

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**January 28, 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 7:07 P.M. by **Mayor Roger Wykle**.

**ROLL CALL**

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

**II. PLEDGE OF ALLEGIANCE**

**Councilmember Arth** 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**

- A.** Proclamation Honoring Moraga Citizens Network (MCN) on Their 10<sup>th</sup> Anniversary

**PUBLIC COMMENTS OPENED**

Ellen Beans, Moraga, introduced the members of the Moraga Citizens Network present in the audience, and expressed her appreciation for the support from the Town Council, Town staff, and the Moraga community throughout the years.

Edy Schwartz, Moraga also thanked the Town Council and staff for its support. She noted that during the first phase of MCN, the goal had been to get information out to the community. That goal had been accomplished through the Lamorinda Weekly and the About Town newsletter. Looking towards the future, she sought processes that would assist the community in even easier ways to better understand information and decide what to do with it. She thanked everyone who had responded.

**PUBLIC COMMENTS CLOSED**

**Mayor Wykle** proclaimed January 31, 2015 as the 10<sup>th</sup> Anniversary of the Moraga Citizens Network in the Town of Moraga, presented the proclamation to the Moraga Citizens Network,

and encouraged all citizens to support the organization and facilitate greater communication throughout the community.

**B. Update on New Solid Waste and Recycling Franchise Implementation and Changes to Residential and Commercial Service by Ken Etherington, Executive Director, Central Contra Costa Solid Waste Authority (CCCSWA)**

Ken Etherington, Executive Director, CCCSWA, reported that the CCCSWA Board had decided to change the name of the authority at its December 2014 meeting. While the legal name remained the same, the customer face name would become Recycle Smart to advise that the concept of recycling would be a smart thing to do. He offered a PowerPoint presentation on an overview of the Recycle Smart Program; detailed the inception and background of the formation of the CCCSWA in 1996; identified the CCCSWA boundaries; the goal of 75 percent diversion by the year 2020; and the number of Town of Moraga residential carts by size with the Town's residential division at 65 percent, commercial at 47 percent, and multi-family at 21 percent.

Mr. Etherington described the organics programs offered by the CCCSWA which would include composting, food scraps recycling, in-house food waste containers, and curbside programs including plastic bags, household batteries, compact fluorescent lights, motor oil, and plastics. There would be two people in the field full time to audit the waste stream and work with multi-family and businesses to help recycle; pharmaceuticals and medical sharps programs would continue; Reuse and Clean-Up days would occur twice a year when trucks from the CCCSWA would collect residential items; School Waste Busters Program would continue; and the CCCSWA had started a scholarship program in partnership with Mt. Diablo Recycling for any high school senior who created an improved recycling program at his or her school.

Mr. Etherington reported that as of March 2, 2015, forty new CCCSWA trucks would be put into operation. Those trucks would operate on compressed natural gas (CNG), which was cleaner for the environment, with all trucks to be equipped with billboards as part of an outreach piece. Residents would be informed of the new service by mail and all residents would receive new carts. Cart distribution would occur with commercial bins to be exchanged between January and March 2015, and with residential cart exchanges between April and July 2015. Responding to the Council, Mr. Etherington advised that the carts to be exchanged would be recycled if they had gone through their life cycle or would be used to make new carts or plastics. Carts in good condition could be used in other markets.

Mr. Etherington suggested that the Town of Moraga's residential recycling had gone very well, although he recommended that more organics be placed in the organic recycling carts. CCCSWA would be increasing its outreach efforts to multi-family units and would also reach out to managers of multi-family properties to better educate tenants. He emphasized the importance of repeating the message that recycling would help the Town reach its 75 percent diversion goal.

**Councilmember Trotter** stated the new franchise programs presented an opportunity for the Town to increase its diversion and he hoped residents would educate themselves on the new programs and ways to increase recycling efforts, which would help the Town reach the 75 percent diversion rate.

**PUBLIC COMMENTS OPENED**

Mike Wong, Moraga, asked whether there had been any effort to address wildlife that could scavenge in the organics carts and increased problems with ants, to which Mr. Etherington explained that organic materials had typically been placed in the landfill containers and could also be disrupted by wildlife. He did not see that a change in carts would affect that situation.

## PUBLIC COMMENTS CLOSED

- C. Update on the Status of the Contra Costa County Advisory Council on Aging (ACOA) and Senior Issues in the Town of Moraga by Keith Katzman, Liaison to the ACOA

Keith Katzman, Town of Moraga Liaison to the Contra Costa County Advisory Council on Aging (ACOA), reported that he had joined an Advisory Committee of the ACOA on Transportation which had reviewed transportation programs offered by other communities in order to tailor a program to fit the Town of Moraga and to supplement existing programs. He spoke to the numerous programs available to seniors including legal, medical, prescription drugs, investment, disability, and other resources, with the goal to determine how to get that information to seniors.

## PUBLIC COMMENTS OPENED

There were no comments from the public.

## PUBLIC COMMENTS CLOSED

The Town Council thanked Mr. Katzman for his service to the community, and **Mayor Wykle** recommended that Mr. Katzman work with the Town Clerk to circulate information about ACOA programs to the public through the About Town newsletter and other focus newsletters.

## V. PUBLIC COMMENTS

Henry Gonzales, Moraga, a member of Teamsters Local #315, speaking on behalf of Allied Waste Management Recycle drivers, reported that the CCCSWA had recently awarded contracts for the recycling portion of the 2015 Franchise Agreement during its Request for Proposal (RFP) process, which could result in the loss of jobs. He reported that Allied workers had been informed they could drive under Republic Services although under certain conditions which would reduce wages and retirement packages, none of which had been conveyed to the CCCSWA during the public hearings as part of the RFP process. He reported that other respondents to the RFP had made a public commitment to accept all workers, including compensation and benefits. He asked that the Town Council contact Republic Services and ask why these terms and conditions were now being placed on Allied drivers.

**Councilmember Trotter** suggested the appropriate forum was for Mr. Gonzales to attend the January 29, 2015 CCCSWA Board of Directors meeting, which Mr. Gonzales affirmed his intent to attend.

Bill Carman, Moraga, asked the Town Council to consider as a future agenda item the concept of a tool library which could help with volunteerism and for those who wanted to do work around the house. He explained that in 2011, Popular Mechanics magazine had suggested that a tool library could improve a community. He offered his contact information and explained he was in the process of forming a non-profit for a Moraga Tool Library.

