

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

May 27, 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 Arth 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.** Proclamation Honoring Saint Mary's College of California Chamber 2014 and 2015 Singers and Glee Club

Mayor Wykle read into the record a proclamation honoring the Saint Mary's College (SMC) of California Chamber 2014 and 2015 Singers and Glee Club, presented the proclamation to Director Dr. Julie Ford, and declared May 27, 2015 as "Saint Mary's College of California Chamber Singers and Glee Club Day" in honor of its outstanding accomplishments.

PUBLIC COMMENTS OPENED

Dr. Julie Ford, Director of the SMC Singers and Glee Club, thanked the Town Council for the recognition.

Sharon Kim, Assistant Director and Accompanist, SMC Singers and Glee Club, invited the Town Council to the SMC Singers and Glee Club concerts.

PUBLIC COMMENTS CLOSED

V. PUBLIC COMMENTS AND SUGGESTIONS

Richard J. Olsen, Moraga, referenced the serious commute hour traffic in Moraga; suggested the traffic problem had increased due to larger households, with some residents having the services of a nanny, which had not been included in a census count; and the student and faculty population at SMC which had increased over the years. He also referenced Department of Motor Vehicles (DMV) rules for underage drivers, particularly the inability to drive passengers, and asked the Town Council to conduct an analysis on the time required for a resident to reach his or her residence, and identify the commute period based on a full build-out of approved development projects in Moraga.

VI. ADOPTION OF CONSENT AGENDA

A. Approval of Consent Items

Consent Items 2 and 3 were removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Arth/Trotter) to adopt Consent Agenda Items 1, 4, 5, 6 and 7. Vote: 5-0.

- | | | |
|----|--|----------------|
| 1) | Accounts Payable Claims for: 5/8/15 (\$32,338.80);
5/15/15 (\$190,713.00) | Approved |
| 2) | <i>Approve Minutes for the Regular Meeting on April 8, 2015</i> | <i>Removed</i> |
| 3) | <i>Consider Two Resolutions Authorizing the Filing of Active Transportation Program (ATP) Applications:</i> | <i>Removed</i> |
| | A. <i>Consider Resolution 53-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Moraga Way Pedestrian and Bicycle Improvements Project</i> | |
| | B. <i>Consider Resolution 54-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the St. Mary's Road Improvements and Roundabouts (Rheem Boulevard to Bollinger Canyon Road) Project</i> | |
| 4) | Consider Resolution 50-2015 Awarding a Contract Services Agreement to Impec Group (Santa Clara) for Janitorial and Building Maintenance Services for Town-owned Facilities in an Annual Amount Not to Exceed \$84,000 for a Term of Three (3) Years | Approved |
| 5) | Accept the Pavilion Turf Improvements Project (CIP No. 15-303) and Authorize the Town Manager to File the Certificate of Completion with the County | Approved |

6) Consider Resolution 51-2015 Authorizing the Town Manager to Award a Consultant Services Contract to Harris & Associates (Concord) in an Amount of \$195,000, Plus a 10% Contingency, for a Total Amount Not to Exceed \$214,500 for Construction Management and Inspection Services for the 2015 Pavement Reconstruction Project (CIP 08-106) Approved

7) Consider Resolution 52-2015 Authorizing the Town Manager to Award a Consultant Services Contract to Anchor Engineering (Lafayette) in an Amount Not to Exceed \$60,000 for Construction Inspection Services for Subdivision 9321 Harvest Court Development (Formerly Camino Ricardo) Approved

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for the Regular Meeting on April 8, 2015

Councilmember Trotter advised that redline changes had been made to the Town Council minutes of April 8, 2015, and copies had been provided to the Council and the public. 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 Regular Meeting on April 8, 2015, subject to the redline changes provided to the Town Council and the public. Vote: 5-0.

2. Consider Two Resolutions Authorizing the Filing of Active Transportation Program (ATP) Applications:

A. Consider Resolution 53-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Moraga Way Pedestrian and Bicycle Improvements Project

B. Consider Resolution 54-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the St. Mary's Road Improvements and Roundabouts (Rheem Boulevard to Bollinger Canyon Road) Project

Councilmember Trotter reported that he had removed the item from the Consent Agenda to request separate motions on the two items since he supported Item A only.

In response to Council, Laurie Sugang, Senior Civil Engineer, clarified for Item B the project cost estimate of \$4.4 million with the Town required to provide 11.47 percent in matching funds, if the Town was selected for the regional portion of the grant. If the Town was approved for a State grant there would be no matching requirement. She referred to Page 5 of the May 27, 2015 staff report which had identified the breakdown of cost, and clarified that the cost estimates had been provided to the Town Council at a previous meeting and had included conservative numbers at that stage which had since been refined. She reiterated that if a regional grant, the Town would be required to match 11.47 percent of the total amount, in the range of \$800,000 or possibly more, and if the project costs increased for whatever reason

during the design phase the Town would have to come up with additional funds or consider other grant opportunities.

