

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**February 25, 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 7:02 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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Trotter led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Mayor Wykle reported that this was Councilmember Trotter's 60th Birthday. The Town Council, staff, and members of the audience wished Councilmember Trotter a Happy Birthday.

Councilmember Trotter thanked the Town Council, staff, and the members of the audience for the recognition of his birthday.

IV. PROCLAMATIONS AND PRESENTATIONS

- A. Proclamation Honoring the 2014 Campolindo High School Girls Varsity Water Polo Team

Mayor Wykle read into the record a proclamation honoring the 2014 Campolindo High School Girls Varsity Water Polo Team, and designated February 25, 2015 as "2014 Campolindo Girls Varsity Water Polo Day" in honor of the team's win of the Diablo Foothill Athletic League title, the NorCal Championship, and the North Coast Section (NCS) Division II Championship.

PUBLIC COMMENTS OPENED

Kim Everist, Coach, Campolindo High School Girls Varsity Water Polo Team, thanked the Town Council for the recognition, commended the student athletes on a successful season, and thanked the students' families.

The Captain of the Campolindo High School Girls Varsity Water Polo Team Coach also thanked the Town Council for its recognition of the team's efforts.

PUBLIC COMMENTS CLOSED

- B.** Proclamation Honoring the 2014 Campolindo High School Girls Varsity Cross Country Team

Mayor Wykle read into the record a proclamation honoring the 2014 Campolindo High School Girls Varsity Cross Country Team, and designated February 25, 2015 as "2014 Campolindo Girls Varsity Cross Country Team Day" in honor of the team's outstanding accomplishments.

PUBLIC COMMENTS OPENED

Chuck Woolridge, Coach, Campolindo High School Girls/Boys Cross Country Teams, commended the incredible group of athletes; expressed appreciation to the parents, community, and the Town Council for its recognition of the Campolindo High School athletic programs.

Mary Orders, Captain, Campolindo High School Girls Cross Country Team, also thanked the Town Council for its support and recognition of the team.

PUBLIC COMMENTS CLOSED

- C.** Proclamation Honoring the 2014 Campolindo High School Boys Varsity Cross Country Team

Mayor Wykle read into the record a proclamation honoring the 2014 Campolindo High School Boys Varsity Cross Country Team, and designated February 25, 2015 as "2014 Campolindo Boys Varsity Cross Country Team Day" in honor of the team's outstanding accomplishments.

PUBLIC COMMENTS OPENED

Mr. Woolridge again expressed his appreciation to the Town Council for its recognition and support; reported the Boys Varsity Cross Country Team had accomplished something no one had expected; and announced that Campolindo High School had the longest streak of finishing in the top ten in the history of the State in all divisions.

Kevin Buckley, Captain, Campolindo High School Boys Cross Country Team, also thanked the Town Council for its recognition of a great season.

PUBLIC COMMENTS CLOSED

Councilmember Trotter recognized the number of fall sports teams that had won NCS or better, which was a tribute to Campolindo High School's coaches, student athletes, parents, and staff.

- D.** Update on Central Contra Costa Transit Authority (County Connection) by Al Dessayer

Al Dessayer, Moraga, provided an update on the Central Contra Costa Transit Authority (CCCTA) County Connection program; reported that ridership had increased approximately five percent for Route 6 which served the Lamorinda area; and stated that finances were in good shape with a positive outlook for the next ten years.

Mr. Dessayer also provided an update on the Lamorinda Service Plan, stated that the Existing Conditions Report was now available, and a draft of the service options would be available in early spring. In addition, the Clipper Card Program was being installed in the buses; and fares had to be standardized throughout the system subject to public input. The Clipper Card Program would ultimately be seamless throughout the County and with the Bay Area Rapid Transit (BART) System, with cards to be available online.

Vice Mayor Metcalf reported that the Service Report had been posted on the Town's website and he encouraged everyone to read it. He also looked forward to the publication of the Options Report.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council thanked Mr. Dessayer for his report.

V. PUBLIC COMMENTS

Bruce Bogart, Volunteer for the American Cancer Society, asked the Town Council to consider a waiver of Town fees for the use of Commons Park for the Relay for Life Event scheduled for August 1, 2015. He noted that the American Cancer Society was a nonprofit organization; this was their first event in the Town of Moraga; and Relay for Life raised funds for cancer research, education, and services.

Town Manager Jill Keimach advised that the request could be considered as a future agenda item for Town Council consideration.

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/Metcalf) to adopt Consent Agenda Items 1, 3, 4, 5, 6, and 7. Vote: 5-0.

