

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**April 8, 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 Arth** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

**A. Proclamation Declaring April 2015 to be Alcohol Awareness Month**

**Mayor Wykle** read into the record a proclamation declaring April 2015 as Alcohol Awareness Month, and presented the proclamation to Jaime Rich with the Lamorinda Alcohol Policy Coalition.

Jaime Rich, Lamorinda Alcohol Policy Coalition, thanked the Town Council for the proclamation; emphasized the continued goal of the Coalition to reduce underage drinking in the Lamorinda area; defined binge drinking; noted the Red Watch Band program intended to reduce underage drinking; and reviewed the training program. She added that she would attend all sports medicine classes at Campolindo High School during the month of April to train students on the program and the efforts of the Coalition. When asked, she also identified the results of the Healthy Kids Survey which had been completed a year ago.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**V. PUBLIC COMMENTS AND SUGGESTIONS**

Clay Serrahn, Moraga, referenced the March 25, 2015 Town Council study session for proposed Adventure Day Camp re-use of the Moraga Tennis and Swim Club, and stated he had provided a follow-up e-mail to the Town with additional comments and information for future consideration by the Town Council. Having reviewed the audiotape of the meeting, he expressed concern with some of the comments from Councilmembers, and quoted statements from the Council and the applicant suggesting that no concern had been shown for the adverse potential negative effects of the proposed project on the immediate neighborhood, leading to the perception of a lack of objectivity on the part of the Town Council. He urged the entire Town Council to be objective on all matters before the Town Council.

Ellen Beans, Moraga, reported that the Moraga Community Faire had been scheduled for May 9, 2015 in the Rheem Valley Shopping Center, sponsored by the Moraga Chamber of Commerce. She highlighted the proposed activities and local food vendors planned; invited the Town Council to consider having a booth at the event; and added that light pole banners would be hung on April 17 sponsored by 25 different Moraga businesses. She added that the Mayor would be invited to participate in the dunk tank event.

## **VI. ADOPTION OF CONSENT AGENDA**

### **B. Approval of Consent Items**

No items were removed from the Consent Agenda.

### **PUBLIC COMMENTS OPENED**

There were no comments from the public.

### **PUBLIC COMMENTS CLOSED**

<b>ACTION: It was M/S (Arth/Metcalf) to adopt the Consent Agenda, as shown. Vote: 5-0.</b>
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|----|---|----------|
| 1) | Accounts Payable Claims for: 3/20/15 (\$172,241.18);<br>3/31/15 (\$10,010.53)   | Approved |
| 2) | Approve Minutes for the Regular Meeting on February 11,<br>2015   | Approved |
| 3) | Consider Resolution 36-2015 Authorizing the Town Manager<br>to Purchase Required Hardware, Software, Training and IT<br>Services Necessary to Upgrade the Moraga Police Department<br>Records Management System with Executive Information<br>Services, Inc., and Silicon Connections, in an Amount Not to<br>Exceed \$51,200 | Approved |

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

No consent items were removed for discussion.

## **VII. ADOPTION OF MEETING AGENDA**

## **VIII. REPORTS**

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

**Mayor Wykle** – Reported that he had attended a meeting of RecycleSmart (formerly the Central Contra Costa Solid Waste Authority) on March 26 with new carts to be delivered in Moraga between May and July; and announced a Bocce Ball Tournament had been scheduled by the California League of Cities, and any parties interested in forming a team were invited to contact him.

**Vice Mayor Metcalf** – Reported that he had attended a meeting of the Lamorinda Program Management Committee (LPMC) with a discussion of an Intra-Lamorinda Shuttle Service; and a meeting of the Lamorinda Fee and Finance Authority (LFFA) with continued work on a nexus study, new fee schedule, and development impact fees that affect the Lamorinda community.

**Councilmember Arth** – Reported that he had attended a Chamber of Commerce meeting on March 27; and the Chamber of Commerce Board of Directors meeting on April 1.

**Councilmember Onoda** – Reported that as the Liaison to SMC she had attended the Contra Costa Chamber Orchestra performance at Leshner Center for the Arts when the Director of Performing Arts at SMC had performed; and had attended the Mayors' Conference in the City of Pinole on April 2 when a presentation on the homeless population in the County had been made.