Town Manager Jill Keimach added that the Town had options, to either consider other grant opportunities, return the grant funds, or not to do the project and recover the difference.

Ms. Sucgang identified the cost of the feasibility studies and clarified that the estimate in the staff report did not reflect that cost which could be shown as part of the local match. The Town had already secured \$450,000 from the Contra Costa Transportation Authority (CCTA) Measure J Major Streets Category. The action being asked of the Town Council was to apply for a grant application/funding, copies of which would be sent simultaneously to Caltrans and the Metropolitan Transportation Commission (MTC). While the applications may be submitted for the State portion, MTC required a resolution.

Assistant Town Attorney Karen Murphy advised that grant requirements often required a Town Council resolution.

Ms. Sucgang stated the application would be incomplete if the Town Council resolution was not attached to the MTC application, which involved funds just under \$4 million.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Trotter stated he did not support Item B and asked that the Town Council consider the agenda items separately. He would have supported the application if limited to the St. Mary's Road/Rheem Boulevard intersection, and suggested the item was a solution in search of a problem that did not exist at the intersection if the sightlines were maintained.

Councilmember Arth disagreed and stated the sightline down Rheem Boulevard on to St. Mary's Road was not good, and calming at the Bollinger Canyon Road intersection was needed. He commented that the Town Council had previously taken action on the item, it had been on the Consent Agenda, and he recommended that the items be approved, as shown.

Vice Mayor Metcalf questioned why the Town Council would not pursue an opportunity to improve the safety of the Town's road, and why \$4 million in grant funds would not be pursued. He stated if the circumstances changed, the project could be changed.

Mayor Wykle suggested it made sense to do both projects at once and would make both intersections safer.

Ms. Murphy affirmed that the two requests could be considered separately.

ACTION: It was M/S (Trotter/Wykle) to adopt Resolution 53-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Moraga Way Pedestrian and Bicycle Improvements Project. Vote: 5-0.

Councilmember Onoda suggested the use of stop signs, which would slow traffic and help resolve problems at St. Mary's Road/Rheem Boulevard to the Bollinger Canyon Road intersection.

Councilmember Arth offered a motion, seconded by **Vice Mayor Metcalf** to adopt Resolution 54-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the St. Mary's Road Improvements and Roundabouts (Rheem Boulevard to Bollinger Canyon Road) Project.

On the motion and in response to the Mayor, Ms. Sucgang explained it would take several months for the results of the application although the funding for ATP would begin in federal Fiscal Year 2016. She added that since 2008, studies had been conducted for the Rheem Boulevard and Bollinger Canyon Road intersection, with a more recent study having identified the improvements necessary to improve sight distance. Given the grades and vertical profiles, stop signs had not been considered as a traffic measure that would improve the sight distance and had not been the direction provided to the consultant.

ACTION: It was M/S (Arth/Metcalf) to adopt Resolution 54-2015 Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the St. Mary's Road Improvements and Roundabouts (Rheem Boulevard to Bollinger Canyon Road) Project. Vote: 3-2. Noes: Onoda, Trotter

VII. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to adopt the meeting agenda, as shown. Vote: 5-0.

VIII. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Wykle – Reported that he had attended the Moraga Liaison meeting on May 15 along with Town staff.

Vice Mayor Metcalf – Reported that he had participated in the SMC Commencement Ceremony on behalf of the Mayor on May 23.

Councilmember Arth – Reported that he had attended the swearing in ceremony for the new Moraga Police Officer Anthony Craig on May 21.

Councilmember Onoda – Reported that she had attended the Moraga Liaison meeting on May 15; and the swearing in ceremony for the new Moraga Police Officer Anthony Craig on May 21.

Councilmember Trotter – Reported that he had also attended the swearing in ceremony for the new Moraga Police Officer Anthony Craig on May 21.

B. Town Manager Update – Town Manager Jill Keimach reminded everyone of the Local Wine Social, Art Exhibit and Sale hosted by the Hacienda Foundation on May 28; free family movie night at the Commons Park on May 29; and the two community meetings with the Hacienda Architect scheduled for June 2 and June 8, with invitations to be mailed to all stakeholders.

IX. DISCUSSION ITEMS

There were no discussion items.

X. PUBLIC HEARINGS

A. Master Fee Schedule

Conduct a Public Hearing and Consider Resolution 55-2015 Updating the Town of Moraga's Master Fee Schedule Effective July 27, 2015

Administrative Services Director Stephanie Hom presented the staff report and highlighted Attachment A, Proposed Master Fee Schedule for Fiscal Year 2015/16, and asked that the Town Council adopt a resolution updating the Town of Moraga's Master Fee Schedule to become effective July 27, 2015.

