

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**March 11, 2015
MINUTES**

7:00 p.m. Regular Meeting

Joaquin Moraga Intermediate School Auditorium
1010 Camino Pablo, Moraga, California 94556

I. CALL TO ORDER

The regular meeting was called to order at 7:01 p.m. by **Mayor Roger Wykle**.

ROLL CALL

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

Councilmembers absent: None

II. PLEDGE OF ALLEGIANCE

Councilmember Onoda led the Pledge of Allegiance.

III. SPECIAL ANNOUNCEMENTS

Mayor Wykle reported that the Town Council had met in Closed Session and there was no reportable action.

IV. PROCLAMATIONS AND PRESENTATIONS

- A.** Presentation on the State of the Contra Costa Mosquito & Vector Control District (CCMVCD) by Myrto Petreas

Myrto Petreas, representative for the Town of Moraga, Board of Trustees for the Contra Costa Mosquito & Vector Control District, reported she would be stepping down from the appointment she had held for the past 15 years. She identified the purpose of the CCMVCD to protect the health of the County's residents from the spread of disease from pests and insects, which was funded through tax dollars, with an emphasis on prevention. Residents were encouraged to contact the CCMVCD to report any problems with standing water or problems that could arise with mosquitos and yellow jackets. She spoke to the advances in Geographic Information System (GIS) technology, with advanced transparency in all CCMVCD activities, and expressed the willingness to aid in the transition to another representative for the Town.

The Town Council thanked Ms. Petreas for her many years of service to the Town of Moraga.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Proclamation Recognizing March 2015 as Prescription Drug Abuse Awareness Month

Jaime Rich, Environmental Prevention Program Director, Center for Human Development, representing the Lamorinda Alcohol Policy Coalition, thanked the Town Council for its continued support of the Coalition; announced a special screening of a short film documentary titled "Out of Reach," to be followed by a panel discussion, with showings scheduled for March 23 at the Acalanes High School Library, and March 25 at the Orinda Theater. Flyers for the event and other Coalition programs were provided to the Town Council. In addition, she reported the Coalition would be working with both athletes and coaches in the fall to address the use of prescription drugs in response to sports injuries.

Mayor Wykle read into the record a proclamation recognizing March 2015 as Prescription Drug Abuse Awareness Month and presented the proclamation to Ms. Rich.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Barbara Simpson, Moraga, suggested the Town Council's recently adopted Historic Preservation Ordinance, which had not included property owner consent, was a violation of property rights, a violation of the Constitution, and an abuse of power. Not opposed to historic designations, she suggested the way the ordinance had been written made it difficult for a property owner to use or sell a historically designated property. She expressed concern the Town Council action could result in costly litigation against the Town; suggested those Councilmembers who had supported the ordinance could face a recall; and urged the Town Council to modify the ordinance to include property owner consent.

Denise Duff, Moraga, Boardmember for the Moraga Citizens Network (MCN), took the opportunity to thank Town staff and citizens for their support, and the Mayor and Councilmembers Arth and Onoda for attending MCN's 10-Year Anniversary celebration.

Edy Schwartz, Moraga, thanked Councilmember Onoda for attending the induction ceremony for Vincent Price at the Rheem Theatre on March 7.

VI. ADOPTION OF CONSENT AGENDA

A. Approval of Consent Items

Consent Item 3 was removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

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| 1) | Accounts Payable Claims for: 2/20/15 (\$775,912.22);
2/27/15 (\$3,876.28) | Approved |
| 2) | Approve Minutes for the Joint Town Council and Moraga
School District Governing Board Special Meeting on October
22, 2013 | Approved |
| 3) | <i>Approve Minutes for the Special Town Council Goal Setting
Workshop on January 22, 2015</i> | <i>Removed</i> |
| 4) | Consider Resolution 27-2015 Authorizing the Town Manager
to Award a Contract Services Agreement to East Bay Tree
Service (Moraga) for On-Call Weed Abatement Services in
an Amount Not to Exceed \$25,000 Annually, Contingent on
Available Annual Budget Appropriations for a Total Contract
Period of Three Years with an Option to Extend for an Additional
Two Years | Approved |
| 5) | Consider Accepting Donation of Wooden Pear from Laszlo
Bonnyay | Approved |
| 6) | Consider Resolution 28-2015 Providing for the Publication in
Summary Form of Town Ordinances Pursuant to California
Government Code Section 36933 | Approved |

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for the Special Town Council Goal Setting Workshop on January 22, 2015

Councilmember Trotter advised that redline changes had been made to the Town Council Special Goal Setting Workshop minutes of January 22, 2015, copies had been provided to the Council and the public, and he asked that the Council approve the minutes, as modified.

ACTION: It was M/S (Trotter/Arth) to approve the Minutes for the Town Council Special Goal Setting Workshop on January 22, 2015, subject to the redline changes provided to the Town Council and the public. Vote: 5-0.

VII. ADOPTION OF MEETING AGENDA

By consensus, the Town Council modified the meeting agenda and moved Item A under Ordinances, Resolutions and Requests for Action, to Item A under Discussion Items; and Item B under Ordinances, Resolutions and Requests to Item B under Public Hearings, with the remaining agenda items to be renumbered accordingly.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Onoda) to modify the meeting agenda and move Item A under Ordinances, Resolutions and Requests for Action, to Item A under Discussion Items; and Item B under Ordinances, Resolutions and Requests to Item B under Public Hearings, with the remaining agenda items to be renumbered accordingly. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Wykle – Reported that he had attended the Central Contra Costa Solid Waste Authority (CCCSWA) Board meeting, now retitled RecycleSmart, on February 26; the Moraga Citizens Network 10-Year Anniversary on March 4; prior to MCN celebration a meeting with Tim Farley, Saint Mary's College (SMC) Director of Community and Government Relations to discuss SMC issues; and the Mayors' Conference on March 5.

Vice Mayor Metcalf – Reported that Los Perales Elementary School planned to replace the playground structure in the upper field with participation from the Kiwanis Club and SMC students, with details available through the Parks and Recreation Director; and reported the floor of the Moraga band shell would be replaced next weekend, also with Kiwanis and SMC involvement.

Councilmember Arth – Reported that he had met with SMC's Director of Community and Government Relations on March 2; Moraga residents Frank Comprelli and David Gow to discuss the SMC intramural playing field lights on March 5; spoken to local Boy Scout Troop #234 on March 3; met with the Chamber of Commerce to discuss a new pamphlet to be utilized by the Planning Department for new businesses on March 11; and met with the Town Clerk this date to present his Form 700 and Ethics Certificate.

Councilmember Onoda – Reported that she had attended the Women's Leadership Network at SMC, an interview with Women in Central Public Service on March 4; the Moraga Citizens Network 10-Year Anniversary on March 4; the Mayors' Conference in Martinez on March 5; the induction ceremony for Vincent Price at the Rheem Theatre on March 7; and had met with SMC's Director of Community and Government Relations and several neighbors of the Bluffs.

Councilmember Trotter – Reported that he and the Mayor had attended the monthly meeting of the CCCSWA Board on February 26; the Mayors' Conference in Martinez on March 5; and with several neighbors in the Bluffs neighborhood, Moraga resident Berry Behr, and SMC President Jim Donahue earlier in the day.