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|----|---|----------------|
| 1) | Accounts Payable Claims for: 2/6/15 (\$287,811.72) | Approved |
| 2) | <i>Approve Minutes for the Joint Town Council and Moraga School District Governing Board Special Meeting on January 20, 2015</i> | <i>Removed</i> |
| 3) | Consider Resolution 18-2015 Vacating an Easement for Roadway and Utility Purposes, Commonly Known as Alice Court, Located in the City of Orinda, Adjacent to the Town's Mulholland Open Space Preserve Property, Accepting a Floating Trail Easement, and | Approved |

Directing Staff to Record the Vacation and Acceptance with the Office of the County Recorder

- 4) Consider Resolution 19-2015 Awarding a Consultant Services Agreement for Assessment District Engineering Services Related to the Fiscal Year 2015/16 Town of Moraga Street Lighting District 1979-1 to Leptien, Cronin, Cooper, Morris & Poore, Inc., for an Amount Not to Exceed \$9,700 Approved

- 5) Consider Resolution 20-2015 Ordering Engineering Assistance to Prepare and File an Annual Engineer's Report for Fiscal Year 2015/16, Town of Moraga Street Lighting District 1979-1 Approved

- 6) Consider Resolution 21-2015 Authorizing the Town Manager to Execute a Contract with Ad Art Sign Company (San Francisco) in the Amount of \$57,704 for the Manufacture, Installation and Training for the Electronic Community Information Sign (CIP No. 15-302) and to Execute Contract Change Orders up to 15% of the Contract Amount (*CEQA Status – this project is categorically exempt pursuant to Section 15302 of the California Environmental Quality Act (CEQA) Guidelines ("Class 2, Replacement or Reconstruction")*) Approved

- 7) Consider Resolution 22-2015 Accepting and Appropriating \$6,257 from 511 Contra Costa for Safe Routes to School Demonstration Projects Approved

B. Consideration of Consent Items Removed for Discussion

- 1. Approve Minutes for the Joint Town Council and Moraga School District Governing Board Special Meeting on January 20, 2015

Councilmember Trotter requested an amendment to the first paragraph of Page 7, as follows:

He [Councilmember Trotter] asked that Judy McNeil of LMYA be allowed to provide comment.

ACTION: It was M/S (Trotter/Metcalf) to approve the Minutes for the Town Council and Moraga School District Governing Board Special Meeting on January 20, 2015, as amended. Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

Councilmember Trotter requested a modification to the meeting agenda by switching Items B and C 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/Metcalf) to modify the meeting agenda by switching Items B and C under Ordinances, Resolutions and Requests for Action. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Wykle – Reported that the full Town Council had attended the Tri-City meeting in the City of Orinda on February 19; he had also attended a Kiwanis Club Crab Feed on February 14; the monthly Liaison meeting on February 20; and the Business Person of the Year Dinner at Moraga Country Club on February 24.

Vice Mayor Metcalf – No report.

Councilmember Arth – Reported that he had attended a Staff Appreciation Luncheon at the Hacienda on February 12; the Kiwanis Crab Feed on February 14; the Tri-City Council meeting on February 19; a special meeting of the Town Council to interview candidates for Town Board/Commission vacancies on February 23; and the Business Person of the Year Dinner at Moraga Country Club on February 24.

Councilmember Onoda – Reported that she had attended the Tri-City meeting on February 19; and the special meeting of the Town Council to interview candidates for Town Board/Commission vacancies on February 23.

Councilmember Trotter – No report.

- B. Town Manager Update – Ms. Keimach reported that the Moraga Police Department started using body cameras on individual Police Officers from funding the Council had approved a year ago; and had purchased a trailer for the Town's Emergency Operations Center (EOC). In addition, the Public Works Department had received a \$106,000 grant from Cal Recycle to contribute to road repair.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

There were no public hearings.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Moraga Library Landscape Project

Consider Resolution 23-2015 Accepting Moraga Library Landscape Improvements as Complete and Funded by the Moraga Park Foundation

Parks and Recreation Director Jay Ingram presented the staff report dated and asked that the Town Council adopt a resolution accepting the Moraga Library Landscape Improvements as complete and funded by the Moraga Park Foundation.

Mayor Wykle presented a Certificate of Appreciation to the Moraga Park Foundation in recognition of its management of the Moraga Library Landscape Project.

PUBLIC COMMENTS OPENED

Karen Reed, Moraga, President of Moraga Park Foundation, reported that the Moraga Park Foundation was pleased to have worked with Town staff on the project. She publicly thanked the generous donors to the project including Mark and Dustie Robeson, Joan Bruzzone, and all the others who had contributed to the project and to the Summer Concert Series.

Bob Reynolds, Moraga, a member of the Park Foundation, also expressed his appreciation to the generous donors who had enabled the project and thanked those who had donated in the past, present, and hopefully in the future as well.

Councilmember Trotter thanked everyone involved, particularly the Park Foundation which had made the project a reality.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Trotter) to adopt Resolution 23-2015 Accepting the Moraga Library Landscape Improvements as Complete and Funded by the Moraga Park Foundation. Vote: 5-0.
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The following item was taken out of agenda order, as earlier noted.

B. Annexation of a Portion of the Carr Ranch Property

Conduct Study Session on the Potential Annexation and Residential Subdivision of a Portion of the Carr Ranch Property and Provide Direction to Staff
(Continued from January 28, 2015 meeting)

Planning Director Ellen Clark presented the study session on the potential annexation and residential subdivision of a portion of the Carr Ranch property; and introduced Contract Planner Ben Noble working with the Town on the project, and Sean Tully, a member of the Contra Costa County Department of Conservation and Development, who was present to respond to questions related to the potential annexation.

Ben Noble, Contract Planner, presented the staff report. He reiterated that the item was a study session on the potential annexation and residential subdivision of a portion of the Carr Ranch property, asked the Town Council to provide input on the preliminary design of the residential subdivision, and explained that the next step to moving forward would be initiation of annexation of the property. He identified the project location, characteristics and the project concept in detail. He clarified that the 9-acre area shown on the plans had not been included in the area currently suggested for annexation based on the desire of the property owner who wanted it to remain under County jurisdiction similar to the remainder of the Carr Ranch property.