Responding to Council, Planning Director Ellen Clark explained that the Tree Permit Removal Ordinance would have to be brought back to the Council for a minor amendment within a short period of time but not likely within 60 days. She clarified there was no provision in the Town's code, as currently adopted, to allow a penalty for violation of the Tree Permit Removal Ordinance although it could be pursued through the nuisance abatement process.

Ms. Murphy added that the Tree Permit Removal Ordinance had not established a fine mechanism; although the Town had administrative and nuisance abatement procedures in place to address tree removal, or the Town could adopt an ordinance to allow a fine.

Ms. Hom noted that the Planning Department billing rates been reduced slightly with the removal of the unfunded liability for the California Public Employees Retirement System (CalPERS) pension for current active employees but which had been added to the overhead. The same methodology had been used for other Town departments. She also acknowledged that the fines for the Police Department were comparable for the region.

Chief of Police Robert Priebe described the process for a parking fine and explained that over the years the cost to the County, State, and the private vendor used for the parking violations had increased and a potential increase could be considered. He clarified that while the fines did cover the costs, the Town did not make any money from them.

Ms. Hom commented that the developer fees, as shown, had been included strictly for reference purposes as noted in the Master Fee Schedule, with a different authority imposing the developer fees through the Moraga Municipal Code (MMC) and by resolution. The information had been included as a convenience to show all fees in one place.

Chief Priebe explained that he was unaware of any parking violations that had been written for St. Mary's Road during the recent SMC commencement ceremony. SMC's Director of Public Safety had sent him a text message to advise that parking on the SMC campus was full, and while he assumed there had been an overflow, he was unaware there had been any crucial issues during the event.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 55-2015 Updating the Town of Moraga's Master Fee Schedule Effective July 27, 2015. Vote: 5-0.

XI. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Add Planned Development Land Use Classification and Rezone Moraga Town Center Homes Site

Consider Waiving Second Reading and Adopting Ordinance 252 Amending Moraga Municipal Code §8.48.040 to add 12-DUA-PD Zoning District (12-PD-MC) and Amending the Zoning Map to Zone the Site of the Proposed Town Center Homes Project (APNs: 257-180-082-6 and 257-190-057-6) 12-PD-MC

Associate Planner Ella Samonsky presented the staff report and recommended the Town Council adopt Ordinance 252 Amending MMC §8.48.040 to add 12-DUA-PD Zoning District (12-PD-MC) and Amending the Zoning Map to Zone the Site of the Proposed Town Center Homes Project (APNs: 257-180-082-6 and 257-190-057-6) 12-PD-MC, as presented.

PUBLIC COMMENTS OPENED

Scott Bowhay, Moraga, identified himself as one of the appellants of the Moraga Town Center Homes project, expressed his disappointment that the Town Council had voted to deny the appeal, and suggested if the Town Council took this action, it was very likely citizens would pursue a referendum or other lawsuit.

Charity Wagner, Director of Development, City Ventures, was present to respond to any questions the Town Council might have on the item.

PUBLIC COMMENTS CLOSED

In response to Council, Ms. Clark explained that a 2,500 square foot lot size was similar to the 10-DUA standard recently adopted for Via Moraga, a single-family small lot subdivision. The minimum lot size standard applied only to detached single-family residences on individual lots. The ordinance, if adopted, could potentially be applied, with a PD Zoning, to other areas of the Moraga Center Specific Plan (MCSP) with the same specific plan designation.

Ms. Keimach clarified with Ms. Clark that the roads and the common space were typically on separate parcels from residences. When calculating the lot area where roadways were on private parcels, the access easement was net out. She commented that since the MCSP implementation project would revisit all of the zoning standards pertaining to the MCSP area, the lot size could be amended as part of that process, and it could consider whether the minimum lot size was appropriate.

Councilmember Onoda requested clarification of the implications of the ordinance, absent roads or a park.

Ms. Clark stated the 12-DUA was the maximum residential density allowed, inclusive of the area for roads and parks on the site.

Vice Mayor Metcalf asked whether the zoning change was required to be consistent with the MCSP. He questioned how the City Ventures proposal would be impacted if no action was taken on the ordinance.

Ms. Murphy affirmed that a zoning change was required and was a prerequisite to the adoption of the Conceptual Development Plan (CDP) for the City Ventures project. The ordinance set

forth the 12-PD-MC, and the only development pertaining to that designation at this time was the City Ventures project. Any other future project in the MCSP area that might want the same zoning designation would require an application for a rezoning. The City Ventures CDP was contingent upon the adoption of the ordinance. She emphasized the ordinance was a prerequisite and requirement of the CDP.