B. Town Manager Update – No report.

IX. DISCUSSION ITEMS

A. Local Sales Tax Oversight Committee/Annual Report

Review and Accept Local Sales Tax Oversight Committee's Independent Report for FY 2013/14 to the Town Council Regarding the Revenue and Expenditures of the Transactions and Use Tax

Administrative Services Director Stephanie Hom introduced the Chair of the Local Sales Tax Oversight Committee and members of the committee present in the audience.

Larry Rosenberg, Chair, Local Sales Tax Oversight Committee, presented the staff report, asked that the Town Council review and accept the Local Sales Tax Oversight Committee's Independent Report for Fiscal Year 2013/14 regarding the revenue and expenditures of the Transactions and Use Tax, and expressed his appreciation to Town staff for the documentation which provided clear information on the Town's expenditures and revenues. He reported that the Committee had held five public meetings over the past year and would meet again on June 3, 2015 prior to the commencement of Phase 3 of the Resurfacing Project. He detailed the purpose and work of the Committee resulting in the independent report of the Town's revenues and expenditures for Measure K and publicly thanked the Committee members who had prepared and detailed the findings of the report.

Responding to Council, Mr. Rosenberg explained that the Committee's meetings had been sparsely attended with the exception of one meeting when 30 participants concerned with resurfacing in their neighborhood had attended and Town staff had been present and available to respond to questions. He clarified that to date no Measure K monies had been spent on project management staff costs, which had come from Measure J or other funds. He stated the Committee recognized and was sensitive to allocating the use of Measure K monies to hard costs as opposed to soft construction costs.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

The Town Council thanked the entire Local Sales Tax Oversight Committee for its work.

Vice Mayor Metcalf emphasized the importance of project management to make a project work.

ACTION: It was M/S (Trotter/Metcalf) to Accept the Local Sales Tax Oversight Committee's Independent Report for FY 2013/14 to the Town Council Regarding the Revenue and Expenditures of the Transactions and Use Tax. Vote: 5-0.
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Vice Mayor Metcalf reported he had been advised by the Assistant Town Attorney that he must recuse himself from the discussion of the next item since he lived within 500 feet of the border of the Rancho Laguna II project, although he personally had no conflict of interest. He stepped down from the dais at that time.

B. Rheem Boulevard Closure

Receive Report on the Proposed Closure of a Segment of Rheem Boulevard between Moraga and St. Mary's Road for the Construction of the Lower Rheem Stabilization and Road Repair Project in Conjunction with Subdivision 9330, Rancho Laguna II

Senior Civil Engineer Laurie Suggang, presented a PowerPoint presentation of the proposed closure of a segment of Rheem Boulevard between Moraga and St. Mary's Road for the construction of the Lower Rheem Stabilization and Road Repair Project in conjunction with Subdivision 9330, Rancho Laguna II, and provided information on the prospective road closure and strategy for management of traffic and access impacts during the construction period. She explained that many details would be addressed as part of a formal agreement between the Town and the developer, to be brought back to the Town Council at a future meeting.

Ms. Sucgang identified the proposed schedule with construction to commence in spring/summer 2015, subject to permit approvals; slide repair would take between four to six months; the road closure would occur between 500 and 591 Rheem Boulevard; identified where closure notices would be posted; and stated notices would be mailed to all residents on Rheem Boulevard between Moraga Road and St. Mary's Road. The proposed detour plan during the construction period included an emergency route plan to be created in coordination with the Moraga Police Department and the Moraga-Orinda Fire District (MOFD), and notices would be provided to a number of affected agencies. Staff would utilize all public outreach methods to inform residents and commuters. One property located within the limits of the project area, identified as 500 Rheem Boulevard, would require the developer's contractor to provide access at all times.

Responding to Council, Ms. Sucgang identified the project area where the repairs to the road would occur and explained that when the item next returned to the Council a better map could be provided to show the exact location where the road repair would commence. She understood the developer expected all project approvals would be obtained during this construction period.

Town Manager Jill Keimach clarified how the development impact fees associated with the project had been calculated. If the Town Council waived those fees, she referred to excerpts from Planning Commission Resolution No. 05-14, where the Town would still receive funds from the developer in order to repair Rheem Boulevard. Potentially, the Town could also choose between the use of development impact fees or fees from the Quimby Act, which would be brought back to the Town Council at the time the agreement was presented. She noted it was staff's intention to obtain as many fees as possible.

Ms. Sucgang also clarified that the costs for the project would only cover the Lower Rheem Stabilization and Road Repair Project, with other work ongoing for the project.

PUBLIC COMMENTS OPENED

Barbara Simpson, Moraga, asked whether sidewalks would be provided on either side of Rheem Boulevard as part of the project, to which Ms. Sucgang explained that pursuant to the project conditions of approval, the developer would be required to install pedestrian facilities along the Rheem Boulevard frontage.

PUBLIC COMMENTS CLOSED

The Town Council received the report on the Rheem Boulevard closure.

Vice Mayor Metcalf returned to the dais at that time.

X. PUBLIC HEARINGS

A. Saint Mary's College Appeal

Conduct a Public Hearing to Consider Resolution ___-2015 Regarding an Appeal Filed by Saint Mary's College of the Planning Director's Decision Requiring Saint Mary's College to Reduce the Hours of Operation of Intramural Field Lights from 10:00 p.m. to 9:00 p.m.

Planning Director Ellen Clark presented the staff report for consideration of an appeal filed by SMC of the Planning Director's decision requiring SMC to reduce the hours of operation of its Intramural Field Lights from 10:00 p.m. to 9:00 p.m. She described the background of the appeal; the Design Review Board (DRB) approval of the Intramural Fields and Lighting on March 28, 2011; the Town Council public hearing on February 27, 2013; proposed measures to

address lighting and noise including modifications to the existing field lights; an Operations Plan; and the College's intended future application to amend the hours of operation. She asked that the Town Council conduct the public hearing and provide input to Town staff on the appeal request.

APPELLANT:

Jim Donahue, President, SMC, requested that the Town Council restore the use of the Intramural Field Lights to the original 10:00 p.m. shut-off. He emphasized SMC's core commitment to educate its students as whole persons in mind, spirit, and body, evidenced by the dedication of the new Alioto Recreation Center on March 12. He commented on the importance of the Alioto Recreation Center which had reduced the field area from 100,000 to 40,000 square feet necessitating relocation of the intramural field. He commented that SMC, a dynamic campus with students active from morning until late at night, had been diligent in addressing the issues of lighting and noise. The 9:00 p.m. cut-off had significantly curtailed the ability of many SMC students to participate in intramural sports or recreational opportunities. He asked the Town Council to consider changing the shut-off for the intramural field lights to 10:00 p.m.

President Donahue reported that in March 2014, SMC had commissioned a public opinion research poll of Moraga residents which had found that nearly 80 percent believed the lights should be on until 10:00 p.m., or later. He pointed out many high schools had lights and loudspeakers, with shut-off times later than 10:00 p.m., as did the Hacienda. He understood this issue had history, had created concerns about trust between SMC and the Town, and one of his primary goals on becoming President was to foster and develop positive and constructive relationships between SMC and the Town of Moraga. He emphasized he would be the person responsible for ensuring that SMC followed through on what it said it would do.

