversely take out the two-way left turn lane and convert it back to a southbound lane.

Ms. Daley-Peng described the recommendation for a phased implementation; summarized the segment costs for Segments 1 through 4; detailed the cost for the Segment 3 short-term solution; and identified the next steps subject to Town Council approval.

#### PUBLIC COMMENTS OPENED

Domenico Perrella, Moraga, advised that he lived within Segment 3, and suggested a left-turn lane would be helpful for neighborhood residents. He commented on the TAC recommendation for Option B for Segment 3 in the short- and long-term, and corrected the consultant's comment which had suggested that overall comments from the public had been supportive of Option B. He noted that the TAC had supported Option B, whereas the overwhelming consensus of the public had been in support of Option C, not Option B. Concerns had been expressed with the removal of traffic lanes from Moraga Road and the fact the numbers had shown the road was being used at no more than 30 percent of capacity. Option C provided full services for bicyclists and pedestrians and parking on both sides of the road, which Option B did not provide. He identified the differences between the short-term plans for Options B and C, and noted that pedestrians currently used both sides of the street and were in the roadway given the limited sidewalk options, resulting in a safety hazard. Option B in the short term would maintain that situation, and he questioned why there should be two lanes in the northbound direction in the short term as part of Option B. He suggested the only reasonable option was Option C, although he conceded that in the long term there were reasons why additional width may be needed to convert lanes for additional traffic if needed by 2024. Until that time, he questioned proceeding with Option B as opposed to Option C.

Ravi Singh, Moraga, commented that the area under discussion was four-tenths of a mile, with possibly 17 entry and exit points on the route, with traffic northbound from outside of the Town, and with one lane turning into two lanes, changing traffic dramatically. He referenced the speed of traffic leading to traffic tickets, a number of accidents, and three deaths in front of seven homes, and stated the Town Council had been provided with letters from residents whose children had experienced hazards or accidents because of the traffic conditions. Having attended all of the meetings for the Livable Moraga Road Project, he stated that many participants were parents of school-age children and a majority had expressed support for Option C. He strongly supported Option C since it would improve safety and save the Town money. He asked that the Town Council strongly consider safety first.

Graig Crossley, Moraga, recalled that when the Town Council had initially discussed the project, a Councilmember had asked that nothing be brought to them that had less than four lanes. If an option must be considered, he recommended Option B, which would allow the conversion of the left-turn lane back into a southbound lane.

William Carman, Moraga, thanked the Town Council for the opportunity to volunteer on the TAC. He commented that he had solicited input on all of the options. Many were of the opinion that the segment should be left alone. He commented that Segment 3 had no continuous sidewalks and was not safe. After Corliss Drive, if one had to cross the street from the park one would have to negotiate high-speed traffic. The majority of the TAC had supported Option B although some TAC members had supported Option C, and others had supported Option A.

Bob Reynolds, Moraga, a frequent user of the Draeger Drive access point on Moraga Road, referenced past history to narrow the number of traffic lanes on Moraga Road, which had received a resounding negative response from the community at that time. He cited the issues with slowing traffic along Camino Pablo through the use of speed bumps. He expressed concern with the number of motorists that could be impacted by a traffic squeeze as a result of the project and commented that the primary traffic issue was morning traffic at Campolindo High School and none of the Segment 3 options had addressed that issue.

Ferenc Kovac, Moraga, understood based on comments from the consultants that the traffic associated with Campolindo High School was not an issue other than in the morning and afternoon. He questioned whether the Segment 3 improvements for Options B or C would impact Segment 1, suggested only a partial solution had been proposed, and agreed that safety was the number one issue.

Dave Bruzzone, Moraga, speaking to Segment 2, expressed concern with the elimination of the merging lane as one left Rheem Boulevard and turned right onto Moraga Road. He stated that Segment 2 would remove that configuration which could impact the intersection with traffic from Center Street. Speaking to Segment 3, he suggested it would be a mistake to remove any lanes of traffic which would result in a level of service (LOS) D, in excess of the allowable LOS standards. He understood that both Options B and C would see a drop in the LOS to an LOS D for the southbound PM peak. He preferred Option A which would keep both lanes in both directions and would not create Lafayette-style traffic jams in Moraga. Option A was currently shown with a total width eight feet less than Option B, which indicated the possibility for a larger multi-use path and safer conditions. If Options B or C were chosen, it would not address the Donald Drive segment with two lanes southbound at that intersection with one lane on the other side. He commented that he had previously asked staff to show how the transition would be made either north of Donald Drive at Donald and Ascot or funnel from two lanes down to one. He again supported Segment 3A, which would maintain the proper LOS.