Councilmember Trotter supported the second reading with the proviso that the issue be revisited by a Town Council subcommittee in the near future.

Vice Mayor Metcalf made a motion, seconded by **Councilmember Arth** to adopt Ordinance 252 Amending Moraga Municipal Code §8.48.040 to add 12-DUA-PD Zoning District (12-PD-MC) and Amending the Zoning Map to Zone the Site of the Proposed Town Center Homes Project (APNs: 257-180-082-6 and 257-190-057-6) 12-PD-MC.

On the motion, and in response to Councilmember Trotter, Ms. Murphy clarified that failure to pass the ordinance now would interfere with the processing of a General Development Plan (GDP) by City Ventures since adoption of the CDP was contingent upon adoption of the ordinance. The Town would be unable to process further plans without the ordinance in place. If the ordinance was not adopted, there would be no legislative act and nothing for project opponents to file a referendum on. She again reiterated that the adoption of the CDP had been contingent upon the adoption of the ordinance, and if the ordinance was not adopted, the CDP would not be able to move forward and would become ineffective. As to whether the discussion should continue in Closed Session, Ms. Murphy suggested that was not needed at this point.

ACTION: It was M/S (Metcalf/Arth) to adopt Ordinance 252 Amending Moraga Municipal Code §8.48.040 to add 12-DUA-PD Zoning District (12-PD-MC) and Amending the Zoning Map to Zone the Site of the Proposed Town Center Homes Project (APNs: 257-180-082-6 and 257-190-057-6) 12-PD-MC. Roll Call Vote: 4-1. Noes: Onoda.

- B. Moraga and Lamorinda Fee and Finance Authority Impact Fee Calculations**
Consider Town of Moraga and Lamorinda Fee and Finance Authority (LFFA) Draft Development Impact Fee Calculations and Provide Direction to Council Liaison

Ms. Clark presented the staff report and asked that the Town Council consider the Town of Moraga Lamorinda Fee and Finance Authority (LFFA) Draft Development Impact Fee Calculations and provide direction to Council Liaison, Vice Mayor Metcalf.

Bill Loudon, DKS Associates, provided an extensive overview of the revised LFFA Fee Estimates, as contained in Attachment A to the staff report under the direction of the LFFA, noting that Vice Mayor Metcalf was a productive participant and a member of the LFFA, and Ms. Clark was a member of the Technical Advisory Committee (TAC).

In response to Council, Mr. Loudon reported that he had made a similar presentation to the City of Lafayette and would be making one to the City of Orinda. The rates themselves had been based on vehicle miles traveled, total amount of development, and the development share within Lamorinda. The vehicle miles traveled (VMT) estimates had been used in order to determine the land use allocation type but (VMT) had not been used specifically to set the rates. The amount of fee charged had been based on the amount of development relative to what would exist in 2040 and the project list cost.

Mr. Loudon noted that all of the land use types had a trip generation effect. He described the methodology used for the land use types and noted that there was only a five percent growth in single family and it would likely involve a small change if the trip generation rate for single family

was changed. In order to make the fee defensible and resistant to challenge, nationally established standards had been used for those values. To use something different would require substantial data and research to clearly demonstrate that a different rate should be used.

PUBLIC COMMENTS OPENED

David Bruzzone, Moraga, commented that the LFFA had been implemented in 1998 as part of Measure C; a portion of the money had been required to preserve, maintain, or improve traffic; the numbers had been based on locally-proposed projects, consistent with Measure C guidelines, the County, and consistent with the improved Level of Service (LOS) for the intersections; with the new growth to pay the fee. He suggested the proposed projects had no relationship to maintaining the LOS or making improvements or like improvements where possible. He questioned whether the projects were needed to maintain the LOS. He pointed out that each year each jurisdiction must certify to the County that the LOS was being maintained at the intersections, based on a volume capacity method. He questioned why VMTs were being used, and while he was willing to pay his fair share, he had seen money wasted and not used to improve the intersections through Lafayette and Orinda.

PUBLIC COMMENTS CLOSED

Mr. Loudon referenced the significant discussion with DKS, the Lamorinda TAC, and the LFFA, and explained that in order to be a separate local fee there must be a clearly established nexus for the local fee, separate and independent of the LFFA fee. DKS had looked at ways to identify a portion of the project cost that could be local costs for Moraga, although in order to create a consistent program across all three jurisdictions, and in order to be defensive in terms of orientation, it made sense to have the three all wrapped up into one with the ability to collect at the regional level. He noted the Town Council could still adopt the LFFA Impact Fee Calculations and conduct another nexus study for anything that was clearly identifiable as development-related costs not captured in the fee program. With the proposed approach, Moraga would get a bigger piece of the pie.