## 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 (Arth/Onoda) to adopt Consent Agenda Items 1 and 3. Vote: 5-0.**

- |    |  |                |
|----|--|----------------|
| 1) | Accounts Payable Claims for: 1/7/15 (\$8,262.18);<br>1/9/15 (\$682,893.87); 1/16/15 (\$27,784.43)  | Approved       |
| 2) | <i>Confirm Appointment of Town Council Representatives to<br/>Committees, Commissions and Boards for 2015</i>  | <i>Removed</i> |
| 3) | Accept Pavement Improvements Completed by Bay Cities<br>Paving and Grading Inc., (Concord) for the 2014 Pavement<br>Repair Project (CIP 08-106) and Authorize the Town<br>Manager to File the Certificate of Completion with the<br>County | Approved       |

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

1. Confirm Appointment of Town Council Representatives to Committees,  
Commissions and Boards for 2015

**Councilmember Trotter** requested that the Moraga Country Club Golf Course Negotiating Team be eliminated from the list of Town Council Representatives to Committees, Commissions and Boards for 2015 since the task of the committee had sunset.

**Vice Mayor Metcalf** stated the Town Council had also previously sunset the Traffic Safety Advisory Committee (TSAC) in 2014, and that committee should also be eliminated from the list, noting he had not agreed when the Town Council had sunset the TSAC.

**ACTION: It was M/S (Trotter/Onoda) to Confirm Appointment of Town Council Representatives to Committees, Commissions and Boards for 2015, as modified by eliminating the Moraga Country Club Golf Course Negotiating Team, and TSAC. Vote: 4-1. Noes: Metcalf.**

## VII. ADOPTION OF MEETING AGENDA

By consensus, the Town Council modified the meeting agenda and moved Item B under Ordinances, Resolutions and Requests for Action to Item A under Public Hearings, for the sole purpose of continuing the item.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Wykle) to modify the meeting agenda by moving Item XI. B, Potential Annexation of Carr Ranch Property, under Ordinances, Resolutions and Requests for Action to Item X. A under Public Hearings, for the sole purpose of continuing the item. Vote: 5-0.**

## VIII. REPORTS

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

**Mayor Wykle** – Reported that he had attended the Joint Moraga School District (MSD) Board of Directors and Town Council meeting on January 20; the Town Council Goal Setting Session on January 22; the Mayor and Chairs Breakfast on January 22; and the event at Campolindo High School on January 25 at which time a proclamation from the Town Council had been presented to the football team.

**Vice Mayor Metcalf** – No report.

**Councilmember Arth** – Reported that he had attended the Joint MSD Board of Directors and Town Council meeting on January 20; the Town Council Goal Setting Session on January 22; and had participated in the Ribbon Cutting Ceremony for TEA Inc., a new business at 533 Moraga Road on January 22.

**Councilmember Onoda** – Reported that she had attended the Joint MSD Board of Directors and Town Council meeting on January 20; the Town Council Goal Setting Session on January 22; and Campolindo High School on January 25.

**Councilmember Trotter** – Reported that he had attended the Joint MSD Board of Directors and Town Council meeting on January 20; and the Town Council Goal Setting Session on January 22.

**B. Town Manager Update** – No report.

**IX. DISCUSSION ITEMS**

There were no discussion items.

**X. PUBLIC HEARINGS**

**A. Potential Annexation of Carr Ranch Property**

Conduct a Study Session on the Potential Annexation and Residential Subdivision of a Portion of the Carr Ranch Property

Planning Director Ellen Clark reported that the applicant had requested the item be continued to the Town Council meeting on February 25, 2015, at which time the Council would have the opportunity to discuss and receive the staff report.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Arth) to continue the Potential Annexation of Carr Ranch Property to the Town Council meeting of February 25, 2015. Vote: 5-0.**

**B. Moraga Town Center Homes Project**

Conduct a Public Hearing and Consider Moraga Town Center Homes Project and Appeal of Planning Commission Decision to Approve the Conceptual Development Plan for the Moraga Town Center Homes Project, a 36-Unit

Attached Single-Family Residential Subdivision and an Associated Zoning Amendment including:

1. Consider Introducing and Waiving the First Reading of an Ordinance Amending Moraga Municipal Code §8.48.040 to Add 12-DUA-PD Zoning District (12-PD) and Amending the Zoning Map to Zone the Site of the Proposed Town Center Homes Project (APNs: 257-180-082-6 and 257-190-057-6) 12-PD; and
2. Consider Resolution \_\_\_-2015 Considering an Appeal, Upholding the Planning Commission's Decision and Approving a Conceptual Development Plan for the Town Center Homes Project, a 36-Unit Attached Single-Family Residential Development

**Mayor Wykle** reported that he had not had any contact with the appellants or the applicant but had driven past the site several times.

**Councilmember Trotter** reported that he had no contact with either the applicant or the appellants since the appeal letter had been submitted to the Town.

**Councilmember Arth** reported that he had two brief telephone calls with the applicant, who had offered to meet with him, and he had declined.

**Councilmember Onoda** reported that she had no contact with the appellants or the applicant since the appeal had been filed.

**Vice Mayor Metcalf** reported that he had declined to speak with the applicant via telephone and email, and had visited the site this date.

Associate Planner Ella Samonsky presented the staff report; identified the appeal of the decision of the Planning Commission to approve the Moraga Town Center Homes Project, a 36-Unit Attached Single-family Residential Development; and clarified as part of the project that an amendment to Moraga Municipal Code (MMC) Chapter 8.48, Planned Development District, (PD) would be required to add a 12-DUA land use classification.

Ms. Samonsky explained that the PD District had residential density classifications although only up to 10-DUA, and there was no higher density classification to match the Moraga Center Specific Plan (MCSP) designations. Part of the requested approvals included an amendment to the PD Zoning District text, which was not an appeal item and which would come to the Town Council regardless of the appeal. Similarly, there was a request to rezone the project site to PD because no existing zoning district corresponded to the MCSP designations. The applicant had applied to use the PD process which allowed flexibility to determine the development standards.

Ms. Samonsky detailed the appeal of the Planning Commission's decision to approve the Conceptual Development Plan (CDP) as the first step in the three-step development plan process; the appeal had focused on consistency with the General Plan, MCSP, zoning, neighborhood compatibility and visual impacts, traffic impacts, and streetscape design, as outlined in the staff report. She outlined each of the appeal points and the staff responses as contained in the staff report. The proposed project would be the first within the MCSP Mixed-Use Office Residential designation; and the MCSP standards and policies had aimed for mixed use "village" which included medium- and high-density residential development that, to some extent, would be different from the existing housing in Moraga.