Mr. Noble described the applicant's proposed design features for the single-family residential project; the proposed annexation process pursuant to Local Agency Formation Commission (LAFCO) requirements; the Town's annexation policies; and the requirements for utilities and services for the potential subdivision.

Mr. Noble advised that if the Town Council wished to proceed with the annexation, staff would begin processing the application including initiation of environmental review through the California Environmental Quality Act (CEQA); a Town Council resolution to formally initiate the annexation application to LAFCO; and with the landowners begin the outreach process to neighbors to receive input on the preliminary project designs. Town staff would also solicit input from the Sky View neighbors regarding annexation into the Town; request preliminary input from LAFCO on whether annexation, as proposed, would conflict with its unincorporated island policy; and Town staff would begin discussions with the County Administrator's Office on the tax

sharing agreement between the Town and the County. He asked the Town Council to provide input on the overall project design and whether to proceed with the potential annexation.

Responding to Council, Mr. Noble identified the Town's General Plan requirements for the proposed single-family residential development; the properties north of Tharp Drive with a 3-DUA (dwelling unit per acre) zoning designation, and south of Tharp Drive which had a 1-DUA. He also clarified his understanding that LAFCO would not likely annex the Sky View neighborhood over the objection of the residents.

Assistant Town Attorney Karen Murphy stated that whether a vote for annexation would be required of the Sky View residents would be taken into account as part of the LAFCO proceedings.

Ms. Clark noted that LAFCO did have a policy regarding island annexation and that was the only situation where LAFCO might unilaterally require an annexation. In this case, three sides were surrounded by urbanized development with one side contiguous with the County unincorporated area. She noted that in most cases, the residents of uninhabited areas had the right to protest and to block annexation efforts.

Councilmember Trotter sought more information on the ability of Sky View residents to protest annexation including statutes to ensure that the Town Council had all the facts. He also sought more information on the benefits or detriments to the Town of the tax sharing agreement.

Mr. Noble understood there was an existing tax sharing agreement that could be used between the Town and the County, and typically a jurisdiction of the County would use the agreement as a starting point to negotiate a more specific agreement for proposed annexation. He outlined potential Town representatives who would be involved in that negotiation to ensure that the outcome was as advantageous as possible.

Ms. Keimach advised that the Town had 12 to 13 different taxing areas within its jurisdiction with slight variations in tax rates. Sky View was in the County's jurisdiction. As part of the negotiation efforts, negotiation with the other taxing beneficiaries and recalculation of the percentages received would be required. At this time, it was not beneficial for the Town to provide services to Sky View residents, although the Town currently provided police, fire, and streets. The Town did not add onto taxes whether in or outside of the Town and the only tax associated with the Town of Moraga was the sales tax, which was not property based. From the property owners' point of view, there would be no change. From the perspective of the Moraga School District (MSD), the MSD had its own district and had not carved out the Sky View neighborhood. She affirmed that County properties in the subject area had a tax which was specifically to cover the Town's park maintenance costs.

Ms. Clark provided further clarity on the density which was a function of lot size. She noted the 3-DUA zoning district had a minimum 30,000 square foot lot area; 2-DUA had a minimum 20,000 square feet; and 1-DUA had a minimum 10,000 square feet. Many residential subdivisions were developed as Planned Developments (PDs) allowing clustering and some variation of lot size. For the Non-MOSO Open Space, there was no specific density established in the Zoning Ordinance which is to be based on constraints and direction from the Planning Commission on what the appropriate density should be.

Mr. Noble advised that the existing County zoning on the property allowed one unit per five acres and applied to the entire portion of the subject property. This would not preclude the applicant from requesting different zoning from the County.

Sean Tully, Planner, Contra Costa County Department of Conservation and Development, Community Development Division, was unfamiliar with the Sky View development although he advised that he would gather more information on that issue for the Town Council. If the property owner decided to proceed with the application in the manner proposed, they would initiate the process with the County Advanced Planning section and discuss the early design. The next step would be to produce a feasibility study application, the first phase of a General Plan Amendment (GPA). The County Advanced Planner would then appear before the County Board of Supervisors and request authorization to move forward to study the proposed GPA, rezoning, and subdivision all together. If approved, the next phase would be a review of the application process as a whole including CEQA review, utilities and the like, with comments solicited from interested agencies and municipalities.

PUBLIC COMMENTS OPENED

Trent Watkins, Moraga, asked that prior to any additional development the Town address existing traffic conditions. He noted the alternate routes for bypassing Camino Pablo included Tharp and Rimer Drives along with Larch Avenue and any additional traffic would impact the neighborhoods along those routes.

Phillip Tringale, Sky View subdivision resident, stated that whether the property was annexed or not, the preliminary design appeared to be flawed on many levels. He suggested the proposal had been inappropriately planned with the sole goal of making a profit at the community's expense resulting in scarring of the hillsides and ridgelines, mass excavation of unstable landslide material, filling in fragile and complex drainage areas, and negatively impacting the environment of the community. He suggested there were alternative uses for the property that should be explored to the mutual benefit of the current landowner, the County, and the Town.