In response to Council, Mr. Loudin stated that if the other jurisdictions did not adopt the LFFA Impact Fee Calculations, it would depend on whether the LFFA continued with the existing fee program or dropped the regional fee altogether. He noted that Moraga was getting some benefit from development in Lafayette.

Ms. Keimach advised if there was not a unanimous vote for the LFFA Impact Fee Calculations, it would not go into effect, and Moraga would have the choice of staying in the LFFA or going back to the nexus study that Seifel Consulting had prepared, which had identified a local traffic impact fee that had been calculated locally.

Vice Mayor Metcalf detailed the background of the Growth Management Element of Measure J where every jurisdiction was obliged to participate in a Growth Management Program, a way for communities to cooperate with one another and determine the impacts of growth on communities within a sub-region. He detailed the history of the current LFFA and stated the proposed revised fee had been based on rationale and VMTs on every road in the system, which was a fair way to calculate the fee. He pointed out the current LFFA fee system was based on obsolete project lists, would likely not withstand a challenge, and if something was not done, the Town could be faced with a challenge and lose it all. While Moraga could go it alone, it would be difficult. He cited the City of Pittsburg, which had withdrawn from the East Contra Costa Regional Fee and Finance Authority (ECCRFFA), but had later rejoined that authority. He emphasized if there was no unanimity, under the LFFA bylaws, no action could be taken.

Ms. Keimach explained that this item was informational only at this time beyond direction to the Council Liaison. The item would return for actual adoption.

Mr. Loudon added that the project list was in line with Measure J and the Action Plan that had been developed for Lamorinda over the past year and a half. He reiterated that the same presentation had been made to the City of Lafayette. The Lafayette City Council had directed its LLFA Council Liaison to support the LFFA Impact Fee Calculations.

Ms. Clark understood a presentation would be made to the Orinda City Council in early July.

Libby Seifel, Seifel Consulting, provided a PowerPoint presentation on the Town's Impact Fee Program Comprehensive Update, Estimates and Methodology, identified as Attachment B to the staff report. She corrected a statement in the staff report and noted that for Miscellaneous Residential, the fee would be on a per resident basis, and for Miscellaneous Non-residential on a per job or employment basis. She advised that the next steps included discussions and questions on the methodology, key assumptions, and draft fee calculations, preparation of a Comprehensive Update Report in the summer of 2015, and the adoption of the Proposed Fee Updates after the LFFA Update had been approved in the summer of 2015, with the Town Impact Fee Proposal to be brought back to the Town Council in the fall.

Responding to Council, Ms. Seifel explained that the Parks Facilities Fee included all facilities in the 2007 Parks and Recreation Master Plan, and if there was a desire to fund a new community gymnasium, that had been included and reflected in Appendix Table 2.

As to the status of a potential ballfield at Joaquin Moraga (JM) Intermediate School, Ms. Keimach stated that had not been included since the full Council had not voted on that option. What had been included had been approved by the Town Council in the 2007 Parks and Recreation Master Plan or in the Capital Improvement Program (CIP). She described the document as dynamic with regular updates. If between now and the fall, the Joint Ad Hoc Facilities Planning Subcommittee made a recommendation to the Town Council that the Town Council approve a ballfield for JM, it could be added to the list and the fee could be recalculated.

Ms. Keimach clarified that the community survey would likely be brought to the Town Council in the fall. Consultants were currently working on three different surveys.

Ms. Seifel described in detail the methodology used to determine the impact fee level for single-family and multi-family homes based on figures used in the Specific and General Plan processes. Some adjustments had been made to the persons per dwelling unit to reflect that single-family attached units had a larger number of people per household.

Ms. Clark added that duplex units had been categorized as single-family residences, to be charged the same rate as single-family residences.

Mr. Bruzzone commented that the peak hour trips were critical and whatever program was considered should address that issue. He expressed concern that commercial uses in the Town could be penalized since the VMT calculation had been used, and noted that those who patronized his shopping center generally arrived during off-peak periods. He questioned the proposed increase in fees for general government, public safety and parks by 40 percent, and asked why the original impact fee nexus study approved in 2008 had not included the approved 2004 Park and Recreation Master Plan. While he agreed that new development should pay its fair share, he questioned the values shown for some of the Town assets, such as 329 Rheem Boulevard and the Hacienda de las Flores, and urged consideration of equitable figures.

Ms. Keimach identified the land value for the Hacienda de las Flores at \$850,000 per acre for the property that encompassed 9.6 acres.

Ms. Seifel explained that the value of the Hacienda de las Flores had been calculated based on actual recent costs for expansion or facility costs as well as construction estimates provided by the Public Works Department.

Councilmember Trotter suggested the Town should proceed although he had concerns the City of Orinda might object to a reallocation. He asked whether any research had been conducted for the local impact fee if the sub-regional effort was unsuccessful.