Ms. Samonsky recognized there was an inherent tension in balancing the slightly more urban character of the MCSP area and other policies, such as those related to the scenic corridor that emphasized a rustic and semi-rural character of the Town. The project design had been based on the standards of the MCSP but had been modified by the DRB and the Planning Commission based on the site context. Changes included the product type and density on Country Club Drive, height/stories, and the setback of the townhomes. The Town Council would have to consider the balance of these factors and whether the project overall furthered the objectives and policies of the Town, and whether the requisite findings could be made.

Ms. Samonsky recommended that the Town Council introduce and waive the first reading of an ordinance amending MMC §8.48.040 to add 12-DUA-PD Zoning District (12-PD) and amend the Zoning Map to zone the site of the proposed Town Center Homes project 12-PD; and adopt a resolution considering the appeal, upholding the Planning Commission's decision, and approving a CDP for the Town Center Homes Project, a 36-unit attached single-family residential development.

#### APPELLANTS:

Richard J. Olsen, Moraga, introduced the appellants including Denise Coane and Scott Bowhay, and described the background and reasons for the Town of Moraga's incorporation to bring planning under local control and improve the quality of life in Moraga. He reported that the appeal had been submitted to the Town on December 1, 2014, and he was confident the Town Council had been apprised of the issues that, in the appellant's view, characterized the City Ventures project, the community's concerns with the project, and the legal deficiencies that attended the Planning Commission's approval of the project to date. He explained that Moraga was not the only municipality in which City Ventures had faced opposition to its developments and he cited the cities of Yorba Linda and San Dimas where City Ventures plans for high-density townhouse projects had been rejected. He described why Yorba Linda had rejected its City Ventures project, primarily based on the design of the subdivision and the likelihood the project would be detrimental to the public health, safety, and welfare, and materially injurious to other properties in the vicinity. He suggested those findings were exactly the findings the Town of Moraga's Planning Commission should have made and the Town Council should make in this case. He suggested the proposed project was inconsistent with the MCSP and he asked the Town Council to grant the appeal and support a project that was faithful to the vision of the MCSP.

Scott Bowhay, Moraga, suggested the Moraga Town Center Homes project was contrary to the General Plan, and the process in which the project had been approved was flawed and contrary to law. He suggested the project violated every guiding principle of the General Plan by blocking ridgelines and filling open space with a block of massive residences; did not preserve the Town's natural setting and environmental resources; created an insular residential development in a semi-rural Town; violated multiple Town codes by infringing upon a major scenic corridor; created a walled-in effect in the Town center; the buildings set themselves apart from any real Town Center development; and if approved the development could set a precedent for future development. In addition, the project would worsen existing traffic conditions with no relief for the Town's roads, would impede bicycle/pedestrian circulation and would increase vehicle trips and air pollution.

#### APPLICANTS:

Phil Kerr, Chief Executive Officer (CEO) City Ventures, expressed his appreciation to Town staff for the preparation of the staff report, and the Town's Boards and Commissions along with members of the community who had provided input on the project. He explained that this was the fifteenth public meeting on the project since 2012. He introduced the City Ventures

development team who were present in the audience, and explained that the request for rezoning was for the property to be consistent with the Specific Plan, and asked for the Town Council to uphold the Planning Commission and Design Review Board (DRB) recommendations.

Mr. Kerr stated the plan was intended to develop housing and bring retail to the MCSP core, and protect the ridgelines and hillsides as part of smart development to prevent sprawl. He suggested the project was consistent with the General Plan given that the MCSP had been found to be consistent with the General Plan, and that everything City Ventures had done had been found by staff to be consistent with the MCSP.

Mr. Kerr explained that the homes would be solar and all electric, with a number of green features; the project was consistent with all of the Town's land use documents and spoke to the purpose of the MCSP with development near the core; the project would have a density at the lower range of the allowable density in the MCSP at 12-DUA; a different housing product had been proposed to allow younger people to live in the Town; the project had gone through a number of iterations which had evolved to the proposed 36-unit attached single-family subdivision meeting all of the applicable Design Guidelines; the developer had been asked to conduct residential Moraga Way improvements as far back as the first meeting with the Town Council and for the developer to pay for the improvements to enhance an existing dirt gravel area; there would be entrances to the project from Moraga Way and Country Club Drive, with pedestrian access throughout the entire site; parking with two cars in each garage and 18 guest parking spaces, for a total of 90 parking spaces.

Mr. Kerr emphasized the effort to develop a two-story home product with much time spent on the design; front doors and porches would face the streets to activate the streets and sidewalks; the developer had worked extensively with the Moraga-Orinda Fire District (MOFD) and none of the homes would face the MOFD property; the homes adjacent to the MOFD property would have sound rated windows, an eight-foot high perimeter block wall and landscaping; along with Covenants Conditions and Restrictions (CC&Rs) to disclose the proximity of the MOFD training facility. He offered photographs of other developments adjacent to similar training facilities in other communities, recognized and respected concerns with compatibility to the MOFD property and had addressed them with proposed mitigation measures. Mitigation measures had also been included in the 2008 MCSP which responded to the compatibility questions that had been raised at that time.

Mr. Kerr offered renderings for the Moraga Way and Country Club Drive articulation and improvements, asked that the Town Council approve the zoning change to be consistent with the MCSP, and asked that the appeal be denied and that the CDP be approved. He commented there were additional processes involved with the project and more meetings were anticipated before the DRB and the Planning Commission. He suggested the project would add much to the Town and provide a place for people to live.

#### PUBLIC HEARING OPENED

Stephen Healy, MOFD Fire Chief, reported that during the January 21, 2015 MOFD Board meeting, he had been directed to inform the Town Council of the MOFD Board's determination that the City Ventures project was not compatible with the MOFD training facility. Since the early 2000's, the MOFD had repeatedly expressed concern with the potential for residential development in close proximity to the MOFD property, which could affect the MOFD's ability to maintain a fully functional, active fire training site, and could impede efficient movement of emergency vehicles in or out of the facility. The MOFD had submitted a letter to the Town in 2008 expressing many of these concerns, and subsequent and ongoing concerns had been

expressed in June 2014 during attempts to mitigate the MOFD's concerns. Concerns had also been discussed with Town staff and in separate meetings with City Ventures.

Fire Chief Healy explained that when it had been apparent the Planning Commission might approve the project, the MOFD had appointed an Ad Hoc Facilities Committee to assist in mitigating the MOFD's concerns. Town staff had worked with MOFD staff, the Ad Hoc Facilities Committee, and MOFD Boardmembers, and he had met with City Ventures representatives in an attempt to mitigate the issues. Although there had been much effort, the MOFD Board determined that proximity, noise, and traffic could not be effectively mitigated, and regardless of the measures the MOFD and City Ventures had worked to put in place, the MOFD Board suggested it would be inevitable that the future occupants of the proposed homes would complain and there could be pressure to curtail the MOFD's operations, which was an unacceptable consequence to the MOFD.