Matt Dobbins, Moraga, Dobbins Property LLC, thanked the Town Council and staff for considering the proposal. He provided a letter to the Town Council which offered support for the annexation approach, as proposed by staff, and was anxious to obtain feedback from the Town Council on the proposal. He took the opportunity to introduce the development team present in the audience.

John Hoover, Moraga, detailed the history of the property and surrounding properties, and noted the goal of the proposed design was to place the homes where they would not be as visible, with all of the open space towards Sanders Ranch and Carr Drive to remain open. He recognized the Sky View development wanted to be the last development in Moraga, but emphasized that the proposed project would retain the character of Moraga with a proposal that would leave the ridgelines alone and preserve open space.

Robin Cort, Moraga, reviewed the history of the Sky View development. She urged the Town Council to annex the property to ensure that the Town had input with respect to potential development given the past history with the County. She also urged that the land use be preserved as it was with no increase in density and with the open space to remain as it was.

Allen Sayles, Lafayette, reported that he had been asked to prepare development standards for the project with the goal of meeting master development standards, with great landscaping, green construction, solar energy, and with site unique and building designs. The developer had proposed a native landscape design and plant material that would receive water naturally, designed to survive the summer and exist without the use of pesticides and fertilizers. In terms of green construction, the project would carry the green concept all the way through as a model project for Moraga.

Mark Armstrong, development team member, explained that annexation was simple for the Carr Ranch portion as shown on the map for 20 plus acres. Annexation for Sky View would require a majority vote of the property owners and was not something in which the developer would be involved. He emphasized that the applicant had been asked to consider the annexation process at the request of staff. He referenced his experience with development projects in Moraga, and noted the primary difference between the County and the Town would be one of design in that the County Design Review Commission did not have the same expertise as the Town's Design Review Board (DRB), nor the same standards and design guidelines.

Gina Smith, Sky View Court resident, expressed concern with the potential density and whether annexation would be beneficial to the Sky View development. As the Town moved forward, she asked that Sky View residents be adequately noticed of any potential impacts to their properties. She added that based on the preliminary design, two of the proposed homes would view directly into her property.

PUBLIC COMMENTS CLOSED

Councilmember Trotter stated he had been a member of the Moraga Planning Commission when the Sky View Subdivision had been processed and approved by the County. The Town had no input on that project and concerns with that process had led to a Sphere of Influence (SOI) exercise, which had recommended a review of the areas outside of the Town's SOI, with direction that the area at the end of Camino Pablo be part of the Town's SOI. At that time, Canyon and the area of Bollinger Canyon Road had not been included in the Town's SOI. He had learned of the Carr Ranch project a year ago from Supervisor Candace Andersen; County Planning staff had been encouraged to reach out to the Town to avoid a repeat of the Sky View subdivision; he recommended that Town staff pursue the annexation of a portion of the Carr Ranch property given the Town's SOI to allow the Town to exercise its land use controls; and encouraged staff to obtain input from Sky View residents on the potential annexation.

Vice Mayor Metcalf also spoke to the history and background of the Sky View subdivision and noted those residents already received Town services. Pursuant to the General Plan, Sky View could not be annexed unless the Town was asked by its residents. He agreed that the legal issues needed to be clarified, including whether LAFCO could tell the Town that the area being proposed for annexation at Carr Ranch could not be annexed to prevent an island policy, and whether residents could be overridden by LAFCO. He agreed that the Town, not the County, should have control over any development which would be accomplished through annexation.

Councilmember Onoda respected the goal of the longtime landowners; was certain that annexation would be positive for Moraga; preferred annexation to occur first and discuss the zoning at a later date; and suggested the zoning needed to be clarified given discrepancies between the General Plan, and statements made by the County and the developer.

Councilmember Arth favored the Town having control of the annexation. He was also sensitive to the concerns of the Sky View residents and agreed they should be closely informed and have input in the process.

Councilmember Trotter understood as part of the annexation application that eventually there would have to be a decision made by the Town Council on the zoning, although with the annexation he understood rezoning would be in place and would remain in effect for a period of time after annexation occurred.

Ms. Murphy affirmed that the Town Council would have to prezone the property in order for LAFCO to deem the annexation application to be complete, which would be the subject of a

future Town Council action. When staff returned some items on the rezoning, those other issues could be addressed including the timing questions.

Given the study session, **Mayor Wykle** clarified that no action would be taken by the Town Council other than direction to staff. He too favored annexation and the ability of the Town to have input on any development.

C. Commons Park ADA Pathway

Consider Resolution 24-2015 Appropriating a Budget of \$44,000 Towards the Commons Park Americans with Disabilities Act (ADA) Path Project (CIP No. 15-304) for the Design and Construction Phases of the Project (*CEQA Status – This project is categorically exempt pursuant to Section 15304 of the California Environmental Quality Act (CEQA) Guidelines (“Class 4, Minor Alterations to Land”)*)

Parks and Recreation Director Ingram presented the staff report and asked that the Town Council appropriate a budget of \$44,000 towards the Commons Park Americans with Disabilities Act (ADA) Path Project (CIP 15-304) for the design and construction phases of the project. He noted there were different funding sources available although the resolution had mentioned Fund 100 – One Time Developer Fees/Palos Colorados.