President Donahue also reported that SMC had taken many steps to address issues with its closest neighbors, and was prepared to substantially invest resources to redesign the lights by adding three additional poles and removing the top row of lights, which should achieve a reduction in the glare of up to 90 percent for some of the neighbors. He added that Town staff had submitted the conceptual plans which had been peer reviewed, and there was agreement the improvements proposed by SMC would provide dramatic reductions in the levels of discomfort glare for the residential neighbors. SMC was also prepared to limit the operation of the lights from 365 days a year, as currently allowed, to 305 days a year in conjunction with improved public notice of the use of the intramural fields. While it was SMC's desire to utilize the fields until 11:00 p.m., he acknowledged the request was for a shut-off at 10:00 p.m.

President Donahue also noted as part of the improvements, a new sound system had been planned for SMC's stadium located adjacent to the intramural fields. While this was not part of the issue before the Town Council at this time, it would help reduce the spillover sound to the neighborhood. He added that SMC had a student code of conduct which had a component of being a good neighbor, and SMC expected its students to comply with that code. He urged the Town Council to restore the intramural field lights to the original 10:00 p.m. shut off.

PUBLIC COMMENTS OPENED

David Gow, Moraga, suggested the recommendations for improvements SMC had identified had previously been rejected by the Town Council; "no profanity" signage did nothing to address the noise situation; the resolution and conditions under consideration included no performance standards and there was no enforcement if the design were to fail; and he requested that the Town Council reject the appeal. He pointed out the SMC playing field was on rural land requiring lower ambient light levels, and while the Town could permit higher light levels, a

process pursuant to the State Energy Code required a separate public hearing. He suggested taking the President of SMC at his word and was willing to wait and see how the design worked and then consider other changes at that time.

Peter Snell, Moraga, found the documents supplied by SMC for the appeal to be misleading. He disputed the statements that SMC had worked with the neighbors, and while a representative from SMC had come to his residence in the last three years to view his concerns with the lighting and he had been told that the matter would be addressed, he had no response from SMC since that visit. He questioned the parameters and results of the referenced survey, questioned the comparison of hours and use of intramural field lights with other school campuses, and emphasized that the lights affected him while the noise affected everyone in the neighborhood.

John Tomei, Moraga, opposed SMC's appeal request due to the light intrusion and noise impacts, and commented that the noise level had increased over the past several months with yelling and occasional profanity. He found that the current 9:00 p.m. shut-off had not consistently been followed and suggested if extended, there was no assurance the activities would end at 10:00 p.m. If the Town Council permitted an extension of the hours of use for the intramural field lights, he asked that it only become effective after the poles and lights had been installed, tested, and reviewed.

Frank Comprelli, Moraga, provided written comments dated March 12, 2015, expressing opposition to SMC's appeal; expressing concern with a long list of promises made by SMC; and citing a previous agreement between the Town and SMC regarding the hours of operation for the intramural field lights, at which time SMC had promised to turn off the lights completely when school was not in session and work with the Bluffs neighborhood on any other issues. He noted that SMC's changes to the lighting were not for student safety or intramural requirements but to comply with NCAA play, leading to concerns of what could occur in the future. Given that and other concerns, he asked that SMC's request be denied.

Clair Hotten, Moraga, a resident of the Bluffs neighborhood, also emphasized the noise impacts from the use of the intramural playing field and opposed the extension of hours beyond 9:00 p.m. He was unaware of any other facility in the Town which allowed lights and activities after 10:00 p.m. with the exception of high school football games which occurred on Friday or Saturday evenings a few times a year. Referencing the survey used by SMC, he noted that none of the questions dealt with the amount of noise that could be generated in that the survey had addressed lighting only. The survey had also not included any input from the Bluffs neighborhood. He urged the Town Council to deny SMC's appeal.

Gary Howard, Moraga, commented that while he had enjoyed the noise from the football games, he opposed an extension of intramural field lights to 10:00 p.m. He also recalled during prior hearings that SMC had stated the lights would not be operated when the school was not in session, during times of rain, and would only be on when the fields were in use. SMC had also promised to shield the lights, which had not occurred. He emphasized the glare from the lights and noise from the playing fields had completely changed his family's way of life. Given that SMC was located within a natural amphitheater, noise impacted the nearby residents. He emphasized the Bluffs neighborhood had made attempts over the past two years to work with SMC to address the concerns with noise and lights to reach a compromise, and had been told in writing that SMC was too busy to meet with neighbors. SMC had also rejected compromises from its own mediators. He urged the Town Council to read the letter submitted by the Gow family which had detailed the many flaws in the documents SMC had submitted to the Town for approval, and which would not be fair to the Town or communities located adjacent to SMC.

Marty Storti, Associate Athletic Director for Administration, SMC, explained that he scheduled the use of the intramural field, which had more requests than time to accommodate those requests. If the hours of use for the intramural field were extended to 10:00 p.m., it would help meet the needs of interested parties. He noted that profanity was prohibited, and when SMC was made aware, that profanity would be addressed. He reported he had received no complaints regarding the use of profanity. He expressed a willingness to address those issues.

Mark Ginestro, Moraga, thanked Councilmember Onoda for visiting his home to hear the noise impacts associated with the intramural fields. He stated he had submitted an e-mail and audio file illustrating the noise impacts from the SMC intramural field to the Town. As a business professional with a young family, the noise had impacted his family's ability to sleep. He had researched decibel levels on the Internet and provided copies of information he had collected to the Town Council. He too had not been consulted about the survey SMC had completed.

Gerri Joyce, Moraga, a resident of the Bluffs, advised that the residents of 1910 Joseph Drive, who were also affected by the noise, had been unable to attend the meeting and she asked that their recommendation for a 'no' vote on SMC's appeal be part of the record. As a resident and mother, she stated the neighborhood was fairly quiet by 8:00 p.m., particularly during school nights. She suggested allowing the intramural field lights to be operational until 10:00 p.m. would be inappropriate; commented there were already activities on the fields during the early morning hours; suggested that most local sports events were over by 9:00 p.m.; and re-emphasized that both the lights and the noise disrupted the neighborhood. She asked that the Town Council reject SMC's request.

Denise Duff, Moraga, supported SMC and its students, acknowledging that many SMC students had been hired to watch local children, worked in the local community, and that SMC attracted great kids who were valued in the community. She found SMC's efforts to be a show of good faith; suggested residents were aware of SMC when they had purchased their homes; and it was expected the campus would grow and change over time, which was necessary for the vitality of the community. She urged the Town to strengthen its relationship with SMC and its students, and support SMC's appeal given that SMC had worked to address light placement, days of operation, and sound.

Tom Marnane, Moraga, a member of the Planning Commission, provided comments in writing submitted this date. His principal concern was that SMC had not provided adequate technical input on the lighting from the start which had negatively impacted the community, with no improvements accomplished since that time. He understood that SMC had solicited a proposal from Zeiger Enterprises which had been peer reviewed by O'Mahoney and Myer. The review concluded that while every home would not receive the same level of improvement, there would be significant and dramatic improvements in the level of discomfort for many residential neighbors. He saw no reason to change the operating hours at this time but suggested it might be possible for favorable approval when SMC had completed the proposed modifications and held meetings with the most affected neighbors. After that time, SMC could return for reconsideration of the operation of the intramural field.