The MOFD Board had suggested it would be best to limit the use of the property to uses that would not likely be adverse to the effects of the MOFD training facility, which training was necessary and ongoing. While the MOFD Board recognized the efforts of the Town and City Ventures, and the fact they had acted in good faith to address the MOFD's concerns, the MOFD Board asked that the project not be allowed to proceed.

Lucy Dendinger, Moraga, supported the project. She reported that she had visited a City Ventures project in the City of Pasadena, which was a quality development; recognized that City Ventures had spent several years meeting with the Town, community stakeholders, and the Planning Department, and had made many design revisions based on those conversations; understood the project was compliant with the MCSP; and suggested City Ventures had worked earnestly in their dealings with the Town. She suggested the multiple and unmaintained vacant lots that lined the scenic corridor did nothing for the rural charm of the Town, and suggested the Town Council should welcome developments in the Town's center with considerate design and maintained landscaping. She emphasized the importance of bringing in new families to keep the community vital.

Graig Crossley, Moraga, suggested that three-story structures were not appropriate in the scenic corridor. As to the proximity of the project to the MOFD training facility, although the developer had suggested that adequate mitigation would be provided, in his opinion future homeowners would likely complain about the proximity of that facility and the associated noise and operations. He asked the Town Council to deny the requested change in the zoning; clarified the location of the guest parking and questioned whether the number of guest parking spaces was adequate; and would rather see a development of fewer homes or office spaces.

Stephen Huxley, Moraga, questioned the accuracy that the project would only generate 210 vehicle trips per day. Based on the number of units and the total number of parking spaces, in his opinion there would be many more vehicle trips per day generated as a result of the project.

Yank Eppinger, Moraga, supported the project, and found that the project would offer an opportunity for those who did not live in Moraga to move to Moraga, or to downsize. As a cul-de-sac community, he suggested the Town should offer that opportunity. He pointed out the Town had experienced little growth over the years, which he described as no-growth, resulting in the creation of a stagnant community, as evidenced by what had occurred to the retail sector.

Judie Howard, Moraga, liked the small town and hoped it would remain the same. She was pleased the Town had experienced little growth over the years; believed the project would obscure views of the hillsides and create a walled-in effect; and noted that the City of Lafayette had also boasted a semi-rural environment at one time although it had evolved with the development of three-story buildings and additional traffic. She spoke to the increase in traffic,

particularly along Rheem Boulevard, and cited the traffic along Moraga Road, Moraga Way, and St. Mary's Road as a concern. She urged consideration of a development moratorium prior to the approval of any more proposals.

Gary Howard, Moraga, opposed the City Ventures project, asked that the area be kept as is, supported all arguments against the project, and suggested other development projects already approved or pending had not been taken into consideration. He urged the Town Council to deny the project.

John Pearson, Moraga, reported that the President of the Moraga Country Club had previously submitted a letter to the Town on this matter. Speaking as a resident of Country Club Drive, he emphasized that there was only one point of egress on Country Club Drive and St. Andrews Drive at Moraga Way, which had recently been redesigned by the Town from two lanes to one lane, and in the event of an emergency there would only be one way out for homeowners. Prior to any development, he asked that both sides of Country Club Drive be improved and egress be addressed at St. Andrews Drive.

Fred Boettler, Moraga, explained that Country Club Drive had become a thoroughfare and had been used as a bypass to Canyon, Sanders Ranch, and School Street. If the Town took into account full occupancy of the office buildings there would be even more traffic. He referenced the Livable Moraga Road Project and concerns that if the lanes were shifted they would be too close to homes, and suggested the same could occur with this project. He referenced another project in the Town which had provided rendering but which had not identified where the grade would be measured, and had exceeded the height limit. He expressed concern the same could occur with this project. He added that the MOFD Fire Station along Moraga Way was very busy and the fire engines could be heard all the time.

Barry Behr, Moraga, was not convinced the development or the CDP should not move forward, although he had concerns with the current plans. He expressed concern with the mass and density and the need for more green area; that Moraga Way traffic towards Orinda could pose a dangerous situation; with the adequacy of the guest parking; was not confident the CC&Rs would be able to control that situation; and suggested the City Ventures project was too large for the subject parcel.

Seth Freeman, Moraga, suggested the project would not provide home-ownership opportunities for new families in Moraga given that the new construction would likely sell for more than existing properties, and with minimum incomes to qualify likely being higher than the median income. As a result, he characterized the homes as non-entry level likely to be occupied by established families.

Caroline Wood, Moraga, commented on the traffic volume in the area, and the impacts to the MSD. She emphasized that Moraga was located in a cul-de-sac with Lafayette and Orinda enjoying easy freeway access. She noted that Country Club Drive had been used as a short cut and she found that the story poles had illustrated that the homes would obstruct views and impact existing homes along Country Club Drive. She too expressed concern with the proximity of the MOFD training facility. She urged the Town Council to deny the project in its entirety as it was not good for the neighborhood or for the Town of Moraga.

Suzanne Jones, Preserve Lamorinda Open Space (PLOS), identified the purpose of PLOS whose goal was to protect Moraga's ridgelines from development. She stated the views of the ridgelines around Town were fundamental to the beauty and semi-rural character of the Town, and the value of protecting those views and character had been echoed in the General Plan and MCSP. She expressed concern with the development of structures with small setbacks and tall building height where the views of the Town's major ridgelines could become obstructed. She

asked that any development, whether residential or otherwise, be required to provide the necessary setbacks and building height to preserve the views from Moraga Way and Country Club Drive.

Mike Wong, Moraga, asked whether the Town permitted parking along Country Club Drive. In order to prevent more traffic on Moraga Way, he suggested no egress from the subdivision from Moraga Way should be permitted.

Dan Alipaz, Moraga, a resident of Moraga Country Club, spoke to the limited growth in the Town over the years, the empty storefronts, the fact some business had lost leases, and that the MOFD Board would like salary increases while firemen already made a good salary. While the MOFD protected the community, he questioned who would pay for the raises. He noted the lack of adequate space to drive down to Country Club Drive, which required a tax base to improve the roadways; recognized the developer had decreased the size of the development from the initial iterations; liked the renderings; found the current vacant lots and pear tree hill to be unattractive with residents on Country Club Drive currently having views of their neighbors' garages; and suggested the plan should be allowed to proceed subject to modifications.