Christine Kuckuk, Moraga, Chair of the Moraga Planning Commission, clarified that as a member of the TAC, during all deliberations it was clear that the highest priority was to keep traffic flowing at the posted speed. She commented on the current configuration of Segment 3, which had shown essentially six lanes devoted first to four travel lanes and a shoulder in each direction. Once a vehicle was parked in the shoulder there would be no safe pedestrian and bicycle access. In order to provide any improvement to safety and pedestrian and bicycle access, the traffic lanes had to be addressed, which was why the TAC had elected to create a center turn lane. Two lanes northbound was essential since the Corliss Drive intersection had only a stop sign. In order to have safe turning movements out of Corliss Drive, a dedicated northbound lane was needed resulting in the need for a single lane southbound to accommodate a turning lane and pedestrian improvements. She commented that Segment 1 at

Campolindo High School was a real issue, although it would be up to the AUHSD to make that improvement.

Mr. Perrella noted that if the Town Council were to consider Option C, there would be no need for a center turn lane in the block between Corliss Drive and Paseo Linares since there were no driveways in that section. The area between Corliss Drive and Paseo Linares could be a full block of dedicated lane, with plenty of time for traffic to merge.

#### PUBLIC COMMENTS CLOSED

In response to the Mayor, Chief of Police Robert Priebe reported that there had been three fatalities on the roadway and all three fatalities had occurred within the southbound lanes; two had been caused by traveling over from the north into the southbound side, and the pedestrian fatality had been the fault of the pedestrian. In his opinion, from a public safety standpoint Moraga Road was safe. While he acknowledged some of the comments with the speed of traffic along Moraga Road, he stated that collision rates were low. He reported that he had provided the Town Manager with Town-wide statistics for collisions.

Ms. Keimach advised that Town-wide non-injury collisions had shown 46 collisions in 2014 and 120 collisions in 2013. There had been 17 injury collisions in 2014, and 12 in 2013. She also identified the number of speed citations that had been issued in 2013 and 2014.

Responding to the Council, Mr. Krakow explained that as part of its charge, DKS Associates had evaluated the conflicts that currently existed at the Campolindo High School location. The proposal would reduce the number of conflicting points for vehicles entering and exiting the AUHSD property and would appreciably improve the congestion in the area. The proposed configuration had been discussed with the AUHSD and options had been considered. Once the AUHSD agreed to a viable solution, he hoped to return with further details as part of the 35 percent design drawings.

Ms. Clark stated that the AUHSD understood the problems that occurred around Campolindo High School every day and while they were supportive of the idea of improvements, the AUHSD did not have the funding for the improvements. As a result, it was likely the Town and AUHSD would partner to seek a grant to allow improvements to be made.

As to Segment 2 and the proposal to eliminate the slip lane, Mr. Krakow stated that the team had evaluated that intersection from a variety of perspectives. From a traffic circulation standpoint, he suggested the issues at the intersection related primarily to stacking out of Center Street or Rheem Boulevard making left turns onto Moraga Road, with Center Street causing a back-up that at times cut off access to the southbound slip lane. He suggested dedicated turn lanes on Moraga Road, coordination of the traffic signal to the two closely spaced intersections of Center and Moraga Road, shortening the path for pedestrians crossing Moraga Road, allowing more green time for the vehicle making the turning movements, and providing more queue space in the left turn pocket. He suggested the detailed design for the intersection would be addressed in the next phase. He otherwise commented that a right on red was effectively the same as the slip lane since the slip lane on its own was not a dedicated lane. He acknowledged that the slip lane would slightly reduce the congestion.

**Councilmember Trotter** suggested leaving the slip lane as it was to save the Town money. As to Segment 3, he commented on the public process which had included no evidence that there had been the type of outreach necessitated, such as a Town-wide survey. He believed the major portion of the community's opinion had not been obtained on the proposal to reduce the number of travel lanes south on Moraga Road at Donald Drive from two to one lane. He also understood that the MOFD had not been asked its opinion on the potential impacts to

emergency response times. Recognizing the outreach effort for the Livable Moraga Road Project thus far, he questioned whether Option B was really livable, and wondered what a Town-wide survey would yield from the residents if the questions were properly framed to allow people to be educated on Option B.