Hope Blain, President of Associated Students, SMC, suggested an extension of hours for the intramural field lights would significantly increase the amount of student recreation, important for the vitality of SMC students, and would provide flexibility for students to participate in recreation programming and fully immerse themselves in the SMC student experience. Approval of SMC's appeal would also renew and reaffirm the relationship between SMC and the Town of Moraga.

Andrea Firth, Moraga, stated she could view the lights and playing fields clearly from her residence. Her family had not found the lights and noise to be problematic and understood it went hand-in-hand with being in close proximity to the SMC campus. She appreciated the

considerations SMC had proposed, suggested they were wonderful neighbors, and found the SMC campus to be a larger extension of her rear yard. She found the sounds from the activities to be joyful, was confident SMC would address concerns, had experienced no distractions from the noise from the SMC campus either from inside or outside her residence, and following a review of the design, she would be amenable to a change in a shut-off time of 10:00 p.m.

Edy Schwartz, Moraga, commented that she had seen improvement in the past few years with SMC. She found that SMC had done its due diligence to reduce the glare from the lights, and when the Town Council had decided in 2013 to turn the lights off at 9:00 p.m., there had been no complaints about lights and noise until the item had been agendaized when letters of support and dissent had been submitted to the Town. She understood the Town and SMC had a process to handle complaints, and suggested the Town had the responsibility to create an atmosphere that enhanced the lifestyle of its residents while residents had the responsibility of due diligence to ensure a positive environment for themselves and their families. She referenced the history of Moraga Country Club and the Moraga Tennis and Swim Club, which had its lights operational until 10:00 p.m., and was located within a residential area. She suggested SMC had done a good job with its proposal to reduce the glare of the lights, and found it a matter of trust, with a system in place to address any problems. She urged the Town Council to approve SMC's appeal.

William Mueser, Moraga, stated that one of his neighbors had submitted correspondence to the Town Council and he agreed with that neighbor's comments. He expressed concern with the noise impacts and had approached SMC to have the noise addressed. Familiar with the history of SMC when it had only 900 students, it now had a population of 4,000 students. He suggested expanding the hours of the intramural field lights to 10:00 p.m. was unnecessary.

Lisa Rose, Moraga, expressed opposition to SMC's appeal based on noise and light impacts. She suggested 9:00 p.m. was a reasonable shut-off time.

Barbara Simpson, Moraga, commented that she had never heard noise from the SMC campus during the evening. She recognized the school had to grow, was trying to do it well, and suggested 10:00 p.m. was not an unreasonable shut-off period. She also agreed that SMC should do all it could to address the noise and light impacts.

Bill Carman, Moraga, commented that he could hear the sound from the SMC campus, and the loudspeakers at Campolindo High School. He could also view the lights from the SMC campus. He suggested there were many options homeowners could consider to mitigate light and noise, and that SMC games could end around 9:45 p.m. with the lights off by 10:00 p.m.

Lynda Snell, Moraga, noted the survey generated by SMC did not mention the noise generated by the campus; and there were a number of school-age children who resided in the Bluffs neighborhood who were affected by the lights and noise until 10:00 p.m. She did not believe SMC was committed to making any changes to the current design pursuant to its submitted documentation, which led to concerns with the use of additional fields in the future; there had been no story poles installed or Environmental Impact Report (EIR) prepared; and SMC had spent millions on sports facilities with little improvements to the dorms, libraries, or student education needs. She referenced the past efforts to incorporate the Town, expressed concern SMC had replaced the County in forcing its desires on the Town, and urged the Town Council to reject SMC's appeal as proposed.

The following individuals did not speak but asked that their comments be part of the record:

David Taylor, Moraga, "Please do not let Saint Mary's keep the lights on until 10:00 p.m."

Ligia Taylor, Moraga, "Dear Moraga Town Council, as a resident of the Bluffs neighborhood in beautiful Moraga, I, as well as my family, oppose Saint Mary's College proposal to keep the intramural field lights on until 10 p.m. This action would be against the Town's philosophy to be a rural type Town. The lights and noise impact our neighborhood and goes against what Moraga's philosophy as a Town. This action would impact the life style of the Bluffs residents."

REBUTTAL:

President Donahue recognized the concerns expressed, acknowledged there were real issues, emphasized SMC was committed and had demonstrated its commitment in addressing the specifics, and the issues with respect to noise or inappropriate language could be handled in a more intentional basis when moving forward. He acknowledged that SMC students would need to understand their actions had an impact on the SMC campus. He suggested the issues SMC had outlined were appropriate to address, and when moving forward SMC would be able to create the conditions to address some of the issues through interaction and communication with the Town. He agreed SMC should be accountable for its actions and expressed his hope that the Town Council would agree to extend the hours of operation for the intramural field lights to 10:00 p.m.

Jan Myer, President, O'Mahoney & Myer, advised he had provided a peer review of SMC's lighting consultants Zeiger Engineers. As stated in his report, he had completed a detailed calculation which had projected an imaginary plane from the location of one of the nearby residences on the hill, which had projected a 90 percent reduction, and which he had peer reviewed. As his report had concluded, not everyone would enjoy the same improvement given that homes were in different locations, lights were at different angles, and while some could expect a 95 percent improvement others may have a lesser improvement. A more exact conclusion would require computer modeling of all of the other homes or a large selected number to reach an approximation, which would be too costly. He did not have sufficient information to confirm everything in SMC's report from Zeiger Engineers, although he stated their report had done a good job of identifying the problems. While glare could not be eliminated entirely, it could be reduced. He noted that many of the lights had been aimed down to provide lighting for the playing field, and were hitting the light fixtures below, which was the source of the glare. With the proposal to move everything from a two- to a one-tier light arrangement, and by increasing the height of the poles, they would be able to cover the field more uniformly. Based on his 35 years of experience, he suggested there would be significant improvement through the considerations proposed by SMC. He also stated that lighting was subjective and not an exact science.

Councilmember Arth sought assurance that the sound impacts would be improved and that the lighting impacts would be reduced. He commented that Mr. Zeiger had visited his personal residence, had recognized the concerns with the lights, but again sought assurance that the lighting would be improved enough to allow the Town Council to support SMC's appeal.

Mr. Myer spoke to the changes in the lighting industry and technology over the years, and stated he had not been present when the lights had been operable at SMC in the evening. He had reviewed modeling done by others, did not have the data to see the changes proposed to measure the differences, although it was possible to conduct a spot check or a qualitative calculation could be done when the improvements were in place to identify a reduction in glare from the lighting. For his firm to be definitive would require some field evaluation of the actual situation. He suggested the conclusions of the College's consultant were likely to be accurate, in so far as a dramatic improvement to the residents of the area was very likely. He added that, counter-intuitively, if the height of the light poles was lowered, the lights would aim across the field and the source of the glare would be uncontrolled. Taller poles would mean the lights would all be aimed downward, thereby controlling glare.