Kathleen Famulener, Director, MOFD Board, recognized that the Fire Chief had already addressed the Town Council. She explained that the MOFD training facility was the only place to train MOFD personnel, expressed concern with the potential safety hazards the training facility could impose on an adjacent residential community, and suggested a park should not be located behind the MOFD training facility.

Margaret (did not give last name), Moraga, suggested the project was in violation of the General Plan and inconsistent with the semi-rural nature of the community. She supported smart development that fit into the community; understood the Town had not prepared a traffic report; understood City Ventures claimed the project would only result in an increase of nineteen vehicles in the morning and nine vehicles in the afternoon; and explained that a project generating twenty or more vehicles would have to be reported to the cities of Lafayette and Orinda. Noting that City Ventures was a multi-family housing specialist, she stated the project had been identified as single-family housing given that the setbacks would be less than the setbacks for multi-family housing. She asked that the developer be required to comply with the Town's setback requirements and questioned whether the homes were compatible with the existing homes along Country Club Drive. She also suggested the project should require the preparation of an Environmental Impact Report (EIR) and suggested the project was not in compliance with many of the scenic corridor guidelines.

Muriel Amsden, Moraga, stated she was not opposed to development on the property, which was a barren lot, although she was concerned with a three-story development which could set a precedent in the Town. She did not want a community of towering buildings, found the parking and guest parking to be insufficient for the number of homes, but if the property must be developed suggested a smaller development with off-street parking.

Tom Eberhardt, Moraga, understood that much of the existing retail had been built at the time the freeway was to have come through the area, and that the Town's shopping centers had been developed in the 1970s. Subsequently, the Town had agreed to incorporate, stop development of the freeways, and restrict growth, which had set the character of the Town. He noted that whether one liked growth or not, some growth was needed, with some development occurring on infill sites. He suggested the Town needed new housing to increase its tax base; recognized the need to balance development that could change the character of neighborhoods with infill development that could be developed with office or smaller residential; agreed that traffic could increase as a result of the development on the Town's already congested

roadways; and urged the Town Council to consider managing growth effectively and not create an urban environment that was different from the existing semi-rural character of the Town.

Lynda Deschambault, Moraga, was not opposed to some development and allowing a developer the right to build on his or her property. She favored infill development versus development on the Town's ridgelines, but expressed concern the project would create a walled-in development with minimal setbacks. She asked the Town Council to consider the City of Lafayette's effort for a House Size Ordinance; expressed concern with the mitigation of traffic; suggested consideration of a shuttle service; noted that the Town had not considered an evacuation plan; urged the protection of the scenic corridor; and supported a reduction in building height, an increase in setbacks, and consideration of the lessons learned with the MCSP and what it had not defined as the Town Council considered a Specific Plan for the Rheem Area.

Bill Carman, Moraga, agreed with the comments from the appellants, liked the suggestion for a density of 10-DUA, and supported some of the other comments made by the public. In terms of the tax base in the Town, he recognized purchasing on the Internet affected local businesses although the Town received the sales taxes. He suggested the views of the pear orchard and open space land was more natural and appealing than viewing development, although he recognized that some development must be permitted. He suggested the total number of units allowed in the MCSP was too dense, although he understood the voters would have to place that question on the ballot to change it if they did not like it. He understood the project was within the law pursuant to the developer's presentation, although he acknowledged the concerns with the MOFD and suggested there could be legal issues involved. He did not like the small pocket park, suggested the community should have better, and suggested a straighter rather than a winding street between the MOFD property and the Moraga Golf Course.

Gini Falconer, Moraga, stated the story poles had illustrated that the project would not be compatible within the character of the Town. She expressed concerns with promises to change Moraga Way and Country Club Drive; minimal setbacks from Country Club Drive; adequacy of space to turn a car around with narrow corridors between the garages; did not want to see anything that would impede the efficiency and effectiveness of the MOFD; and commented that the units would likely be occupied by young families with multiple vehicles in a project with inadequate parking. She urged the Town Council to consider a major downsize of the project.

Christine Kuckuk, Chair of the Planning Commission, reported that during the November 17, 2014 Planning Commission meeting, the Commission had approved the CDP. She briefed the Town Council on the deliberations at that time, stated that the staff report had done a thorough and accurate job detailing the ways in which the Commission had addressed the issues cited in the appeal, and with one exception the Commission had been able to make the necessary findings to approve the CDP. She explained that one Commissioner had been of the opinion that the findings could not be made to approve the CDP based on the development standards set forth in the MCSP, citing the park and overall density of the project. During the Commission review, there had been a number of issues raised during public comment, which comments had generally cited incompatibility with the General Plan and the scenic corridor requirements, which she had considered as commentary on the MCSP itself and the designation of the parcel under the MCSP.

The following individual did not wish to speak but offered the following comments on the Speaker Card:

Gary Blouse, Moraga, "I am against this project for the following reasons: 1) The amount of traffic that it will create will cause chaos; 2) It will create a lot more traffic on side streets; 3) It

will have the potential to cause accidents; 4) The amount of children crossing will cause long delays and there aren't any sidewalks to accommodate the children."

## PUBLIC HEARING CLOSED

### REBUTTAL:

Mr. Kerr recognized that development was difficult. In this case, City Ventures had spent three years on the project that had gone through several iterations. He described some of City Ventures projects that had been developed elsewhere, stated he would be happy to discuss some of those other projects, and emphasized that nothing the developer had proposed would impede the effectiveness of the MOFD. The developer had proposed mitigation measures, and had worked hard to address all issues. He noted the long history of discussions with the MOFD, recognized the political pressure facing the MOFD with this project, and explained that in the review of the MCSP the uses allowed included schools, public uses, office, and residential, all adjacent to the MOFD property.

Mr. Kerr emphasized the developer's effort to make the project consistent with the MCSP, which guidelines had been laid out after much work by the community. The developer had proposed the lowest density allowed in the MCSP after the initial 56 townhomes had been proposed which had received opposition from the community. He stated the homes would be affordable on a relative basis, would be attractively designed, would allow buyers to downsize although admittedly would not allow a low income buyer to move to Moraga. He described the homes as a different type of home that would be attractive and add to the overall character of Moraga. He responded to the concerns with respect to height, traffic, and parking, which had all been addressed in the MCSP, with specific guidelines.

Mr. Bowhay stated he would like to see development on the property, but suggested a use that was consistent with the current zoning designation of Suburban Office would be more appropriate. He spoke to the demand for office space in the San Francisco Bay Area, which was reaching the outlying areas, commented on his own experience trying to locate adequate office space, and noted that nothing in Moraga had been appropriate. He commented that offices generated retail businesses, including office supplies, restaurants, bars and the like while residential development would not. He preferred to see new office space in the subject area.