**Councilmember Trotter** – Reported that he had attended the RecycleSmart meeting on March 26 where he was elected Vice Chair of the Authority; and the Campolindo Boys Basketball State Title Game on March 28 at the U.C. Berkeley campus. He announced that the team had won the NorCal State Division III Championship and a proclamation would be presented to the team at a future Town Council meeting.

- B.** Town Manager Update – Town Manager Jill Keimach reported that the SMC Choir had been invited to Carnegie Hall on April 18, with a proclamation to be presented by the Town Council at a future meeting. She also reported that two applications had been received for an architectural design team for the Hacienda, with interviews to be conducted by the Town Council during the April 22 meeting; and SMC students and Kiwanis would be volunteering to replace the floor of the Bandshell at the Moraga Commons Park on April 11 and 12, 2015.

Ellen Beans, Moraga, reported that the SMC Choir would present two public concerts on May 10 and May 16 at the SMC Chapel.

## **IX. DISCUSSION ITEMS**

- A.** Informational Report on the Current and Potential Use of Cameras by the Moraga Police Department

Police Lieutenant Jon King presented a PowerPoint presentation on the current and potential uses of cameras by the Moraga Police Department. He asked that the Town Council accept the report and provide direction, if any, to staff on the next steps.

Responding to Council, Lieutenant King explained that the presentation had been made to the Town Council at the Council's request. The Moraga Police Department had many other needs for equipment and personnel and he did not see that cameras were a priority. He would rather have an additional one or two Police Officers on the force. He identified two of the camera systems which were cost prohibitive, and identified the cost to the City of Lafayette for its

camera system. He suggested Moraga did not have the type of problems to justify the expense, although cameras were important tools the Council should be aware of. As to the potential for grant opportunities, he noted that most grants would likely be available in the near future for body cameras on the federal level, with some bills being considered in both State Legislatures. He affirmed that the Moraga Police Department would consider applying for any grant opportunity.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

The Town Council accepted the report and thanked Lieutenant King for the presentation.

### X. PUBLIC HEARINGS

#### A. Moraga Town Center Homes Project

Conduct a Public Hearing and Consider Continued Appeal of Planning Commission Decision to Approve the Conceptual Development Plan for the Moraga Town Center Homes project, a 36-Unit Attached Single-Family Residential Development and an Associated Zoning Amendment, Including Consideration of:

1. Introducing and Waiving the First Reading of an Ordinance Amending Moraga Municipal Code §8.48.040 to Add 12-DUA-PD Land Use Classification, and Amending the Zoning Map for the Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-PD); and
2. Resolution \_\_-2015 Denying the Appeal, Upholding the Planning Commission's Decision, Adopting CEQA Findings and Approving the Conceptual Development Plan for the Moraga Town Center Homes Project with Modifications (*Continued from January 28, 2015*).

**Mayor Wykle** reported that several pieces of correspondence had been received on the appeal, copies of which had been provided to the Town Council and to the public. He clarified the item had been properly noticed to the public and within the required timeframe. Recognizing those present in the audience, he recommended that the public hearing be opened to receive comments from the appellant, applicant, the public, and Town Council, but that no decision be made on the appeal at the current time.

#### APPELLANT:

Richard Olsen, Moraga, identified himself as one of the appellants, and asked the Town Council to postpone the appeal to ensure there was not a duplicate process.

**Councilmember Trotter** asked as a matter of process that the applicant also be allowed to address the Council, along with anyone from the public who may not be able to attend the next meeting of the Town Council scheduled for April 22, 2015.

**Vice Mayor Metcalf** objected to opening public comment now and then possibly allowing the same people to again address the Council if the item was continued, particularly since it would

likely not involve new information. He would rather see the item be continued and then allow everyone the opportunity to speak at that time.

**APPLICANT:**

Phil Kerr, Chief Executive Officer (CEO) City Ventures, commented that if the plan was to continue the item he had no interest in holding a public hearing now and then holding another public hearing later.