**Councilmember Trotter** referenced the Fourth of July celebrations and concert nights where the amount of parking on Moraga Road ran quite a distance north of the Commons Park. The proposal for Option B would take some of the parking during those major events away and he was concerned whether it was something that the community wanted. He asked why a pedestrian/bike path had been considered on only one side of Moraga Road rather than on both sides. He also questioned whether the full use of the ROW had been considered under the proposals including the front yard areas along Moraga Road, and whether any of the approaches had considered more width to retain travel lanes. Based on his concerns and recommendations, he suggested the project was not yet ready for approval.

In response to Mayor Wykle as to Option B short term for Segment 3, Mr. Krakow clarified that two options had been considered which must be further enhanced as part of the 35 percent drawings. Some preliminary work had been done, and included a transition before the intersection, making the number two lane a dedicated right turn lane, and the lane in the center to continue on and align with the single lane traveling southbound. The other option was carrying the two lanes across the intersection and then transitioning it beyond the intersection to allow vehicles to merge continually on southbound.

**Councilmember Trotter** pointed out that a reduction in the number of travel lanes had been proposed and that expected Town growth had to be considered.

**Councilmember Arth** stated he had also been concerned with a reduction in the number of travel lanes and suggested the community would also likely be concerned. He recognized that connectivity was important, although he was uncertain how many people would use that new path. Based on the traffic volume, he was skeptical of the recommendation to reduce two lanes to one lane.

**Councilmember Onoda** commented that she had attended some of the Livable Moraga Road Project workshops. She agreed that a professional survey was needed, not just for this project but given the numerous issues on the agenda where a professional survey would let the citizenry decide and allow the opportunity for input. She believed that Segment 1 was the main problem and suggested the current configuration was not safe for children and families to ride bicycles along Moraga Road. She did not support elimination of the slip lane as part of Segment 2 between Center Street and Moraga Road, and suggested if eliminated there would be backups onto Center Street. She reiterated the need for a professional survey.

**Mayor Wykle** responded to concerns that the Town was only looking at one segment at a time, which was not the case. He noted that Segment 4 had a sidewalk on the west side with Laguna Creek in two sections up against the road, and which should be considered if a sidewalk was to be placed outside of the pavement. He suggested a multi-use path on the east side would suffice as a sidewalk from Corliss Drive down to St. Mary's Road. He acknowledged Town Council consensus for additional outreach and a Town-wide survey.

Ms. Keimach clarified that the direction to Town staff was to prepare a cost estimate for a professional survey for the Town Council to consider at a later date. She emphasized that the outreach effort for the Livable Moraga Road Project had been extensive and that 50 people had attended the community meetings on a regular basis, and while not always the same people, she found that participation to be reflective of the public outreach efforts.

Responding to Council, Ms. Keimach explained that for the survey to be scientific the questions must be framed to ensure no bias, which was why a professional surveyor would be helpful.

- B.** Consider Resolution \_\_-2015 Supporting an Application For 2015-2016 Fiscal Year Transportation Development Act Article 3 Grant for Moraga Road Bicycle Improvements (Draeger Drive to Donald Drive) Project

Ms. Keimach explained that the Town Council may review the grant application and have it worded to be vague enough so that the Town may submit for the grant application; or the Town Council may decide to hold off on the grant application to ensure that it reflected exactly the direction the Town Council wanted to take.

Ms. Clark explained that the grant application was an annual submittal and came from State sales taxes.

**Councilmember Onoda** referenced the Preliminary Engineer's Report Estimate for the grant application which had identified standard curbs and gutters, and noted that the MCSP had specifically suggested the use of rolling curbs as defining semi-rural character. She asked that the reference to standard curbs and gutters in the grant application be revised to "rolled curbs."

Mr. Kwan explained that rolled curbs were no longer the standard under Caltrans definitions.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

By consensus, the Town Council decided not to submit the grant application at this time subject to the discussion for the previous agenda item.

**ACTION: It was M/S (Trotter/Wykle) to extend the Town Council meeting to 12:00 A.M.  
Vote: 4-0-1. Absent: Metcalf.**

**Mayor Wykle** declared a recess at 10:56 P.M. The Town Council reconvened at 11:04 P.M. with **Councilmembers Arth, Onoda, Trotter** and **Mayor Wykle** present.