Councilmember Onoda expressed more concern with how the noise would be managed than how the lighting would be reduced.

President Donahue reiterated the intent to make it clear to SMC students when engaged in activities that noise was an impact issue, noting the intent for the noise not to be excessive or profane, which could be accomplished through education and training to all parties concerned. Any noise complaints would be addressed by SMC's Public Safety Office. He could not provide a technical answer to diminish the sound from the residences, although if there were such options they could be explored. He emphasized that a certain level of noise, appropriate to the athletic activity, would occur and they had to deal with the reality of what was appropriate or not.

Responding to Council, Ms. Clark advised that she had no history of the hours of operation for the Moraga Country Club or Moraga Tennis and Swim Club, which had been closed for some time. In general, the Town had received few noise complaints. She was not aware of particular restrictions at Campolindo High School, and the shut-off time at the Hacienda was 10:00 p.m.

Councilmember Trotter was pleased to learn that SMC's current leadership was taking into consideration the concerns expressed. He referenced Attachment A, the resolution of approval of the appeal, specifically Exhibit 1, Conditions of Approval, Conditions VI and VII, and sought better language to ensure the enforcement of those conditions.

President Donahue provided a copy of the SMC student handbook to the Town Council.

Councilmember Trotter asked that the current language in the SMC handbook and policies be evaluated to ensure an enforcement mechanism was in place, suggesting the implications in the event of a violation should be better clarified. He sought a standard for verification of any complaints to SMC pursuant to the language in Condition VI, suggesting that both Conditions VI and VII could be modified to provide better clarity. He asked the expected length of time for SMC to make the lighting improvements; requested clarification on his understanding that SMC only planned to have the lights operate 305 days a year; and asked what days the lights would not be in use.

President Donahue understood the improvements would be in place at the end of the summer.

Mr. Storti clarified that part of the decision when the lights would be inoperable would be determined after consultation with the intramural leagues, and club sports, to determine the practice schedules for the seasons.

President Donahue suggested it would also be appropriate to engage with the neighbors as to which 60 days would be better than others, given SMC's programmatic needs.

Ms. Blain affirmed that the SMC campus had quiet hours that started at 9:00 p.m. at residents' halls although on the weekends they were extended to midnight. She emphasized that the intramural and playing fields dealt with recreation, health, exercise, and well-being, and the restriction of the 9:00 p.m. time period had been limiting to the students. She acknowledged there were some campus facilities that were open after the quiet hours were in place.

President Donahue stated there was no plan in place to ramp up the intramural fields for NCAA Division 1 use. The fields were intended for intramural use only.

Vice Mayor Metcalf advised that he lived in the Rheem Manor area, with the elevation the height of a flag pole, and could view the SMC lights from his home. He was generally happy with what was going on at the SMC campus. His home also viewed the bell towers, which he liked, and was uncertain why they did not chime after 9:00 p.m. He found that the noise from

SMC varied, at times loud during football games, but fun to hear young people on the field enjoying themselves. He suggested the Town should be proud of SMC, commended SMC on its survey which indicated more people were proud of SMC than not, suggested some Bluff's neighborhood residents had an ax to grind, suggested a balance needed to occur, and as a long-time resident of Moraga, recognized the Town was changing, with an aging demographic and with many new families in the Bluffs neighborhood.

Vice Mayor Metcalf emphasized that people needed to realize that things changed; there were reasons why the Town did not have commercial activity, and the Town had to adapt. He spoke to the vacancies and conditions in the Moraga Center, referenced the attitude that nothing could be done in the Town, although he stated SMC was trying to become more robust for its students with improved facilities. He emphasized the efforts of the Town to work in cooperation with SMC and the efforts by President Donahue to achieve that goal. If the Town Council did not allow the appeal to proceed, he questioned the incentive SMC would have to address the concerns with the lights, particularly given the testimony that the improvements proposed by SMC could significantly reduce the lighting impacts. He suggested the students would listen to authority if done correctly, and suggested a complaint system for the Bluffs neighborhood be put in place. He supported an extension of the lights at the intramural fields to 10:00 p.m., with a review in six and twelve months. If the extension of the lights failed, shut-off could be changed back to 9:00 p.m. He urged the Town Council to allow SMC the opportunity to perform and was confident there would be a good outcome.

Mayor Wykle commented that he had lived in the Town for the past seven years and had come to the community for the schools. He found SMC to be a great asset for the Town and thanked them for being in the community. He suggested an engineering solution for the lighting impacts could be achieved, agreed there would be ambient noise from the SMC campus, and suggested the occasions of extreme noise could be addressed through enforcement. He was confident the President of SMC, and SMC staff, could address excessive noise policies.

Mayor Wykle suggested many concerns would be addressed through the recommended Conditions of Approval, specifically Condition II, D., and agreed that the language in the conditions regarding profanity and enforcement might need to be stronger. He supported the resolution upholding the appeal from SMC.

Councilmember Trotter clarified with the Assistant Town Attorney the action before the Town Council was an appeal of the Planning Director's decision under a condition of approval and regardless of the outcome of this appeal that condition remained and was enforceable. Since the lights had been cut back from 10:00 to 9:00 p.m., with no noise complaints, any potential future complaints could be registered through whatever process was put into place.

Councilmember Trotter requested the following modifications to Exhibit 1: Conditions of Approval, as follows:

- Revise Condition II, D to include language requiring a post construction assessment of the impacts by the peer reviewer in a way not to be an expensive proposition;
- Assess the situation in twelve months after the lights had been changed and bring it back to the Town Council regardless of whether any complaints were received;
- Recommend the lights not be operational until 10:00 p.m. until after the lighting improvements had been made; and
- Recommend better language to address enforcement policies as related to Conditions VI and VII; but grant the appeal allowing SMC to proceed with the lighting improvements

and have the resolution brought back to the Town Council for review and sign-off prior to the extension of the hours of operation for the intramural playing field to 10:00 p.m.

Councilmember Onoda agreed with most of the comments but wanted to see some monitoring of the noise impacts given the testimony from the neighbors, possibly through the use of some type of mechanism to calculate and measure the noise levels to determine if they were acceptable. She urged SMC to work with the neighbors to address the noise impacts.

Councilmember Arth asked whether SMC was willing to move forward if the Town imposed its authority to review the noise impacts in a years' time, to which President Donahue supported an agreement based on the comments, and suggested six months was premature and a year made more sense. In terms of determining the appropriate sound levels, he commented that would require a certain amount of careful deliberation and while SMC was willing to do that, he could not promise something that was immeasurable and could lead to problems in the future. He acknowledged that SMC could do a better job of being more attentive to its neighbors.

Vice Mayor Metcalf suggested that sound monitoring could be used by people with different viewpoints in different ways. He wanted to see SMC determine how to work out its issues with the neighborhood and determine an appropriate level of noise.

President Donahue understood the Town had noise standards, was uncertain SMC had been held to those standards, and emphasized the need to be consistent with the existing standards.

Councilmember Trotter also spoke to Condition III of Exhibit 1, which spoke to SMC providing contact information for complaints regarding sound, and SMC acknowledging the receipt of complaints in a timely manner, and noted that might not be sufficient interaction with the community. He again suggested the resolution be brought back to determine how it all fit together.