**Councilmember Trotter** again asked that those present in the audience who wished to speak on the item be allowed to address the Town Council at that time given that some may not be able to be present for the next meeting of the Town Council.

Ms. Keimach identified the agenda items scheduled for the Town Council meeting scheduled for April 22, and given the number of items scheduled for that meeting, the Town Council discussed continuing the appeal to the Town Council meeting scheduled for May 13, 2015.

**ACTION: It was M/S (Trotter/Metcalf) to continue the Public Hearing and Consider Continued Appeal of Planning Commission Decision to Approve the Conceptual Development Plan for the Moraga Town Center Homes project, a 36-Unit Attached Single-Family Residential Development and an Associated Zoning Including Consideration of:**

- 1. Introducing and Waiving the First Reading of an Ordinance Amending Moraga Municipal Code §8.48.040 to Add 12-DUA-PD Land Use Classification, and Amending the Zoning Map for the Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-PD); and**
- 2. Resolution \_\_-2015 Denying the Appeal, Upholding the Planning Commission's Decision, Adopting CEQA Findings and Approving the Conceptual Development Plan for the Moraga Town Center Homes Project with Modifications (Continued from January 28, 2015). Amendment to a regular Town Council meeting scheduled for May 13, 2015. Vote: 5-0.**

**Mayor Wykle** declared a recess at 7:54 p.m. The Town Council meeting reconvened at 7:59 p.m. with all Councilmembers present.

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

**A. Electronic Community Information Sign**

Consider Resolution \_\_-2015 Adopting Policies and Procedures for the Moraga Road Electronic Community Information Sign

Parks and Recreation Director Jay Ingram presented the staff report for consideration of a resolution to adopt policies and procedures for the Moraga Road Electronic Community Information Sign.

Responding to Council, Assistant Town Attorney Karen Murphy explained the reasoning for the language in Attachment B, Draft Electronic Community Information Sign Policies and Procedures, which had been intended to avoid some of the issues with respect to the establishment clause, and with respect to religious signs. Since the sign would be on Town property, the Town would dictate how the sign would be used. She urged caution with the establishment clause language and recommended a policy that could be clearly implemented with a focus on community events, aside from emergency and urgent issues that were called out as taking priority.

Responding to concerns raised by Councilmember Trotter that there could be certain communications the Town would favor and certain speech the Town was not facilitating in terms of community event speech and not protected First Amendment Speech, whether legal analysis had been done on whether that was permissible, and whether Supreme Court standards had been addressed in terms of the First Amendment, Ms. Murphy advised that commercial speech had been analyzed and this was a community forum. If the sign was located on private property and in terms of the Town's Sign Ordinance, the rules would be different as opposed to a Town-owned sign located on Town property related to the purpose behind the sign and the Town's purchase of the sign to promote community events. If the policies were amended to allow for private milestone events, she did not see that would undermine the legal framework for a strictly community public forum sign, although that would have to be confirmed; however, such a policy would allow anyone to post an event and the Town would have to clearly outline who could post on the sign.

Ms. Murphy read into the record the policy which prevented the use of the sign for commercial use pursuant to Section 2, General Guidelines 2.

Mr. Ingram explained that the messages were intended to be displayed between eight and twelve seconds; six messages could scroll for a seven-day period. The sign would be off between midnight and 4:00 a.m. pursuant to a request from the Design Review Board (DRB). The brightness of the sign could also be adjusted pursuant to DRB recommendations. The seven-day period for scrolling the messages had been done in the past. If the messages were scrolled for fewer days, a different fee structure would have to be considered although the sign could be programmed for anything. Based on other cities he had contacted, the proposal for the number of messages and times the messages were scrolled would be consistent with those communities. A two-week period for the messages to scroll could also be an option based on applicable fees. It could also be possible for days of the week to be chosen when the messages were scrolled as long as it did not become a programmatic difficulty for Parks and Recreation staff.

Mr. Ingram acknowledged a recommendation from Councilmember Onoda for a Monday to Monday time period for the messages to be displayed; the need for further clarification of the Policy section, subsection 4.3, 3; the intent of that section to address residents of the Town (the community); and clarified that Section 2. General Guidelines, 3, addressed events taking place within the limits of Lamorinda.