- C.** **Storm Drain Master Plan Project**

Receive a Presentation on the Status of the Storm Drain Master Plan Project (CIP 14-201) and Consider Resolution 6-2015 Authorizing the Town Manager to Amend the Consultant Services Agreement with Schaaf & Wheeler (San Francisco) in an Amount Not to Exceed \$56,200 for a Total Amount of \$216,200 to Update and Incorporate the 2008 Storm Drainage Needs Study into the Project

Mr. Kwan presented the staff report and introduced Dan Schaaf and Robin Lee with Schaaf & Wheeler to provide an update on the status of the Storm Drain Master Plan Project (CIP 14-201). He asked that the Town Council adopt Resolution 6-2015 Authorizing the Town Manager to Amend the Consultant Services Agreement with Schaaf & Wheeler (San Francisco) in an Amount Not to Exceed \$56,200 for a Total Amount of \$216,200 to Update and Incorporate the 2008 Storm Drainage Needs Study into the Project.

Dan Schaaf, Principal, Schaaf & Wheeler, San Francisco, reported that Schaaf & Wheeler had been looking at the Town's Storm Drain Master Plan in a holistic approach in order to review the

entire network, drainage and pipes. He described the background of the Storm Drain Master Plan Project and stated it had been broken down into five phases: Phase 1 - Collection System Mapping; Phase 2 - Collection System Condition Assessment; Phases 3 & 4 - Collection System Hydrology and Hydraulics; and Phase 5 - Creeks and Culverts. Much of the mapping had been completed as part of Phase 1 and the condition of the existing structure, and review of the existing system where the proposed 2015 re-pavement would occur was part of Phase 2. The consultant was in the process of working on Phases 3 & 4 and identifying the ownership of the easements, and from there the consultant would identify its recommendations. The major accomplishment was the conversion of the paper mapping block maps to the Geographic Information System (GIS).

Mr. Schaaf advised that numerous sub-consultants had been working on the project with Schaaf & Wheeler which work included a corrosion condition assessment of the pipes. He offered example photographs of some of the corrosion conditions, sediment and debris, all from the Town of Moraga, described how the work to address the corrosion conditions would be prioritized, and reported that the majority of the pipes had been found to be in very good condition.

In response to Mayor Wykle as to whether he may have a conflict with one of the subcontractors who had worked on the project, Ms. Murphy advised that the item was a status report on the Storm Drain Master Plan. She clarified with Mr. Schaaf that no additional funds were needed for work with Presidio Systems, the subcontractor in question.

Robin Lee, Schaaf & Wheeler, described in further detail the rating system used for the corrosion condition assessment.

Mr. Schaaf noted that 97 pipe locations had been analyzed, 50 percent had been found to be fine with clean pipes, some locations required spot repairs, and hydraulic modeling had been conducted for the 97 locations. He identified costs in the range of \$360,000 for the heavy and severe repair, which was recommended to be done as part of the 2015 Pavement Repair Project given the lifespan of the pavement life cycle.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Councilmember Trotter** offered a motion, seconded by **Councilmember Arth** to adopt Resolution 6-2015 Authorizing the Town Manager to Amend the Consultant Services Agreement with Schaaf & Wheeler (San Francisco) in an Amount Not to Exceed \$56,200 for a Total Amount of \$216,200 to Update and Incorporate the 2008 Storm Drainage Needs Study into the Project.

On the motion, **Councilmember Onoda** spoke to Phase 5 and asked whether it would be possible to map where the creeks were located under the Rheem Shopping Center and identify the current costs to daylight them as opposed to repairing the culverts since daylighting would be sustainable.

Mr. Schaaf explained that such options would be explored when proceeding into the next phase of the project, which would include a review of the creek system and include Laguna Creek, a major conveyance area that would have to be surveyed. Ownership of the land would also have to be determined in order to potentially incorporate property values into the cost estimates.

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 6-2015 Authorizing the Town Manager to Amend the Consultant Services Agreement with Schaaf & Wheeler (San Francisco) in an Amount Not to Exceed \$56,200 for a Total Amount of \$216,200 to Update and Incorporate the 2008 Storm Drainage Needs Study into the Project. Vote: 4-0-1. Absent: Metcalf.**

**D. Audited Financial Reports for FY 2013/14**

Review and File the Audited Financial Reports for the Year Ended June 30, 2014 including:

- a. Comprehensive Annual Financial Report
- b. Single Audit Report
- c. Memorandum on Internal Control & Required Communications
- d. 2013/2014 Appropriation Limit Calculation