Mr. Olsen echoed Mr. Bowhay's comments and noted that the current zoning for Suburban Office prohibited residential use. He suggested there was no compelling reason to develop the property as a residential use, particularly since there were existing offices in the area. He referred to his 12 years of service with the MOFD, two which were on the MOFD Board, and agreed that the training facility could be a dangerous environment. He also noted that the MCSP required a finding of compatibility for any use, and that the MOFD Board's decision to go on record to recommend the denial of the City Ventures project should be considered by the Town Council.

In response to the Council, Fire Chief Healy reiterated the recommendation from the MOFD Board that the Town Council deny the City Ventures project in that the project was not compatible with the MOFD training facility. As to the potential uses that would be compatible or a more appropriate neighbor to the MOFD training facility, he stated that discussion had yet to be held by the MOFD Board. He commented that two Orinda Fire Stations were located in residential neighborhoods and one was located in the village, and he understood the only complaints with those facilities were the backup alarms and when the engines ran at a high idle. He added that those stations were not training facilities which involved the use of heavy and noisy equipment. He was unaware of any accidents at the Orinda facilities.

Fire Chief Healy stated he had no personal opinion relative to the discussion; he served the Board of Directors. As to the plans for an eight-foot sound wall, the MOFD had sought an eight-to nine-foot sound wall. As to why the sound wall ended where it did, he explained that the MOFD had discussed the height and distance of the sound wall to close off the training site from the rear, being thoughtful of the community and the fact the community would likely not want to see an eight-foot wall all the way to the street. As such, discussions had indicated that the sound wall should taper down at some point to a good neighbor fence which would be more attractive. He suggested the eight-foot sound wall would not completely enclose the MOFD training facility as shown on the plans, with some distance between the sound wall and the back corner of the property at roughly 25 feet.

Fire Chief Healy acknowledged correspondence dated June 4, 2014, which he had submitted to the Town. He was uncertain whether the MOFD had the power to execute eminent domain on the subject property, noted the MOFD Board now comprised different Directors than in the past. When the MOFD Board had submitted correspondence to the Town, it was not supporting the project and instead he suggested the more accurate characterization was that the MOFD Board was working to cooperate and to mitigate the issues of concern. He acknowledged the many meetings with City Ventures, which had been very cooperative. Since that time, during the January 21 meeting, the MOFD Board had recommended that the Town Council deny the City Ventures project based on the project's incompatibility with the MOFD training facility. He otherwise commented that some of the past discussions on the project and potential acquisition of adjoining properties, including the Bruzzone property, had occurred prior to his tenure as Fire Chief.

Fire Chief Healy explained that most of the training of the MOFD occurred on the blacktop behind Fire Station #41. He described that training, and when asked whether any mitigation measures could be proposed that would make the project compatible with the MOFD training facility, he stated he was not in the position to offer an opinion on that issue. As to whether the MOFD Board had considered the purpose of the subject property, he understood there had been some interest from the previous MOFD administration prior to his tenure with the MOFD.

Mr. Olsen suggested the MOFD did have eminent domain authority. He detailed his background as an MOFD Fire Commissioner when the MOFD had the same authority as a County agency; commented on past discussions as to the potential acquisition of property related to the land located directly behind the MOFD training facility when the MOFD had access through the Bruzzone property to Country Club Drive, but noted that the Bruzzone family had closed off that access. When the MOFD had acquired the land now being used for the MOFD training facility, it had also expressed interest in acquiring the Bruzzone land located directly behind the MOFD training facility to ensure access and ensure no uses would conflict with the training facility and its activities. The Bruzzone family had rejected the offer. The MOFD had also discussed the potential condemnation of the property although they had decided it would be better to be a good neighbor with the Bruzzones.

Ms. Clark responded to concerns with the traffic count that would be generated by the 36-unit development, which had been calculated at 210 traffic trips per day. She explained that the source of the numbers had come from the traffic study completed by the applicant and peer reviewed by the Town. The traffic report had used the Institute of Traffic Engineers Standard Trip Generation Rates for the land use, and no adjustment had been made up or down for the project. She identified the Condominium/Townhomes land use category used to calculate the trips per day, which would have a slightly different rate than single-family homes. She noted the traffic analysis, even at 55 dwelling units, had determined that the number of trips would be substantially less than analyzed in the MCSP EIR.

Councilmembers expressed concern and discussed the accuracy of the traffic calculations at length, particularly the trips generated per day for the 36-unit project; questioned whether the traffic count had taken into consideration the traffic generated by those providing services to single-family homeowners; i.e. gardeners/landscapers, swimming pool cleaning, and the like, with concern the traffic counts could be inaccurate which would impact the accuracy of the traffic impacts.

**Councilmember Onoda** thanked the audience for its participation. Based on all of the information and the presentations from the appellants, the applicants, staff, and the public, she was concerned with the plan being represented by the General Plan and the MCSP. She understood the development would be under the MCSP and she had reviewed the project to determine compliance with the MCSP. She suggested the project would not be compliant with MCSP Design Guidelines, Visual Impact, 1.3.5 (o), citing the potential obstruction of the views of Indian Ridge, a major ridgeline. She pointed out the renderings had made it clear that the project, when constructed, would obstruct the views of the ridgelines. She also suggested the project was not compatible with the visual relationship of the surrounding area and the MOFD training facility. She read into the record, General Plan Policy LU4.6, which related to the requirement for compatibility with public safety facilities. She pointed out the setback for the MOFD training facility from the six-foot sidewalk to the foundation of the MOFD administration building was 34 feet; and the office building on the other side from that sidewalk to the foundation of that building was 78 feet, which also spoke to the incompatibility of the project.

**Councilmember Onoda** further commented that the MMC required that a project not create a walled-in effect within the scenic corridor, with a requirement for greater setbacks. She spoke to the proposed square footages of the proposed buildings which would create a walled-in effect along Moraga Road and Country Club Drive, which she found to be inconsistent with MCSP regulations and incompatible with the existing neighborhood.

**Councilmember Arth** commented that he had a tremendous amount of respect for the work done by the DRB and the Planning Commission, and appreciated the analysis by Town staff. Having read the materials, he could not find reversible error on the part of the staff, the DRB, or the Planning Commission and could not find anything that had not been considered. The plan was a permitted project and the applicants had 33 different contacts with the Town, and there could be more that had not been included. He recognized the concerns expressed, and asked that the project be continued and that staff work with the appellants to address some of the issues to the greatest extent possible. If forced to approve or disapprove, at this time he would approve the project.