**Councilmember Trotter** recommended that 4. Policy 4.3, 3 could be amended to read:

3. *Local "non-profit" organization events that benefit the Town or Moraga community.*

Mr. Ingram further clarified that the sign would just change from one message to another, would not pulsate, had the capability to be different colors, but acknowledged concerns with the potential for distractions to motorists. The DRB had discussed that issue and recommended that the sign be as static as possible. Staff could also work closely with the Moraga Police Department on potential programmatic messages from the Department. He added that the DRB had desired that animation be minimized. He also affirmed that emergency messages would preempt any messages being scrolled, and that the Chief of Police had the capability to program emergency messages. As to messages from the Moraga-Orinda Fire District (MOFD), staff could work out the details between the Moraga Police Department and the MOFD to ensure a seamless transition.

PUBLIC COMMENTS OPENED

Kathe Nelson, Moraga Chamber of Commerce, commented that businesses were an integral part of the community and should be considered in the policies. She asked that the language in the policies and procedures be amended to allow and codify the ability for a business to be mentioned in any messages when considered a community event. She cited a number of community events sponsored by local businesses as examples. She otherwise suggested that the fee increase for the use of the sign could actually discourage future advertisers although the Chamber recognized the Town's need to increase revenues. The Chamber recommended lowering the proposed fee for the sign which could increase participation and revenues.

Dave Schnayer, Moraga, asked that the "non-profit" clause in the policies be stricken. He too commented on the fact that local businesses served the community and messages for a "Grand Opening" or "Welcome to the Community" were noteworthy. He also questioned the intent of Section 2, General Guidelines, 2 the examples of postings allowed, which would prevent some religious fundraisers and should have equal access to the resource since they would offer a community benefit.

#### PUBLIC COMMENTS CLOSED

**Mayor Wykle** suggested that the DRB and staff had done a good job addressing the concerns with the visibility of the sign and with potential distractions. He clarified with staff the proposed rates and the fact that demand for the sign could be greater than the existing marquee.

Staff acknowledged that the sign would likely have the capacity to accommodate commercial messages.

**Councilmember Trotter** asked that language be crafted to permit messages to promote business-oriented or business-sponsored community events.

Ms. Murphy affirmed that such language could be added to the policies to specifically state the creation of a non-public forum through the sign, and with that craft language to address limited commercial purposes. A business could be mentioned as long as it was related to a community event. A "Grand Opening" announcement, as an example, would be a commercial event, or message, and could be allowed by the Council. As currently drafted, a non-profit event taking place at a business would allow the business name to be shown as a location.

**Councilmember Trotter** was inclined to support the fees recommended by staff and perhaps monitor the usage after a year, and if appropriate, make changes to reduce the rates at that time. He noted the same policy had been followed for Town resident versus non-residential fees for the use of the Hacienda.

**Vice Mayor Metcalf** suggested the posting of a "Grand Opening" message for a business was important for the community although he did not want to see advertising of individual store items.

Ms. Murphy explained that the policy would be adopted by resolution and could be modified. If the Town Council wanted to allow specific types of signage of a commercial nature, staff could craft language to accommodate that desire.

**Councilmember Arth** recommended the elimination of the term "commercial" from Section 2, General Guidelines, 2. He saw no reason not to allow commercial messages and would support fees at the level proposed by staff.

Mr. Ingram commented that the Planning Director had suggested one way to address the concerns with commercial business use of the sign was to allow the Chamber of Commerce to sponsor the business as the non-profit.

**Mayor Wykle** expressed concern with a situation where new businesses might be promoted on the sign while existing businesses might not.

**Councilmember Trotter** disagreed with Councilmember Arth's recommended language change, which would open the door to an infinite number of different messages. He expressed concern with such a possibility where the sign would be dominated by commercial businesses, and with the Town getting into the business of regulating the content of speech, which was legally problematic. He supported language where the Chamber of Commerce could sponsor a message on behalf of a particular business, suggested also crafting language for community events sponsored by local businesses, and would like to see the Council give staff direction and have the item return on the Consent Agenda for the next Council meeting as opposed to drafting language at this time.