Ms. Seifel commented that they had used a similar methodology of trip generation and adjustment of the VMT, and suggested the amount that could be charged a single-family unit was in the range of \$7,000 if the Town withdrew from the LFFA and went solely on its own.

Councilmember Trotter agreed that the CIP should include an additional item for a sports field upgrade.

Ms. Seifel advised that an additional project could be added to the CIP.

In response to Vice Mayor Metcalf as to the regional contribution if the Town left the LFFA, Mr. Loudon explained that he could not identify the local fee but if Moraga removed itself from the regional fee there would be a different set of project costs and re-estimates. He was uncertain how that would affect compliance with Measure J and participation in the regional program if the Town had its own fee program, although he understood there was some precedent in that the City of Pittsburg had withdrawn from the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), but had later returned as a member of ECCRFFA.

Mr. Loudon added that the project list was in line with Measure J and the Action Plan that had been developed for Lamorinda over the past year and a half. As part of the recommendation for the 50 percent share local jurisdictions would keep from what had been collected within its jurisdiction, he stated the Town had the option to waive fees for developments that it wanted to encourage at a local level. The 50 percent local share would guarantee more money in the jurisdiction where the development occurred, and if more development occurred in Moraga than forecast, the Town would realize a higher, although not directly proportional, share of funding.

Ms. Seifel added that Seifel Consulting had looked specifically at whether the Town continued with the local program or not, it had been assumed there was still a regional program going forward, and would not double count the local versus regional improvements since some regional contribution would be ongoing.

Councilmember Trotter also suggested that if new commercial development was proposed, the Town had the option to waive its local impact fees, which was a policy decision a future Council should make.

Vice Mayor Metcalf referenced correspondence from SMC dated May 27, 2015, and asked for a response from the consultant.

Ms. Seifel acknowledged some of the concerns raised in SMC's letter, clarified the consultant had looked at the Miscellaneous Residential category; had worked closely with SMC; and SMC had informed the consultant there were approximately 1,600 students and 50 faculty living on campus, which had been included in the Miscellaneous Residential category. The numbers from SMC had been used in the Miscellaneous Residential category. Further, SMC was one of the primary reasons the Miscellaneous Residential and Miscellaneous Non-residential

categories had been recommended to allow it to be customized and calculated on a project impact basis.

Responding to the Mayor, Ms. Clark advised that there had been multiple traffic studies, with the most recent comprehensive study having been prepared for the MCSP area. She suggested the MCSP had been well vetted and received, although the study would need to be updated over time and until recently there had not been a substantial amount of new development.

Vice Mayor Metcalf pointed out that the Town had not grown over the past 25 years. He clarified with Ms. Clark that when the MCSP traffic study had been prepared, and until recently, there had been little new development in the Town.

Ms. Clark noted that the study had not attempted to minimize or look conservatively at trip generation.

Responding to the Assistant Town Attorney, **Vice Mayor Metcalf** affirmed that he had sufficient information to provide at the next LFFA meeting.

Ms. Keimach referenced Appendix Table 1 in the attachments and clarified her earlier comments in that the land value of the Hacienda had been shown at \$1.3 million per acre, not \$850,000 as earlier noted, as well as the acquisition and square footages for each of the general government public facilities and how the land value had been calculated.

Vice Mayor Metcalf recommended that the issue be discussed at the next meeting of Lamorinda Mayors.

C. Construction Contract for 2015 Pavement Project

Consider Resolution 56-2015 Authorizing the Town Manager to Award a Construction Contract to Bay Cities Paving & Grading, Inc. (Concord) in the Amount of \$1,907,294.30 for the Construction of the 2015 Pavement Reconstruction Project (CIP 08-106) and to Execute Contract Change Orders up to 15% of the Contract Amount

Mayor Wykle reported that the third lowest bidder for the construction contract had been a subcontractor to his employer on two Bay Area Rapid Transit (BART) projects, and verified with the Assistant Town Attorney that he did not have a conflict of interest on the item.

Public Works Director/Town Engineer Edric Kwan presented the staff report for consideration of authorizing the Town Manager to award a construction contract to Bay Cities Paving & Grading, Inc. (Concord) in the amount of \$1,907,294.30 for the construction of the 2015 Pavement Reconstruction Project (CIP 08-106) and to execute contract change orders up to 15% of the contract amount. He clarified that Addendum 2 had not involved a substantial change but provided clarification on which bid item the geo-grid is located, and that staff was comfortable with the recommendation for the striping subcontractor, who would be less than \$10,000, in compliance with the subcontracting rules.