Responding to Council, Mr. Ingram identified the costs for Phases 1, 2, and 3 with Phase 3 being the actual construction. He clarified that initially the project had been a larger scale project than actually designed; pointed out some savings in the initial cost of Phase 1; and explained that the plans had been developed to a biddable contract for a project at a cost of \$28,318. While the Park and Recreation Commission had recommended an asphalt path all the way up to the landing pad area, alternative costs to complete the project with decomposed granite (DG) had been provided.

Responding to Council, Mr. Ingram agreed the Park and Recreation Commission had discussed the concept of a meandering path and described the design option as an ADA Compliant switchback design option, and not as steep as the path to the band shell from the St. Mary's Road parking lot.

Mr. Ingram clarified the location of the landing pad; explained the path to the left of the trees, and that the tree canopy had been studied by the Park and Recreation Commission as part of a site visit. He also identified the location of an existing electrical conduit to accommodate future electrical needs for pathway lighting.

PUBLIC COMMENTS OPENED

Bob Reynolds, Moraga, explained that he had worked with the Park Foundation at the time the electrical conduit was installed; noting it had been intended to provide electrical to the bandshell and potential wiring for some bandshell sound that had never been developed. He trusted the designer was aware of the existence of the electrical conduit.

Mr. Ingram advised that the conduit ended at the top of the hill.

Graig Crossley, Moraga, supported the proposal, the idea of using the asphalt now, and keeping the design for the next phase as simple as possible to ensure no further inquiry of DG or other alternative. He encouraged the use of asphalt and noted that later discussions had suggested it would travel outside of the trees, which he suggested would be acceptable and leave the grass area undisturbed.

Mr. Reynolds supported the project as an important addition to Commons Park, particularly during the concert season, although he noted that the transition from concrete apron to grass tended to be swampy, and was important for those who were even slightly unsteady.

Bill Carman, Vice Chair of the Park and Recreation Commission, reported that the Commission had debated whether to use DG or hard pavement, and for purposes of maintenance Town staff had recommended the use of asphalt. The Commission also discussed the need for a path that was ADA compliant and useful for those with any handicap.

Mayor Wykle verified with Mr. Ingram that staff had checked other resources, such as grants to fund the project, but at this point there were no grants that could be considered.

Mr. Carman suggested if he was given 48 hours he could find potential grants.

PUBLIC COMMENTS CLOSED

Vice Mayor Metcalf suggested that if grants were being sought the project should be delayed to allow that to occur. He opposed the use of operating funds for a capital improvement project. Since Palos Colorados funds could be used for capital improvements and recreational facilities, he suggested the project was an appropriate use of those funds.

Councilmember Trotter emphasized that the cost for Phase 2 was a huge number for such a small project, and he questioned the use and cost of a consultant to design such a simple project.

Ms. Keimach suggested the use of a consultant was appropriate. She noted the project must go through the Public Contract Code pursuant to State requirements, which had a higher level of value, and if the cost was under \$45,000 the Town did not have to go out to bid. The local code had a much lower threshold and the item had been brought to the Council to have the local code match the Public Contract Code. She suggested the cost estimate could be reduced if the Town did not have to go through a formal bid. She recommended that the appropriation budget be left as is with Town staff to attempt to reduce that total through an informal bid as opposed to a full bid package, which was very expensive regardless of the project. She noted that Phase 2 included the development of the bid documents for construction which she suggested could be eliminated from Phase 2.

Vice Mayor Metcalf did not want to micro-manage Town staff, agreed that the numbers were out of line, and asked whether the Town Council could identify a not-to-exceed amount of \$40,000 total cost.

Ms. Keimach affirmed that direction would be possible.

Councilmember Trotter asked that such direction also include the notion that any monies that would be appropriated would be restored, if not spent, and if staff could secure grants or other source of funding that could also be used to restore any incursion of Palos Colorados funds.

Mayor Wykle also did not want to micro-manage staff, although the Town Council had a fiduciary responsibility to address the cost estimate numbers which were out of line.

Councilmember Trotter offered a motion to adopt Resolution 24-2015, appropriating a budget not to exceed \$40,000 towards the Commons Park ADA Path Project in the alignment as provided in the staff report; appropriate monies from the One-Time Developer Fee Fund (Fund 100) in that amount with the understanding that staff would attempt to minimize those costs, and

that any grants or other sources of funding be used to pay for this project in preference to the use of Palos Colorados funds.

Vice Mayor Metcalf requested an amendment to the motion that the path surface be asphalt.

ACTION: It was M/S (Trotter/Onoda) to adopt Resolution 24-2015, Appropriating a Budget Not to Exceed \$40,000 Towards the Commons Park Americans with Disabilities Act (ADA) Path Project (CIP No. 15-304) for the Design and Construction Phases of the Project; in the Alignment as Provided in the February 25, 2015 Staff Report; with the Path Surface to be Asphalt; Appropriate Monies from the One-Time Developer Fee Fund (Fund 100) in that amount; and with the understanding that staff would attempt to minimize those costs, and any grants or other sources of funding would be used to pay for this project in preference to the use of Palos Colorados funds (Fund 100). Vote: 5-0.