**Councilmember Onoda** agreed with Councilmember Trotter's comments, understood the need for businesses to advertise, noted that advertising occurred all over, and it would be nice for the Town to benefit and not commercial businesses. She preferred crafting language, as proposed by the Planning Director, to address the issues with respect to commercial businesses.

Responding to Council, Ms. Nelson affirmed that if following the recommendation from the Planning Director, a business must be a member of the Chamber of Commerce.

**Vice Mayor Metcalf** commented that he had no problem with the Planning Director's recommended language to address commercial businesses although some may have an issue, particularly if the business was not a member of the Chamber of Commerce.

Ms. Murphy added that there was a preference policy where Town-sponsored events would come first. She affirmed that commercial messages could be listed in the tiered structure.

**Councilmember Arth** suggested it was unfair for a new business, if not a member of the Chamber of Commerce, to be treated differently than some other businesses in the community.

**Councilmember Trotter** was not opposed to allowing some incentives for the Chamber of Commerce. He again asked for consideration of private milestone messages which had not been included in the current policies and procedures.

On the issue of language to allow commercial messages with sponsorship through the Chamber of Commerce, the Council affirmed the understanding that the Town's fee would be paid to the Town.

**Mayor Wykle, Vice Mayor Metcalf, and Councilmember Arth** were not opposed to private milestone messages pursuant to the payment of the applicable fees, and **Councilmember Onoda** was also supportive but suggested that those reaching a milestone, such as a 100<sup>th</sup> birthday, could also be considered for a fee waiver.

By consensus, the Town Council continued the item to the next meeting of the Town Council, subject to the modification to Attachment B, as discussed, with Attachment B to be returned in a redline format, and with the item to be placed on the Consent Agenda.

**B. MCSP Implementation Project Steering Committee Charter**

Consider Resolution 37-2015 Adopting Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee Charter and Appointment of Town Council Representatives to the Committee

Planning Director Ellen Clark presented the staff report for consideration of a resolution adopting a Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee Charter and appointment of Town Council Representatives to the Committee, and reported that a redline/blueline revision to the charter had been provided to the Town Council.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**Councilmember Trotter** offered a motion to adopt the resolution subject to the redline/blueline revision as submitted by staff.

**Councilmember Onoda** seconded the motion.

On the motion, **Vice Mayor Metcalf** commented that the consultant's proposal had envisioned working with a small Steering Committee; however, the proposed Steering Committee would be comprised of nine members, which he found to be excessive. He recommended the elimination of the two Moraga community members since the meetings would be open to the public and subject to the Brown Act, and suggested the same could apply to the one member representing the property owner's interests. He recommended that the Steering Committee be comprised of no more than seven members.

**Councilmember Onoda** agreed and expressed an interest in serving on the Steering Committee.

**Councilmember Trotter** agreed that the major property owner would be present, whether or not a member of the Steering Committee. He recommended that the charter be modified with the appointment of two Town Councilmembers, two Planning Commissioners, two DRB members, and one Park and Recreation Commissioner, for a total of seven members. He added that the appointment process of the charter should include language whereby the Council, and not just the appointing body, reappoint people who may have left the Committee, which change had also been made to the charter for the Hillside and Ridgeline Steering Committee. He suggested that staff review the language in that charter and use the same language in the MCSP Implementation Project Steering Committee Charter.

Ms. Keimach explained that the intent was not to mirror the charter for the Hillside and Ridgeline Steering Committee in that the MCSP Implementation Project Steering Committee Charter had been set up with the appointing body to select the representative; and while that was a policy question, she suggested it would be easier for the appointing body to select the representative.

**Councilmember Trotter** agreed and recognized that the Town Council could make changes in the future if it chose to amend the charter. He offered a substitute motion to adopt Resolution 37-2015 adopting Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee Charter in the redline/blueline form provided by staff; and subject to the following modifications:

Amend the Composition as follows:

Two (2) members of the Moraga Town Council;  
Two (2) members of the Planning Commission;  
Two (2) members of the Design Review Board; and  
One (1) member of the Park and Recreation Commission.