Mr. Kwan also affirmed that as part of the scope of work with Harris & Associates (Consent Agenda Item 6) was the coordination of utilities and the three streets that had been removed from the 2015 Pavement Reconstruction Project, as shown on Page 2 of the staff report, would be deferred until 2016 to allow the utilities to complete their work and avoid cutting into the newly paved streets. He provided an example of a stretch of pipe with the Central Contra Costa Sanitary District along Bollinger Canyon Road, which would have to be replaced. He expressed the willingness to provide further details on the Bollinger Canyon Road utility issues to the Town Council via e-mail.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Metcalf) to waive Bay Cities' lack of acknowledgement of Addendum 2 in its bid package as a minor bid irregularity; and determine that Bay Cities' omission to list a striping subcontractor did not violate the Subcontractor Listing Law; and adopted Resolution 56-2015 Authorizing the Town Manager to Award a Construction Contract to Bay Cities Paving & Grading, Inc. (Concord) in the Amount of \$1,907,294.30 for the Construction of the 2015 Pavement Reconstruction Project (CIP 08-106) and to Execute Contract Change Orders up to 15% of the Contract Amount. Vote: 5-0.

Mayor Wykle declared a recess at 9:45 p.m. The Town Council meeting reconvened at 9:51 p.m. with all Councilmembers present.

D. Employee Compensation and Benefits Packages, Memorandums of Understanding and Salary Schedules

Consider Resolutions Establishing Compensation and Benefits Packages and Approving the Memorandums of Understanding for Town of Moraga Employees Effective July 1, 2015 through June 30, 2017:

1. Resolution 57-2015 Establishing Compensation Package for Department Directors; and
2. Resolution 58-2015 Establishing Compensation Package for Mid-Management/Professional Employees; and
3. Resolution 59-2015 Establishing Compensation Package for Confidential Employees; and
4. Resolution 60-2015 Approving the Memorandum of Understanding (MOU) between the Town of Moraga and the Moraga Employees Association (MEA); and
5. Resolution 61-2015 Approving the Memorandum of Understanding (MOU) between the Town of Moraga and Moraga Police Officers Association (MPOA); and

Consider Resolution 62-2015 Amending the Associated Salary Schedule for Town of Moraga Classifications; Providing for a Three and One-Quarter Percent (3.25%) Increase for the Moraga Police Officers Association (MPOA); Three Percent (3%) Increase for all Other Classifications; and Providing for a One Percent (1%) Employee Payment to CalPERS for the Employer Share of Pension in Exchange for a One Percent (1%) Increase in Salary for all Town of Moraga Employees, and other Minor Classification Title and Salary Changes, Effective July 1, 2015

Ms. Hom presented the staff report for the agenda items as shown. She asked the Town Council to take action on the items pursuant to the staff recommendations, as shown in Attachments A through F to the staff report. Responding to Council, Ms. Hom acknowledged a request for the net impact on the operating budget as a result of all of the proposed changes for 2016, and for the second year of the agreement 2016/17.

Ms. Keimach explained that the calculations had initially been prepared with one change based on the MPOA being paid one percent and a one percent increase to be paid to CalPERS comparable in salary, which had been expanded to all employees and which had changed the numbers slightly. She recalled the total was in the \$80,000 to \$100,000 range. Responding to Councilmember Trotter, Ms. Keimach affirmed the information could be included in the staff report when the budget returned to the Town Council for consideration.

Mayor Wykle also recalled the difference in the \$80,000 range, which would be covered by surplus and conservative estimates on property taxes.

Ms. Keimach characterized the package to employees as not generous but fair, reflecting years where Town employees had given back to the Town in the understanding of the Town's limited resources. She emphasized that it was a pleasure to work with Town staff. The packages reflected very conservative estimates in property tax increases, some cost savings from medical as part of the Affordable Health Care Act, and the fact that the employee groups had worked together. She commended the employees' professionalism and understanding of the Town's limited resources.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Onoda applauded the MPOA for its efforts.

ACTION: It was M/S (Metcalf/Onoda) to Consider Resolutions Establishing Compensation and Benefits Packages and Approving the Memorandums of Understanding for Town of Moraga Employees Effective July 1, 2015 through June 30, 2017; and adopted:

Resolution 57-2015 Establishing Compensation Package for Department Directors; and

Resolution 58-2015 Establishing Compensation Package for Mid-Management/ Professional Employees; and

Resolution 59-2015 Establishing Compensation Package for Confidential Employees; and

Resolution 60-2015 Approving the Memorandum of Understanding (MOU) between the Town of Moraga and the Moraga Employees Association (MEA); and

Resolution 61-2015 Approving the Memorandum of Understanding (MOU) between the Town of Moraga and Moraga Police Officers Association (MPOA); and

Resolution 62-2015 Amending the Associated Salary Schedule for Town of Moraga Classifications; Providing for a Three and One-Quarter Percent (3.25%) Increase for the Moraga Police Officers Association (MPOA); Three Percent (3%) Increase for all Other Classifications; and Providing for a One Percent (1%) Employee Payment to CalPERS for the Employer Share of Pension in Exchange for a One Percent (1%) Increase in Salary for all Town of Moraga Employees, and other Minor Classification Title and Salary Changes, Effective July 1, 2015.