Administrative Services Director Horn presented the staff report and explained that the Town Council had been provided the Audited Financial Reports for the Year Ended June 30, 2014 including the Comprehensive Annual Financial Report, Single Audit Report, Memorandum on Internal Control & Required Communications, and the 2013/2014 Appropriation Limit Calculation. She highlighted the fact that the Town's assets had increased from last year to this year as a result of the receipt of \$7.72 million for the Street Repair Program, which reflected an increase in the fund balance as well as assets. The Town had an Unassigned Fund Balance in the General Purpose Fund in the amount of \$2.9 million representing 43.4 percent. She reported that from a budget perspective, the Town had received more revenues than expected and had spent less than expected.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Arth/Trotter) to review and file Audited Financial Reports for the Year Ended June 30, 2014 including a) Comprehensive Annual Financial Report for the Year Ended June 30, 2014; b) Single Audit Report for the Year Ended June 30, 2014; c) Memorandum on Internal Control & Required Communications; and d) Independent Accountant's Report on Applying Agreed Upon Procedures for Compliance with the Proposition 111, FY 2013/2014 Appropriation Limit Increment. Vote: 4-0-1. Absent: Metcalf.**

**E. Town Council Committee Representatives**

Consider and Appoint Town Council Representatives to Committees and Boards for 2015.

The Town Council discussed and made the following appointments to the Town Council Representatives to Committees and Boards for 2015:

**Standing Committees**

AFC (Audit & Finance Committee)

**First Appointment**

Wykle

**Second Appointment/Alternate**

Arth

TSAC (Traffic Safety Advisory Committee)\*

\*Committee has been sunset

**Ad Hoc Committees**

Country Club Golf Course Negotiating Team  
**\*Committee has been sunset**

Hillside and Ridgeline Steering Committee	Trotter	Metcalf
Joint Facilities Planning Subcommittee	Metcalf	Trotter
Saint Mary's College Subcommittee	Onoda	Arth

**Liaison**

ABAG (Association of Bay Area Governments)	Wykle	Arth
AUHSD (Acalanes Union High School District) Liaison	Onoda	Arth (Alternate)
Contra Costa Mayors' Conference	Wykle	Metcalf (Alternate)
East Bay Municipal Utility District (EBMUD) Liaison	Metcalf	Wykle (Alternate)
Citizen CORPS Council Liaison	Arth	Onoda
League of California Cities East Bay Division	Wykle	Metcalf (Alternate)
Moraga Chamber of Commerce Liaison	Arth	Onoda (Alternate)
MOFD (Fire District) Liaison	Arth	Wykle
Moraga School District Liaison	Trotter	Onoda
Moraga Youth Involvement Committee (MYIC)	Onoda	Arth

**Voting Delegate/Boardmembers**

CCCSWA (Solid Waste Board)	Trotter	Wykle
League of California Cities (LCC) Delegate	Wykle	Metcalf (Alternate)
Lamorinda School Bus Transportation Agency (LSBTA)	Metcalf	None
SWAT/LPMC/LFFA (South West Area Transportation Planning Committee; Lamorinda Program Management Committee; Lamorinda Fee & Financing Authority) (RTPC Regional Transportation Planning Committee)	Metcalf	Wykle

**Non-Council Appointments**

League of California Cities Transportation, Communication and Public Works Committee	Wykle	None
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EBRCSA (East Bay Regional Communications System Authority)  
**\*Revise the end date for the appointment term to read February 2016**

**Non-Council Liaisons**

CCCTA (Contra Costa County Transit Authority)	Al Dessayer
CCMVCD (Contra Costa Mosquito & Vector Control District)	Myrto Petreas
Library Commissioner for Moraga	Rodger Lum
CCTA (Contra Costa Transportation Authority Citizen's Advisory Committee)	Russell Driver
ACOA (Contra Costa County Advisory Council on Aging)	Keith Katzman

**\*This seat has expired, was open, with interest from the representative to continue to serve on the ACOA; with the consensus of the Town Council to extend the term of the current representative Keith Katzman to 9/30/16.**

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Arth) to appoint the Town Council Representatives to Committees and Boards for 2015, as read into the record by the Mayor. Vote: 4-0-1. Absent: Metcalf.**

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

There were no Council requests for future agenda items.

**XIII. COMMUNICATIONS**

There were no communications.

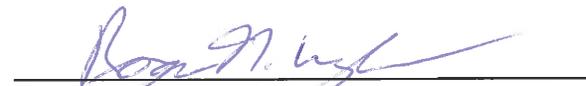
**XIV. ADJOURNMENT**

**ACTION: It was M/S (Arth)/Trotter) to adjourn the meeting at 11:32 P.M. Vote: 4-0-1. Absent: Metcalf.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Roger N. Wykle, Mayor