Amend the Appointment Process, revise the first sentence to read: *Town Council, Commissions, and Board to make appointments at respective meetings of each body.*

Amend Appointed by: eliminate *Steering Committee (at-large members)*.

**Councilmember Onoda** seconded the substitute motion.

**ACTION: It was M/S (Trotter/Onoda) to adopt Resolution 37-2015 Adopting Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee Charter in the redline/blueline form provided by staff, and subject to the following modifications:**

**Amend the Composition as follows:**

**Two (2) members of the Town Council;  
Two (2) members of the Planning Commission;  
Two (2) members of the Design Review Board; and  
One (1) member of the Park and Recreation Commission.**

**Amend the Appointment Process, and revise the first sentence to read: *Town Council, Commissions, and Board to make appointments at respective meetings of each body;* and amend Appointed by with the elimination of the language *Steering Committee (at-large members)*. Vote: 5-0.**

Regarding the appointment of Councilmembers to the Steering Committee, **Councilmember Trotter** stated he had been involved in the original development of the MCSP and would like to see it appropriately implemented. He expressed a desire to serve on the Steering Committee, and emphasized the process was not intended to amend the MCSP.

**Vice Mayor Metcalf** commented that while he would have liked to have served on the Steering Committee, he had too many commitments at this time to allow that to occur. He emphasized the importance of Committee members remaining objective.

**Councilmember Onoda** looked forward to putting together the vision in the MCSP and to bring her experience as an artist to the discussion.

**ACTION: It was M/S (Wykle/Arth) to appoint Councilmembers Onoda and Trotter to the Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee. Vote: 5-0.**

**C. Hillside and Ridgeline Project Contracts**

Consider Resolution 38-2015, Authorizing the Town Manager to Amend the Contract with PlaceWorks for the Hillside and Ridgeline Project by \$3,963 for a New Amount not to Exceed \$198,963, plus a 15% contingency; Authorizing the Town Manager to Execute a Contract with Godbe Research for an Amount not to Exceed \$22,750; and Appropriating an Additional \$122,600 in Funds from Palos Colorados for both Contracts and Remaining Additional Work on the Project

Planning Director Clark presented the staff report and asked the Town Council to adopt a resolution authorizing the Town Manager to amend the contract with PlaceWorks for the Hillside and Ridgeline Project by \$3,963 for a new amount not to exceed \$198,963, plus a 15% contingency; authorizing the Town Manager to execute a contract with Godbe Research for an amount not to exceed \$22,750; and appropriating an additional \$122,600 in funds from Palos Colorados for both contracts and remaining additional work on the project.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** clarified with Ms. Clark that Ben Noble had been an Associate Principal with PlaceWorks and was now an independent contractor. Mr. Noble had been providing services to the Town on other projects and the PlaceWorks contract had been modified to eliminate Mr. Noble's time from that contract.

Ms. Clark emphasized that PlaceWorks had been very accommodating to the request, which she found to be a statement to their commitment to the project and to the Town.

Ben Noble explained that he had an ongoing relationship with PlaceWorks on a variety of projects, not just the subject project, and stated there was no reason for concern.

Ms. Keimach confirmed that PlaceWorks was completely fine with the arrangement.

**ACTION: It was M/S (Arth/Metcalf) to adopt Resolution 38-2015 Authorizing the Town Manager to Amend the Contract with PlaceWorks for the Hillside and Ridgeline Project by \$3,963 for a New Amount Not to Exceed \$198,963, plus a 15% contingency; Authorizing the Town Manager to Execute a Contract with Godbe Research for an Amount Not to Exceed \$22,750; and Appropriating an Additional \$122,600 in Funds from Fund 100 – One Time Developer Fees (Palos Colorados) for both Contracts and Remaining Additional Work on the Project. Vote: 5-0.**

#### D. Comprehensive Development Fee Update

Consider Resolution 39-2015 Authorizing the Town Manger to Amend the Contract with Seifel Consulting, Inc. for Preparation of the Comprehensive Development Impact Fee Update by \$48,500 for a New Amount not to Exceed \$183,100, plus a 10% Contingency; and Appropriating \$25,000 from Fund 210 (Measure J) and \$51,500 from the General Fund to Cover the New Contract Amount and Remaining Work on the Project