Councilmember Onoda agreed that communication with the neighborhood was important. She thanked President Donahue for his willingness to work with the neighborhood.

On the discussion, Assistant Town Attorney Karen Murphy understood that the Town Council was leaning towards approval of the appeal. She recommended direction to staff to uphold the appeal subject to the changes to Exhibit 1 as discussed, with the resolution to be brought back to the Town Council.

Councilmember Trotter offered a motion to uphold the appeal filed by SMC of the Planning Director's decision requiring SMC to reduce the hours of operation of intramural field lights from 10:00 p.m. to 9:00 p.m., largely on the basis of the draft resolution as provided by staff; and subject to revisions to Exhibit 1, Conditions of Approval as follows:

- Condition II, D to include language requiring post installation assessment by the Town's peer reviewer as part of the peer review process;
- Town staff to work with SMC on appropriate modifications to Condition III with regard to community contacts and the manner in which complaints from the neighborhood were received and addressed by SMC;
- Interaction between SMC and Town staff with respect to Condition VI as to how to address complaints; and with respect to Condition VII; and appropriate revisions to the language as well as appropriate revisions to SMC's student handbook and policies to provide a better enforcement process, as was suggested by President Donahue, as necessary;

- SMC be permitted to make improvements, and once improvements had been installed and adequately peer reviewed, SMC could then increase its operating hours from 9:00 p.m. to 10:00 p.m., with the understanding that within a year of the 10:00 p.m. shut-off time the matter would return to the Town Council for a one-year review hearing; and
- Uphold the appeal contingent upon the final adoption of the resolution, as modified.

ACTION: It was M/S (Trotter/Metcalf) to Uphold the Appeal Filed by Saint Mary's College of the Planning Director's decision requiring Saint Mary's College to reduce the hours of operation of intramural field lights from 10:00 p.m. to 9:00 p.m., largely on the basis of the draft resolution as provided by staff; and subject to revisions to Exhibit 1, Conditions of Approval as follows:

Condition II, D to include language requiring post installation assessment by the Town's peer reviewer as part of the peer review process;

Town staff to work with SMC on appropriate modifications to Condition III with regard to community contacts and the manner in which complaints from the neighborhood are received and addressed by SMC;

Interaction between SMC and Town staff with respect to Condition VI as to how to address complaints; and with respect to Condition VII; and appropriate revisions to the language as well as appropriate revisions to SMC's student handbook and policies to provide a better enforcement process, as was suggested by President Donahue, as necessary;

SMC be permitted to make improvements, and once improvements had been installed and adequately peer reviewed, SMC could then increase its operating hours from 9:00 p.m. to 10:00 p.m., with the understanding that within a year of the 10:00 p.m. shut-off time the matter would return to the Town Council for a one-year review hearing; and

**Uphold the appeal contingent upon the final adoption of the resolution, as modified.
Vote: 5-0.**

Mayor Wykle declared a recess at 10:13 p.m. The Town Council meeting reconvened at 10:20 p.m. with all Councilmembers present.

Vice Mayor Metcalf offered a motion to further modify the meeting agenda, and consider Item B under Public Hearings and then move Item B under Ordinances, Resolutions and Requests for Action to Item C under Public Hearings.

ACTION: It was M/S (Metcalf/Arth) to further modify the meeting agenda, and consider Item B under Public Hearings and then move Item B under Ordinances, Resolutions and Requests for Action to Item C under Public Hearings. Vote: 5-0.

B. Moraga Road Underground Utility District

Conduct a Public Hearing to Consider Resolution 29-2015 Establishing a Phased Underground Utility District Along Moraga Road from St. Mary's Road to Ascot Drive

Public Works Director/Town Engineer Edric Kwan presented the staff report and asked that the Town Council conduct the public hearing on the establishment of a phased Underground District along Moraga Road from St. Mary's Road to Ascot Drive. Due to the cost of undergrounding

overhead utilities and funding availability, the undergrounding would occur in a series of phases summarized within the limits of Phase 1A – Devin Drive to Corliss Drive; Phase 1B – Corliss Drive to St. Mary’s Road; and Phase 2 – Ascot Drive to Devin Drive. Upon the closure of the public hearing, he asked that the Town Council adopt a resolution establishing a Phased Underground Utility District along Moraga Road from St. Mary’s Road to Ascot Drive.

Responding to Council, Mr. Kwan verified that the Town had the funding for Phases 1A and 1B at the current time. Staff also had discussions with PG&E, which had prioritized OneBayArea Grant Program (OBAG) projects, and would rather underground than to relocate poles and underground later. Phase 2 would depend on how much the Town accumulated in Rule 20A funds, and could take approximately twelve years unless other funding opportunities, including grant funding, were identified. He added that the Town would push PG&E to pay for any easements that would be acquired, noting that the Association of Bay Area Governments (ABAG) did not support agencies bearing those costs.

Robert Stephens, Consultant, explained that in years past most local agencies would pay for easements that were acquired for underground electrical work. In the last few years, ABAG had sponsored requests that PG&E, as required by the Public Utility Commission (PUC), acquire the easements under Rule 20A. He understood there had been discussions with PG&E and the PUC to regulate this position. For this project, it was highly unlikely easements would have to be acquired.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/Onoda) to adopt Resolution 29-2015 Establishing a Phased Underground Utility District Along Moraga Road from St. Mary’s Road to Ascot Drive. Vote: 5-0.

C. Hillside and Ridgeline Project Update

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; and

Consider Resolution 30-2015 Amending the Hillside and Ridgeline Steering Committee Charter to Modify the Required Composition of the Committee; and Extending the Term of the Committee (*Continued from January 28, 2015*)

Planning Director Clark advised that staff and the consultants sought direction from the Town Council on the scope of the work for the next phase of the project, list of key issues to be addressed, consider amending the Hillside and Ridgeline Steering Committee Charter to modify the required composition of the Committee, and extending the term of the Committee since some of the members had termed out of their positions on the various Boards/Commissions. Amending the Charter would allow some of the members to continue to serve and ensure continuity on the Steering Committee.

David Early, Founding Principal, PlaceWorks, presented a PowerPoint presentation on the Hillside and Ridgeline Project with the objective to clarify and improve the Town’s hillside and ridgeline policies and regulations, to obtain an appropriate level of constructive regulations, and to clarify the regulations overall. He identified the adopted and approved existing scope of work, options to address the issues identified, and a draft of regulations to be brought to the Town Council for review and adoption. A Draft Background Report had been completed in June 2014,

including a summary of the existing regulations, physical conditions, and technical issues regarding hillside regulations in the Town, which had been distributed for public review. Comments on the Draft Background Report had been received and a revised report had been prepared to incorporate public comments. The Final Report had been presented to the Town Council who had been asked to direct that the report be published as the Final Report. As part of the Final Report, two Landslide Hazard Maps had been created by the sub-consultants for the project, intended to provide new planning level data to be used by the Steering Committee, Planning Commission, and the Town Council to assist in setting Town policy.