D. Final Map and Subdivision for SummerHill Camino Ricardo

Consider Resolution 25-2015 Approving the Final Map and Subdivision Improvement Agreement for Subdivision 9321, a Project Being Developed by SummerHill Camino Ricardo LLC, Accepting Grant Deeds of Development Rights, Authorizing the Recordation of the Irrevocable Offer of Dedication, and Authorizing the Town Manager to Execute the Lot Line Adjustment Agreement and to Take Other Actions to Effectuate Recordation of the Final Map

Senior Civil Engineer Laurie Sucgang asked the Town Council to adopt the proposed resolution approving the Final Map and Subdivision Improvement Agreement for Subdivision 9321, a project being developed by SummerHill Camino Ricardo LLC, accepting grant deeds of development rights, authorizing the recordation of the Irrevocable Offer of Dedication, and authorizing the Town Manager to execute the Lot Line Adjustment Agreement and take other actions to effectuate recordation of the Final Map.

Responding to Council, Ms. Sucgang explained that it was not uncommon to separate the improvements with four separate agreements; bonds could be released as the improvements were complete rather than having one large agreement and one bond covering everything with partial releases.

Ms. Murphy advised that two of the Subdivision Agreements were linked to private improvements and two to public improvements, and were dealt with differently in terms of acceptability.

Ms. Sucgang also added that public improvements included a warranty period while private improvements did not. The private improvements included all of the on-site improvements and the on-site private park as well as the on-site properties for drainage and bio-retention facilities. The entire development and its streets would be private.

Ms. Murphy clarified that the Irrevocable Offer of Dedication itself would be recorded although the actual offer was not being accepted at this point, the offer of dedication would return to the Town Council at the time those improvements were completed.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Trotter) to adopt Resolution 25-2015 Approving the Final Map and Subdivision Improvement Agreement for Subdivision 9321, a Project Being Developed by SummerHill Camino Ricardo LLC, Accepting Grant Deeds of Development Rights, Authorizing the Recordation of the Irrevocable Offer of Dedication, and Authorizing the Town Manager to Execute the Lot Line Adjustment Agreement and to Take Other Actions to Effectuate Recordation of the Final Map. Vote: 5-0.

E. Livable Moraga Road Community Survey

Consider Proposal for Community Survey of Livable Moraga Road Segment 3 Design Options and Provide Direction to Staff

Ms. Clark presented the staff report for consideration of a proposal for a community survey for Livable Moraga Road Segment 3 Design Options. Pursuant to Town Council direction, staff had made contact with Godbe Research, a professional survey firm which had assisted the Town in the Measure K polling, to determine the scope and costs of a survey on community preferences for the configuration of Segment 3. Godbe Research had offered a proposal for consideration as detailed in Attachment 1 to the staff report. She corrected the cost of the effort as identified in the staff report and noted that the estimate to complete the work would be slightly over \$34,000, not the \$12,170 figure identified in the staff report. A corrected version of the staff report had been provided to the Town Council and the public. The cost of the focus group itself would be approximately \$12,000 with an expected \$22,000 for the main survey.

On the discussion of the focus groups, **Vice Mayor Metcalf** commented that the Revenue Enhancement Community Outreach to Neighborhoods (RECON) effort had involved six focus groups and 90 people.

Councilmember Trotter questioned whether two focus groups of twelve to fourteen voters would be adequate for a meaningful and reliable survey.

PUBLIC COMMENTS OPENED

Charles Hester, Vice President, Godbe Research, described his background and experience with Godbe Research and explained that the focus groups were qualitative as opposed to quantitative; and that the proposal for two focus groups would frame the questions for the survey. If the Town Council had budgetary concerns, he suggested the focus groups be considered as an optional item, since a lot of information could be gleaned from work already done. The survey process would involve 5,700 households in the community, and may not include Saint Mary's College (SMC), with a more than 15 percent response rate expected but not guaranteed. The mail survey would allow everyone in the community the ability to participate in the survey process in a census style format, and would allow visuals to be provided to allow a choice of options as opposed to a telephone survey. He suggested the mail survey would produce the quantifiable statistically valid information and the focus groups would help frame the issues.

Mr. Hester described the process for the focus groups to consist of a broad base of the community, through gender, ethnicity, age, and geography, which would be used to inform the larger qualitative process used to design questions to ask the broader community. The survey would include a potential subcommittee to review the questions for the survey. He had no problem if the Town Council wanted to see the mail survey prior to its distribution.

Bill Carman, Moraga, a member of the Livable Moraga Road TAC, was pleased to see that the mail-in-survey would have the option for a pin number. He urged the public to be informed of the potential final project to allow the Town to make the right decision.

Christine Kuckuk, Moraga Planning Commission Chair, and a member of the Livable Moraga Road TAC, supported a public survey and a randomized sample since the project would affect everyone in the Town. She urged that the survey be designed to ask the right questions given what she characterized as a very complicated project, and supported the use of the existing TAC in the process of forming the questions.

Michael Carradine, Moraga, supported Segment C3, had attended many of the TAC meetings, and believed that some of the information presented during the TAC workshops had been incorrect, particularly related to future growth. He suggested if the route was changed to two lanes with a divider, it would result in an increase in capacity and with the maximum build out of the Town there would always be a Level of Service C. He detailed Options B and C, which he found to be similar, and suggested that his neighbors would be happy with either Option B or Option C.

Ellen Beans, Moraga, stated she had attended several of the TAC workshops and had participated in what she found to be an informative process. She had tremendous respect for the process the Town had used for Measure K, which was a very useful tool to create what had eventually been presented to the public. She supported the survey process, emphasized that the entire Town would be impacted by any decision, and involving more people via the process outlined would be worth the Town's time and money.