**Vice Mayor Metcalf** recognized that since 1990, the Town had only grown a fraction of a percent which could be qualified as no growth. He noted that Moraga, regulated by its processes, was the reason the Town had experienced little growth since 1990. He emphasized the need to reinvest in the housing stock to encourage more people to move to Town. Having been a member of the MCSP Steering Committee, he emphasized the intent to focus development downtown and not outside in outlying areas; this was the second project in the MCSP area, the first being the Camino Ricardo development. He noted that Camino Ricardo, a high-quality development, had gone through the Town's processes remarkably easily except as to its proposed park, and he suggested the City Ventures project was much the same, and would be consistent with the original vision of the MCSP.

**Vice Mayor Metcalf** questioned the placement of more office buildings on the site. He was not convinced that office was the best use of the property, particularly given the need for housing stock. He pointed out the project would not be affordable housing and could be occupied by those who would like to downsize.

**Vice Mayor Metcalf** asked staff to clarify the authority of the MOFD as it related to the subject property. He expressed concern with the anxiety over the massing of the development, did not find the massing to be excessive, noted that the density was at the low end of the MCSP building standards, and questioned the possibility of reducing the massing. He suggested the project would not block Indian Ridge in that the ridge would remain visible. While he did not share the concerns with those visual impacts, he recognized there was enough concern expressed to consider whether something could be done with building height.

**Vice Mayor Metcalf** commented on the setbacks and noted that the setbacks in the MCSP were complex and the project was in strict compliance with the MCSP development standards. As to whether the setbacks were too narrow in the front and rear, he suggested that was something staff should carefully evaluate. In response to concerns with the adequacy of parking along Country Club Drive, he suggested that was a design detail that could be addressed in the next phase or through the Vesting Tentative Map. He did not see that errors had been made in that regard but that the parking concerns should be acknowledged.

**Councilmember Trotter** thanked the Planning Commission and the DRB for all of its work on the project, although he suggested the DRB should not have been involved at this stage of the process. He too commented on the background and intent of the creation of the MCSP and the theory underlying the 2002 General Plan, whose purpose was to bring infill development to the downtown and revitalize the Town's shopping areas. He clarified that the site was an infill property and not open space. He agreed that staff should have further dialogue with the applicant to address the concerns with the setbacks and building height. He noted the staff report had indicated, and was correct, that the property was transitional under the MCSP and on the edge of the MCSP area, adjacent to the existing residential homes across the street on Country Club Drive. If the same project had been proposed in the middle of the walnut orchard on Moraga Way, he would not have had the same concerns.

**Councilmember Trotter** commented that with the property adjacent to existing residential neighborhoods, and a transitional property, it was important that the transition respect the existing homeowners on Country Club Drive. He found the project had issues with setbacks on both sides; issues with respect to building height, particularly related to blocked views of Indian Ridge which he suggested could be mitigated through deeper setbacks on the property owner's property on both sides; and some tweaking of the building height. He added that the MCSP development standards applied across the entire MCSP area and included zero setbacks.

**Councilmember Trotter** suggested that having a zero setback between various buildings made sense in other MCSP areas given the future vision for a retail center along School Street, with a connection from School Street to St. Mary's Road, and with retail in the future zero setbacks between various parcels. By contrast, he suggested that deeper setbacks along Moraga Way and Country Club Drive would be more appropriate. He also suggested that the building envelopes could be contracted on the property and might or might not have an impact on the density. He found the townhomes and duplexes to be very large and suggested with some adjustments to the size the project might still end up with 36 units, but urged the applicant to work with staff on the correct mix of home sizes which would give the developer the greatest profit. He supported a continuance to allow the applicant to have that dialogue with staff.

**Mayor Wykle** understood that 290 homes had been built since 1990, and 276 units had been approved and were pending. He expressed concern with the MOFD's recommendation and its opinion that residential was not an appropriate use adjacent to the MOFD training facility, a concern he had shared with the Fire Chief. He suggested that more mitigation measures might be possible to ensure that the project was more compatible and which might give the MOFD assurance and comfort. He shared the concerns with the visual impacts to the scenic corridor,

particularly the streetscape elevation along Moraga Way, and agreed that potential modifications to the setbacks might improve the views of the scenic corridor.

**Mayor Wykle** agreed that more work needed to be done on the project, and suggested that with modifications to the height and setbacks there could be more compatibility with the character of existing development. As to the parking, he understood that the project CC&Rs would include rules on the use of guest parking although the reality was that people would park where they wanted. He also shared the concerns with the accuracy of the traffic count, specifically the vehicle trips per day that would be generated by the project. He suggested that if there were impacts to the entirety of Country Club Drive as a result of the development, the improvements should be made on both sides of the street.

Assistant Town Attorney Karen Murphy explained that requiring improvements on both sides of Country Club Drive would have to be evaluated to determine whether there would be a nexus to the subject project.

**Mayor Wykle** commented that in view of the site plan, Country Club Drive was one way on either side of the median and with the entrance off of Moraga Way, improvements on both sides should be considered.

**Councilmember Trotter** spoke to the issues with the MOFD and suggested there was extra mitigation such as raising the height of the wall to encompass the full back end of the MOFD training facility, which could be considered. He cited Condition 21 of the Planning Commission resolution of approval, which required special sound rated windows on the units adjacent to the MOFD training facility, and a letter from the MOFD which had recommended the use of triple glazed windows. He asked for a definition of sound rated windows.

Ms. Clark understood that sound rated windows implied a certain level of sound attenuation to reduce decibel levels in the home. The sound rating standard could be modified to be more explicit and to provide better clarification.

Ms. Murphy recommended that the Town Council consider a motion to continue the item to a date uncertain, with the item to be publicly re-noticed. Staff was so directed.

**ACTION: It was M/S (Trotter/Metcalf) to continue Moraga Town Center Homes Project to a date to be determined by staff; the project to be re-noticed; and pending further dialogue between Town staff, City Ventures, and potentially the Moraga-Orinda Fire District regarding the issues that had been raised with respect to compatibility, setbacks, building height, and scenic corridor guidelines compliance issues. Vote: 5-0.**

**ACTION: It was M/S (Arth/Trotter) to extend the Town Council meeting to 11:15 P.M. Vote: 5-0.**

**Mayor Wykle** declared a recess at 10:47 P.M. The Town Council reconvened at 11:02 P.M. with Councilmembers Arth, Onoda, Trotter, Vice Mayor Metcalf, and Mayor Wykle present.