Mr. Early reviewed the eight key issues which had come out of the project effort, as detailed in the staff report, including Ridgeline Protection, Definition of Development, Development on Steep Slope Areas, Calculation of Slope, Remediation in High Risk Areas, Viewshed Protection, Hillside Development Permit, and the High Risk Area Map. He asked the Town Council to consider whether the key issues were the right items to consider. Because of the significant issues that had been raised, public comments had requested that the issues be broader or possibly a General Plan Amendment (GPA) be considered as part of the changes; however, staff, consultants, and the Steering Committee had recommended following the current approach. He also acknowledged recommendations for additional public outreach and had suggested three additional Steering Committee meetings for a total of 10 meetings; one additional community workshop for a total of four; additional presentations to community organizations for a total of six; additional focus groups to be coordinated with the Town's survey and focus groups to be used to obtain additional information on the process; and add the use of the proprietary on-line civic engagement tools that PlaceWorks would bring to the project. He asked the Town Council to provide guidance on the extended outreach efforts that had been proposed. If the Town Council was in agreement, the consultants would return with a detailed scope of work and change in the contract at a subsequent Town Council meeting.

Mr. Early commented that he could not estimate the additional costs for extended public outreach absent detailed terms, although he did not see it would be a significant percentage beyond what had already been budgeted. No commitment was being asked of the Town Council at this time, other than feedback on the overall idea with a definitive number to be brought back to the Town Council.

Town Manager Jill Keimach was also concerned with the potential increase in the budget for the project. She too wanted more information on the potential costs.

Mr. Early advised that they had fallen behind schedule, could not start immediately since they had to return with a detailed scope of work and schedule the Steering Committee workshops, with an expected slowdown during the summer months. He did not see that the additional outreach that had been proposed would slow the schedule as compared to the slowdowns already experienced.

PUBLIC COMMENTS OPENED

Dan Smith, Moraga, stated he had attended all of the project meetings, appreciated the Town's efforts to address the issues and the work of the consultants, but unless guidelines were implemented and rules enforced he suggested the process would be a waste of time. He cited the Rancho Laguna II project, which he suggested was in violation of the spirit of the existing guidelines, and urged a refinement and clarity to the hillside and ridgeline policies. He opposed allowing developers to manipulate the planning process with exceptions and development on unstable slopes; suggested that clarification and communication was not sufficient; and the Town Council, Planning Commission, and Town staff must enforce the rules and protect the Town's interests. He added that enforcement should also be included in the key issues.

Brita Harris, Moraga, echoed the comments from the previous speaker; expressed her appreciation to everyone who had worked to update the Town's open space policies; sought stronger regulations to protect the Town's hillsides, ridgelines, and important wildlife corridors; and encouraged the Town Council to include policies that vigorously protected remaining open space, ridgelines, and hillsides in a clear, consistent, and understandable manner.

Edy Schwartz, Moraga, appreciated the work done to clarify the rules and regulations to protect the Town's hillsides and ridgelines, and suggested that many of the Moraga Open Space Ordinance (MOSO) Guidelines in the staff report remained to be clarified. She suggested the MOSO maps should be updated to ensure that the information used to make decisions was accurate, supported additional outreach efforts and a survey recommending the use of a professional firm to develop the survey questions, and that it include an educational component. She also encouraged the use of multi-media to inform the residents about the survey and the key issues.

Suzanne Jones, Preserve Lamorinda Open Space (PLOS), appreciated the work done thus far by all involved and the identification of issues to be clarified in determining the scope of the project. She asked that the question of overall cumulative future growth for the Town be addressed, and once this process was complete, the Town identify that issue as a Town Council priority. She also asked that the project address the adequacy of the Town's Floor Area Ratio (FAR) with respect to open space development and consider refinements of the FARs that tended to consist of very large lots. She cited the Rancho Laguna II development and the installation of story poles which had demonstrated the size of the homes in open space lands within the scenic corridor. She also cited a single-family home along Rheem Boulevard on a MOSO lot, which had been approved in 2000, and which was over 7,000 square feet of gross floor area. She suggested that issue could be addressed as part of Key Issue 6, Viewshed Protection.

Lynda Deschambault, Moraga, agreed with the eight key issues and was pleased the Town Council would consider potential amendments to policies and regulations. She had also attended the workshops, and supported stronger protections and clearer direction than MOSO, the General Plan, and existing policies provided. Having moved to the Town for the hilly community and small town feel, she noted that more and more development had affected traffic and removed the hillsides. She too cited the Rancho Laguna II development which would remove the top of the ridgeline to build a road to access homes and asked that the Town Council not allow that to happen to its remaining hillsides. She also referenced a Joint Town Council and Planning Commission meeting held on September 30, 2008, which had included a discussion of a three-part process consisting of the Grading Ordinance, Hillside Ordinance, and then a General Plan, and language which was clear that development on homes over 25 percent slope would not be allowed unless with explicit direction from the Town Council to repair a landslide.

Ms. Deschambault also asked that the Town Council consider as a future agenda item reinstating the Open Space Fund, which could be used for the Implementation Element of the General Plan for Open Space, and take another look at the use of Palos Colorados funds, which were intended for recreation and open space.

**ACTION: It was M/S (Trotter/Onoda) to extend the Town Council Meeting to 11:30 p.m.
Vote: 5-0.**

Dave Bruzzone, Moraga, had submitted correspondence to the Town Council this date. He expressed concern with how his Bollinger Valley property would be affected by this effort, and asked that the property be exempt from any changes in policies or regulations. He understood the Town Council and the Steering Committee had exempted the Moraga Center Specific Plan

(MCSP) properties, and suggested existing lots of record and existing homes in the community should also be exempt from the regulations given the impacts to a larger percentage of the Town. He noted that his correspondence had primarily dealt with the inadequacy and inaccuracy of the Background Report, with three of the major hillside project goals to clarify and educate the community about existing regulations and to provide clear and factual information. He suggested clarity would not be achieved until the issues had been accurately addressed. He commented that his correspondence had raised 26 points of concern, one of which was that the process had identified two of his properties; Bollinger Valley and the valley floor in the Indian Valley, which were not designated as open space, and with the properties potentially being subjected to rules other areas of the Town had not been subjected.

Mr. Bruzzone asked that the Town Council read his correspondence, designate Bollinger Valley as Study, and noted that the 1979 General Plan and MOSO were clear as to which properties would be designated MOSO. He commented that until the maps and Background Report had been corrected, no one would understand it. He added that MOSO, a voter initiative that had been crafted and written by a small group in the community with special interests included arbitrary rules and standards, and applying them throughout the community would be a grave mistake since all decisions required a proper balance and evaluation of all concerns in the community. He questioned transferring those arbitrary rules to new properties and parcels in the community.

The following individual did not speak but asked that her comments be part of the record:

Gosia Kossakowski, Moraga, "I have been a resident of Moraga (with family) – 15 years. I have strong concerns regarding proposed density allowable of proposed housing. Please, as a Council of our wonderful Town, protect this Town and its residents. Influx of 1,000 to 1,500 new units and few thousands of new residents will affect safety, Town resources, school crowding, and ability to drive from and to Moraga. So many new housing units is not responsible action in Moraga and I urge you to modify and mediate the density of proposed housing."