PUBLIC COMMENTS CLOSED

Vice Mayor Metcalf expressed concern with a statement attributed to a Councilmember at the January 14, 2015 Town Council meeting comparing the Livable Moraga Road Project to the Camino Pablo speed bump situation in 2007. He detailed the history of the Camino Pablo speed bumps and the involvement of the MOFD which had suggested the speed bumps would delay emergency response times to Sanders Ranch, leading to the removal of two of the speed bumps. He clarified that the Livable Moraga Road Project would not impact emergency responses, the MOFD had been involved in the Livable Moraga Road process, and a comparison of the two projects was inaccurate. He supported a survey, noted the RECON effort had included the use of focus groups which had been useful in framing the survey questions in that case, and recognized the challenges in formulating questions in this case given the complicated project. He suggested that once the questions had been formed, the Town Council should be allowed to review them and provide input prior to distribution.

Councilmember Trotter apologized for his comparison of the Camino Pablo speed bumps with the Livable Moraga Road Project in that each involved different processes. He wanted the focus groups to design a better questionnaire and questioned whether 24 people would be a sufficient number for the diversity being sought. He agreed that the sampling survey and the questions should be reviewed by the Town Council; suggested the possibility of three focus groups to ensure diversity; and wanted to know whether that could be done affordably.

Mr. Hester commented that surveys became more expensive with more done while focus groups, relatively speaking per group, became less expensive. He suggested that three or four focus groups could cost approximately \$5,500 per group. He added that he could facilitate the focus groups along with another individual given his experience with transportation planning.

Councilmember Trotter recalled that the facilitator for the RECON effort had provided assistance at no charge to the Town and questioned whether that person would be willing to provide similar assistance to the Town for this effort.

Vice Mayor Metcalf confirmed that the facilitator for the RECON effort had not charged the Town. In this case, he suggested that individual would likely not do the work free of charge. He

commented that the CCTA had done many focus groups, were knowledgeable of transportation, and someone with that type of knowledge should be sought.

Mr. Hester commented that topics and terminology with general topic-based questions could be asked of the focus groups. He expressed the willingness to discuss that further with Town staff and whatever body the Town Council determined to oversee the focus group process.

Responding to Council, Ms. Clark stated she was confident with the through-put numbers that had been presented to the TAC by the Town's Traffic Engineer, DKS, a well-respected traffic firm which had the background and skills to provide an accurate assessment. She recognized the challenges in predicting the future given the uncertainties with respect to growth and when capacity would be reached or exceeded but reiterated that the through-put, configuration of the lanes, when friction occurred, and existing configuration factors had all been weighed accurately.

Councilmember Trotter explained he would like to see the survey questions return to the Council to ensure that people were not seeing a static situation in 2015 but consider impacts to the travel lanes in the future. He sought a scientific sample that hit all of the key issues.

Vice Mayor Metcalf suggested not much would change in the Town in the next 25 years, and as a result the actual build out would be far below the projections; however, the public was under the impression that once a home was built traffic problems would result. He suggested the Livable Moraga Road Project was about safety, and noted that two traffic fatalities had occurred on the roadway and something must be done.

Mr. Hester commented that there was a section of the survey that would be more opened-ended, allowing people to provide opinions; another section that was more trade-off oriented and closed-in allowing a selection; allowing people to vent without impacting survey results.

Ms. Keimach noted that during the candidates' panel, nearly all Councilmembers had been desirous for the Town to remain as it was. The Town was retaining a professional surveyor to ensure, to the greatest extent possible, that the questions were not biased. She pointed out that the effort for Measure K involved a conversation over each question, and she was uncertain the Council was the right forum for that since an outside group, a focus group, or use of professional services to prepare the questions and to check for accuracy might be preferred.

Councilmember Trotter wanted the survey to be complete; to allow the public to be fully informed; and receive input that reflected the cross section of the Town.

Mayor Wykle agreed that all information should be provided, including the pros and cons, and agreed with a Council review of the questions while exercising restraint in changing the recommended questionnaire.

Councilmember Arth questioned the validity of the survey results; realized the Council would be able to see the survey before it was distributed in order to determine whether the questions were valid and appropriate; and agreed there should be a third focus group but questioned the cost.

Councilmember Onoda suggested the professionals had been hired to do their job. She was uncertain the focus groups were needed since there were already 300 people associated with the TAC process, but was willing to consider the focus groups. She emphasized the importance of a mail-in survey to allow everyone the ability to have a say, which had not occurred with the Camino Pablo speed bump situation.

Mr. Hester was aware that the Town had limited funds. He suggested that focus groups would help frame the questions for the survey, noted that three focus groups would be great, but given the limited budget, stated the survey itself would be the most important component.

Vice Mayor Metcalf commented that the RECON effort had involved the creation of six districts which had also captured the geographic portions of the Town, with a mapping of the voter districts to the road districts. While six districts might be excessive, he recommended and outlined four possible districts which would provide approximately 2,500 voters per district.

Mr. Hester suggested the focus groups would have area-specific questions with a review of the area-specific issues, with the project considered from a Town-wide perspective.

Ms. Keimach asked the Town Council to consider two focus groups, give authority for up to three, but if the first focus group was similar to the second and nothing new was learned, there could be a determination not to proceed with a third focus group to avoid the expenditure of additional funds.