### **C. 2015-2023 Housing Element**

Conduct a Public Hearing and Review and Consider Resolution 7-2015 Adopting an Initial Study/Negative Declaration and the 2015-2023 Housing Element and Conforming Changes to General Plan Appendix D: Definitions

Associate Planner Brian Horn presented the staff report; identified the changes made to the document as requested by the State Department of Housing and Community Development (HCD) since the Town Council had last reviewed the Housing Element in September and

October 2014; and asked that the Town Council conduct a public hearing and review and adopt a resolution to adopt an Initial Study/Mitigated Negative Declaration (MND) and the 2015-2023 Housing Element and Conforming Changes to General Plan Appendix D: Definitions. He added that the Town had been issued a tentative certification letter by HCD, which had tentatively approved the Town of Moraga Housing Element subject to its recommendations.

Ted Holzem, Mintier Harnish, Housing Element Consultant, described the tentative approval from HCD as a gentleman's agreement, which stated that with the changes recommended by HCD, it would certify the Town of Moraga's Housing Element. Renegotiation of the Housing Element would only occur if significant changes were recommended by the Town Council, which would open a 60-day review and put the State deadline in jeopardy.

Mr. Horn identified Appendix G, Redline of Study Sessions and HCD Revisions to Draft Housing Element for Town Council information purposes.

Mr. Holzem characterized the changes recommended by the HCD as minor changes, such as adding specificity to some of the policies. He clarified that the recommended changes to the assumptions for the affordability of second units for the Palos Colorados project would not affect the Town's ability to meet its Regional Housing Needs Allocation (RHNA), since they were only assumptions based on unit type and size and would not hold the Town to any affordability level for any of the units. The second units, once built, would be taken off of the next Housing Element for potential development to meet RHNA requirements whether affordable or not.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Trotter) to adopt Resolution 7-2015 Adopting an Initial Study/ Negative Declaration and the 2015-2023 Housing Element and Conforming Changes to General Plan Appendix D: Definitions. Vote: 5-0.**

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

#### A. Hillside and Ridgeline Project

Receive an Update on the Hillside and Ridgeline Project and Provide Direction to Town Staff and Consultants on Next Steps and List of Key Issues to be Addressed

The item was continued to the Town Council meeting scheduled for March 11, 2015, and the item would be re-noticed.

**ACTION: It was M/S (Trotter/Arth) to extend the Town Council meeting to 11:30 P.M. Vote: 5-0.**

#### B. FY 2014/15 Mid-Year Revenue and Expenditure Report

Review and Accept Fiscal Year 2014/15 Mid-Year Revenue and Expenditure Report and Consider Resolution 8-2015 Approving the Mid-Year Adjustments to the Fiscal Year 2014/15 Budget

Administrative Services Director Stephanie Hom presented the staff report and reported that the Audit and Finance Committee (AFC) had reviewed the report and adjustments, and had recommended Town Council approval of the adjustments to the budget, with most of the

adjustments being on the revenue side, as detailed in the staff report. She reviewed the 2014/15 Mid-Year Revenue and Expenditure Report with the Town Council; identified a net increase in revenues of \$309,000, with \$152,000 of Measure K monies to be transferred to the Street Repair Program; and corrected the expenditures shown on page 9 of the report to read \$45,000 for the Planning Department; with the subtotal to remain correct. The Town would realize an additional surplus of \$112,000 added to the original surplus that had been expected of \$14,000, for a total new surplus of \$126,000.

Responding to Council, Ms. Hom advised that workload created by the vacancy of the Senior Planner position had been outsourced to consultants. She clarified that the recruitment period for the position had expired, the position had been filled with an Assistant Planner, and consultants were being used by the Planning Department for special projects.

Ms. Clark added that an outside consultant had provided assistance to the Planning Department on a couple of projects and on tasks normally assigned to staff. The Planning Department was now fully staffed, with a new Assistant Planner, and those projects were being pulled back in-house. She also described the effort to update the records in the Planning Department as part of a Town-wide effort over the last couple of years to better track and maintain the Town's records and to implement a more efficient system to locate them.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Arth/Metcalf) to accept Fiscal Year 2014/15 Mid-Year Revenue and Expenditure Report and Adopt Resolution 8-2015 Approving the Mid-Year Adjustments to the Fiscal Year 2014/15 Budget. Vote: 5-0.**

#### C. Public Works/Parks Maintenance Salary Schedules

Consider Resolution 9-2015 Amending the Salary Schedule of Various Public Works/Parks Maintenance Classifications, including Adding the Public Works/Parks Maintenance Manager, Deleting the Parks and Public Works Superintendent, and Amending the Senior Maintenance Worker and Maintenance Team Leader Classifications Effective January 25, 2015

Ms. Hom presented the staff report to amend the salary schedule of various Public Works/Parks Maintenance classifications, including adding the Public Works/Parks Maintenance Manager, deleting the Parks and Public Works Superintendent, and amending the Senior Maintenance Worker and Maintenance Team Leader classifications to be effective January 25, 2015. She identified the title changes to the positions under discussion, duties to be performed, and the salary survey that had been prepared and included in the staff report.

**ACTION: It was M/S (Trotter/Arth) to extend the Town Council meeting to 11:40 P.M. Vote: 5-0.**

Ms. Hom clarified the estimated savings if the Town filled the position for a new Maintenance Worker at \$34,000, which savings had not been included in the surplus figure provided in the previous staff report for Item B.

Ms. Keimach explained that all of the contracts in the Public Works/Parks Maintenance had been evaluated as part of this process. She suggested the staff recommendation would be as cost effective as possible by keeping a small team in-house and having some small outsourcing

contracts for janitorial services, weeding and the like. Staff had also considered whether it would be better to have paid staff that was unsupervised on weekends to manage the County Work Alternative program. She suggested the recommendation was a good change, and the Department had a good leader who had been involved in the Public Works organization structure and salary schedule review process.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Onoda) to adopt Resolution 9-2015 Amending the Salary Schedule of Various Public Works/Parks Maintenance Classifications, including Adding the Public Works/Parks Maintenance Manager, Deleting the Parks and Public Works Superintendent, and Amending the Senior Maintenance Worker and Maintenance Team Leader Classifications Effective January 25, 2015. Vote: 5-0.**

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

**Mayor Wykle** acknowledged the request to consider a future agenda item to consider a Tool Library, to which Ms. Murphy advised that staff could obtain further information on the request.

Ms. Keimach affirmed staff could look into the consideration of a Tool Library and bring it back as a future agenda item.

**XIII. COMMUNICATIONS**

There were no communications.

**XIV. ADJOURNMENT**

**ACTION: It was M/S (Arth)/Trotter) to adjourn the meeting at 11:34 P.M. Vote: 5-0.**

Respectfully submitted by:

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

Approved by the Town Council:

  
\_\_\_\_\_  
Roger N. Wykle, Mayor