PUBLIC COMMENTS CLOSED

Councilmember Trotter agreed that the Steering Committee Charter be modified, as proposed by staff. He recommended a modification to Page 1 of Attachment J, Draft Resolution, with text to be added to the Composition section of the Charter, as follows:

If a Steering Committee member's term on an appointing body expires during the course of the Hillside and Ridgeline project, the Town Council may continue the appointment of the existing member to provide continuity of membership on the Steering Committee, provided that existing member is still willing to serve. If not, the appointing body may appoint a new Steering Committee member.

Vice Mayor Metcalf suggested that continuity was a myth in this situation given that the last meeting of the Steering Committee had been held in November 2014. He wanted to see the current process used by the Town Council continue when selecting members to committees.

Councilmember Trotter emphasized the importance of continuity on the Steering Committee and wanted to retain the experienced members in the process assuming those members wanted to continue serving, which was the reason he had recommended the modification to the Charter, as stated.

Councilmember Onoda could see both sides and suggested if a member wanted to remain on the Steering Committee that would be great; the member would be experienced and a new Planning Commissioner, as an example, might not be up to speed. She supported a committee

member's desire to continue if his or her term on the Town Board/Commission had expired. She did not want to see the Town Council micromanage the Planning Commission or DRB if a member did not want to continue to serve.

Councilmember Arth suggested the Town Council have the initial power for appointments. If a member did not want to serve the member should not be forced to do so.

Ms. Clark advised that former Planning Commissioner Levenfeld, and Park and Recreation Commissioner Lucacher had both agreed to continue to serve on the Steering Committee.

Councilmember Onoda stated that former Planning Commissioner Comprelli had also expressed a desire to continue to serve on the Steering Committee.

Mayor Wykle understood there was Council consensus on the importance of continuity on the Steering Committee.

Councilmember Trotter restated his recommended revision to Page 1 of Attachment J, Draft Resolution, to be added to the Composition section of the Charter, as follows:

If a Steering Committee member's term on an appointing body expires during the course of the Hillside and Ridgeline project, the Town Council may continue the appointment of the existing member to provide continuity of membership on the Steering Committee, provided that existing member is still willing to serve. If not, the appointing body may appoint a new Steering Committee member to replace the existing member.

ACTION: It was M/S (Trotter/Onoda) to adopt Resolution 30-2015 Amending the Hillside and Ridgeline Steering Committee Charter to Modify the Required Composition of the Committee, and Extending the Term of the Committee, subject to modification to Page 1 of Attachment J, Draft Resolution, to the text to be added to the Composition section of the Charter as follows:

If a Steering Committee member's term on an appointing body expires during the course of the Hillside and Ridgeline project, the Town Council may continue the appointment of the existing member to provide continuity of membership on the Steering Committee, provided that existing member is still willing to serve. If not, the appointing body may appoint a new Steering Committee member to replace the existing member.

Vote: 5-0.

Vice Mayor Metcalf expressed concern a cross section of the public had not participated in the Steering Committee workshops.

In response, Mr. Early acknowledged that the participants in the workshops represented a small section of the community, and one way to get people more involved would be through a scientific survey. In this case, he recommended the use of focus groups more than a survey since the focus groups would involve a randomly selected group of people to talk amongst themselves with others educated on the issues. Through that process, they could get nuanced opinions based on the nuanced information provided. Four to five focus groups would show a consistency among the groups to allow conclusions on the broader section of the community.

ACTION: It was M/S (Trotter/Arth) to extend the Town Council Meeting to 12:00 A.M. with the understanding that the Town Council would next address Public Hearing Item D, and continue the remaining agenda items to a future Town Council meeting. **Vote: 5-0.**

Further responding to Council, Mr. Early advised that he had read Mr. Bruzzone's correspondence. He emphasized the goal to ensure the Background Report was as accurate as possible. He had provided a point-by-point response to Mr. Bruzzone's letter dated January 23, 2015, with the responses provided to Mr. Bruzzone in writing. He acknowledged there had been some changes to the Background Report based on those responses. As to the comments regarding the Bollinger Valley property, he noted that property had been treated differently in two Town documents, the General Plan and zoning designations were inconsistent with each other, to be rectified either through this process or at some later time. He emphasized the consultant had responded to Mr. Bruzzone and was willing to continue the dialogue. In addition, he agreed that the FAR in MOSO on large lots was something that should be evaluated either as part of Viewshed Protection or as an additional key issue to be added to the list.

ACTION: It was M/S (Trotter/Wykle) to accept the Background Report, as complete; Town Council to focus on the eight key issues recommended by the Planning Commission and the Steering Committee; with an additional key issue that the FAR be considered in the context of Viewshed Protection or otherwise; and to continue with the original approach for the project as opposed to consideration of a comprehensive General Plan Update. Vote: 5-0.

Mr. Early stated for the record that the extended outreach efforts recommended would approach, but not exceed, \$30,000, 15 percent of the current budget give or take.

By consensus, the Town Council agreed to expend funds for the recommended additional outreach efforts, as outlined in the PowerPoint presentation, as an amendment to the scope of work to be returned to the Council for action, with no consensus on the use of either General Fund or Palos Colorados funds for the effort.

Mr. Early advised that the item would return to the Town Council as a formal contract amendment with the funding to be identified at that time. In response to concerns with respect to enforcement, he commented that the term enforcement was a reflection of what had been identified as differences in interpretation. He suggested the Town as a whole had enforced its rules as it understood them, although the issue was in the difference in interpretation, which would be addressed by clarification of what was meant by the rules.

Councilmember Trotter was confident the process would fill the gaps most people were not aware were there.

Ms. Keimach advised that the appointment of Steering Committee members would be brought back to the Town Council for consideration as would the funding and changes in scope.

D. Geologic Hazard Abatement District Formation

Conduct a Public Hearing to Consider Resolution 31-2015 Approving Formation of the Moraga Geologic Hazard Abatement District (GHAD) and Appointing the Town Council of the Town of Moraga as the GHAD Board of Directors.

Assistant Planner Coleman Frick presented the staff report and asked the Town Council to conduct the public hearing to consider the formation of a Geologic Hazard Abatement District (GHAD) and appoint the Town Council of the Town of Moraga as the GHAD Board of Directors.

PUBLIC COMMENTS OPENED

There were no comments from the public.

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 31-2015 Approving Formation of the Moraga Geologic Hazard Abatement District (GHAD) and Appointing the Town Council of the Town of Moraga as the GHAD Board of Directors. Vote: 5-0.

E. Master Fee Schedule Update

Conduct a Public Hearing to Consider Resolution __-2015 Authorizing Updates to the Town of Moraga's Fee Schedule to Reflect the Adopted Historic Preservation Ordinance, new Electronic Community Information Sign, and Amendments to the Hourly Rates for Public Works/Parks Maintenance Staff Services Effective May 11, 2015

This item was continued to a future meeting of the Town Council.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. CalPERS Risk Pool Changes

Discuss Informational Report on California Public Employees' Retirement System (CalPERS) Risk Pool Changes

This item was continued to a future meeting of the Town Council.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

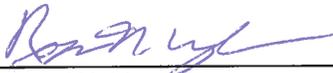
ACTION: It was M/S (Trotter/Arth) to adjourn the meeting at 11:39 p.m. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Roger N. Wykle, Mayor