Mr. Hester agreed, although he noted that if geographic sampling was required for the focus groups a decision for two or three focus groups would have to be made up front. He affirmed that the entire Town could be done in each focus group as well as the use of voter files to ensure that a portion of the Town would not be under-represented.

Councilmember Trotter recommended two focus groups with 15 people, although Mr. Hester noted that there were usually two to three dominant participants; he was comfortable with up to 12 people per focus group with 14 to 16 recruited to seat the 12, for a total of 24 people.

Councilmember Trotter made a motion to direct staff to work with the proposal provided by Godbe Research, which was seconded by **Councilmember Onoda**. On the motion, **Vice Mayor Metcalf** verified with staff that Measure J funds could be used for the project and should be considered in that regard. **Councilmember Trotter** amended his motion for the effort to be paid by the General Fund, or Measure J funds, if available and appropriate for this expenditure, in an amount not to exceed \$40,000.

ACTION: It was M/S (Trotter/Onoda) to direct staff to work with the proposal provided by Godbe Research; provide at least initially two focus groups, with an option for a third focus group if in the judgment of Godbe Research and Town staff that would be productive; design a draft of a sample questionnaire to return to the Town Council for its review and approval prior to mailing to the community; with the effort to be funded out of the General Fund or Measure J funds, in an amount not to exceed \$40,000. Vote: 5-0.

F. Cooperative Agreement with CCTA for MCSP Implementation Project

Consider Resolution 26-2015 Approving the Cooperative Agreement with the Contra Costa Transportation Authority (CCTA) for Administration of \$150,000 Priority Development Area Planning Grant Funds for the Moraga Center Specific Plan (MCSP) Implementation Project; and Direct Staff to Return to Town Council with a Draft Charter for a Steering Committee

Planning Director Clark presented the staff report for consideration of a resolution to approve a Cooperative Agreement with the CCTA for the administration of \$150,000 Priority Development Area (PDA) Planning grant funds for the MCSP Implementation Project. She asked that the Town Council approve the resolution as shown in the staff report, and direct staff to return to the Town Council with a draft charter for a steering committee.

Responding to Council, Ms. Clark explained that the consultant team, as identified on Page 2 of the report, included an individual who had experience in developing conventional use based codes, who would work closely with Opticos, the project lead with a specialization in form-based approaches to zoning to ensure that the code could include both form-based and conventional zoning standards.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Onoda was excited about the project and wanted to be a part of it.

Ms. Clark recommended the inclusion of a member of the Design Review Board (DRB) as part of the Steering Committee.

Councilmember Trotter supported the approach and agreed that adding a DRB member made sense.

Ms. Clark clarified that the Town had requested, and received, \$150,000 from the CCTA grant.

Vice Mayor Metcalf clarified with staff that a total of ten grants had been awarded by the CCTA. He suggested the Town's grant had been well thought out although the total had been too low; understood there could be some funds available in the second round; and encouraged staff to consider what could be done if additional funds became available. He commented that from a CCTA standpoint, there was concern that the PDAs would not be developed in communities with too many things going on; the CCTA was interested in helping communities implement their PDAs; the program had been designed to make PDAs a priority; and the administrative burden was on the CCTA and not the cities/towns.

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 26-2015 Approving the Cooperative Agreement with the Contra Costa Transportation Authority (CCTA) for Administration of \$150,000 Priority Development Area Planning Grant Funds for the Moraga Center Specific Plan (MCSP) Implementation Project; and Direct Staff to Return to Town Council with a Draft Charter for a Steering Committee that would consist of two Councilmembers, two Planning Commissioners, one Design Review Board Member, and three other representatives from the community to reflect a balance of property, business, and residential owners and/or interests. Vote: 5-0.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

By consensus, the Town Council determined not to consider a fee waiver request from the American Cancer Society for its Relay for Life event.

Vice Mayor Metcalf reported that he had been contacted by a representative from Evolve desirous for the Town to consider a ballot initiative as related to a loophole on Proposition 13 property assessments.

Councilmember Trotter reported it had been the consensus of the Town Council last fall not to consider the request as a future agenda item.

Vice Mayor Metcalf asked the Town Manager to contact Evolve and forward the decision of the Town Council. He also referenced Assembly Bill (AB) 528, which had been introduced by

Assemblymember Catharine Baker. He noted that Assemblymember Baker had asked him to approach the Town Council to consider the matter as a future agenda item.

ACTION: It was M/S (Trotter/Onoda) to extend the Town Council meeting to 11:05 P.M. Vote: 5-0.

By consensus, the Town Council agendaized a discussion of AB 528 as a future agenda item, with staff directed to contact Assemblymember Baker to learn of the next legislative cycle.

Vice Mayor Metcalf also requested consideration of security cameras and license plate readers, with staff asked to provide information on the potential for such technology.

Ms. Keimach suggested that the item return as a future agenda item to allow the Chief of Police to give a presentation on the impacts, resources, and processes required.

Chief of Police Robert Priebe advised that preliminary work had already been done on the topic with specifics on the application to Moraga.

By consensus, the Town Council agendaized a discussion of security cameras and license plate readers as a future agenda item.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

ACTION: It was M/S (Trotter/Onoda) to adjourn the meeting at 11:02 P.M. Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Roger N. Wykle, Mayor