Planning Director Clark presented the staff report and asked that the Town Council adopt a resolution authorizing the Town Manager to amend the contract with Seifel Consulting, Inc. for preparation of the Comprehensive Development Impact Fee Update by \$48,500 for a new amount not to exceed \$183,100 plus a 10% contingency; and appropriating \$25,000 from Fund 210 (Measure J) and \$51,500 from the General Fund to cover the new contract amount and the remaining work on the project.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** supported the item as part of the continued efforts of the LFFA in relation to its discussions on development impact fees. He referenced a memorandum that had been prepared by DKS Associates, yet to be publicly reviewed, and stated his desire for the Town to ensure that whatever impact local projects generated, that the fees remain in the Lamorinda area.

Ms. Keimach explained that the Town of Moraga was not growing fast, there was some benefit to being in the LFFA and receiving some of the traffic impact fees from Lafayette and Orinda if the current fee formula changed, and it was important that the program fairly addressed the Town's needs.

Ms. Clark acknowledged the inequity in the current system that she hoped would be addressed in a revision to Moraga's benefit. She commented that as part of the study, data had been developed on the actual traffic impacts to the various communities which could be used as a basis for adjustment.

**Vice Mayor Metcalf** added that the LFFA Bylaws stipulated a unanimous agreement on any issue.

Ms. Murphy advised that the entire fee study was old and there was a need for an update.

**Councilmember Onoda** explained that when the school report had been distributed she had spoken with the Moraga School District (MSD) Board President, and had identified her concerns with data used in the report, which she understood had been forwarded to the MSD Superintendent.

Ms. Keimach affirmed that recent data could be shared with the MSD; the three communities in the LFFA had voted to conduct the study; and ensure it was legally defensible, at the risk of losing the program if it was not.

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 39-2015 Authorizing the Town Manger to Amend the Contract with Seifel Consulting, Inc. for Preparation of the Comprehensive Development Impact Fee Update by \$48,500 for a New Amount Not to Exceed \$183,100, plus a 10% Contingency; and Appropriating \$25,000 from Fund 210 (Measure J) and \$51,500 from the General Fund to Cover the New Contract Amount and Remaining Work on the Project. Vote: 5-0.**

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

**Vice Mayor Metcalf** requested as a future agenda a discussion of the fee program considered by the LFFA which Ms. Keimach advised had been tentatively scheduled for the Town Council meeting of May 13, 2015. It was noted that the information would not be available for the April 22, 2015 Town Council meeting, and staff would have to potentially modify upcoming agendas which were currently full of items.

Assuming there was room on the May 13, 2015 agenda, Ms. Clark stated that some information on the LFFA could be presented to the Town Council.

**Councilmember Onoda** asked for a future agenda to consider a study session on art in public places, and asked staff to look at what Lafayette and Orinda had done for art in public places. The Council recommended that a discussion be agendized after the budget hearings, possibly during a Town Council meeting in July.

In response to the Mayor as to the status of Town booths for the Community Faire, Ms. Keimach reported the Town would have booths for the Clean Water Program (Public Works/Engineering), and another for the Planning Department. Town Councilmembers were encouraged to attend the event, be at one of the staff booths, or walk around.

Ms. Keimach also affirmed that an e-mail had been received requesting an agenda item for a presentation for the Property Assessed Clean Energy (PACE) program, which could be considered in late summer.

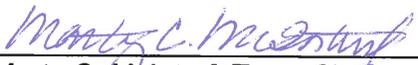
### XIII. COMMUNICATIONS

There were no communications.

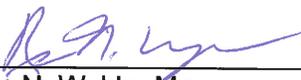
### XIV. ADJOURNMENT

**ACTION: It was M/S (Trotter/Onoda) to adjourn the meeting at 9:35 P.M. Vote: 5-0.**

Respectfully submitted by:

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

Approved by the Town Council:

  
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Roger N. Wykle, Mayor