Vote: 5-0.

E. FY 2015/16 Operating and Capital Improvement Program Budgets

Consider Proposed Fiscal Year 2015/16 Operating and Capital Improvement Program Budgets, Including Updates to the Five-Year Financial Plan, Financial Policies, Requests for Funding and Provide Direction on Asset Replacement Funding

Ms. Hom presented a PowerPoint presentation on the FY 2015/16 Operating Budget, including updates to the Five-Year Financial Plan and Financial Policies, dated May 27, 2015. Responding to Council, Ms. Hom clarified the impact of sales tax revenues from Internet purchases.

Clarifying the budget figures for Palos Colorados, Mr. Kwan advised that the developer had submitted plans for grading, the plans were in process of plan check review, and the Grading Permits could be issued by the end of the year. The County would review the plans for compliance with grading ordinances and the Town would ensure conformance with conditions of approval and the different Tentative Maps and grading plans that had been approved as part of the process. He added that the developer was close to the expiration date for the Final Map and was working towards the issuance of the Grading Permit to meet that deadline.

Ms. Keimach explained that the County would issue the Grading Permit after Town review, which would trigger the fee.

Ms. Hom identified the property tax trends and stated the estimates were conservative although she was confident that at a minimum the Town would meet those estimates. She highlighted the garbage vehicle impact fees, the expenditure for the Lamorinda Spirit Van, and a recommendation from the Vice Mayor to assist the Moraga Chamber of Commerce by contributing towards the maintenance of the part-time Executive Director salary up to \$10,000 annually, with the funds to come from the Planning/Community Development Budget.

Ms. Murphy commented that while some members of the Town Council were members of the Chamber of Commerce, they did not receive any source of income related to the Chamber of Commerce. Depending on the use of potential funding which would have to be discussed further, at this point she did not see a conflict with the Vice Mayor's recommendation.

Councilmember Arth stated the Chamber of Commerce had a structurally balanced budget, was a well-run operation, and was not operating at a deficit. He suggested if it wanted some help with a project the Chamber could approach the Town Council to make a request.

Vice Mayor Metcalf suggested his recommendation to contribute towards the Chamber of Commerce would strengthen the Chamber as an effective operation.

Councilmember Trotter agreed with Councilmember Arth. The Chamber had not come before the Town Council to request an appropriation of the budget and he suggested there were better uses for Town funds, and he would rather see the Town's resources be used for projects such as the HVAC system at the Moraga Library or a CIP project that had a demonstrated need.

Councilmember Onoda agreed with Councilmembers Arth and Trotter.

Mayor Wykle also agreed and suggested that if the Chamber of Commerce approached the Town Council with a plan and a proposal he would be more supportive, although there was only so much money in the budget to go around.

In response to the Vice Mayor, Ms. Keimach advised that during a prior Town Council meeting she had presented a Revenue Enhancement Report, which included economic development

where approximately 90 percent of the recommendations had been achieved. While the Town no longer had a Community Development Director, sales taxes in the Town had increased, the economy had recovered and a number of empty storefronts had been filled, and many accomplishments had been realized with the limited staff available. The Town had succeeded in streamlining the planning process for non-residential projects. A number of Town staff continued to attend and support Chamber events.

Ms. Keimach referred to the Town Manager's \$25,000 Contingency Fund and suggested that \$10,000 could be added to that fund for a total of \$35,000, or the fund could be reduced by \$10,000 to accommodate the Chamber of Commerce if funds were needed and requested.

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

Mr. Kwan presented a PowerPoint presentation on the CIP and Asset Replacement needs, as reflected in the staff presentation of the FY 2015/16 Operating and CIP Budgets.

PUBLIC COMMENTS OPENED

Eric Benisek, Lafayette, representing the Lamorinda Volleyball Club, suggested the Club was one of the Moraga Commons Park's largest users. He urged support for the Club and asked the Town Council to consider prioritizing improvements to the sand volleyball courts, which were used year round and which were in poor condition. He offered background on the Lamorinda Volleyball Club, and explained that Club members were almost exclusively Lamorinda families.

Rob Browning, Moraga, SMC Volleyball Coach, also spoke to the use of the Moraga Commons Park for many sports activities, emphasized the sand volleyball courts were well used, and agreed that improvements would be beneficial to the community since the National Collegiate Athletic Association (NCAA) had designated sand volleyball as an emerging sport increasing the demand. He noted that SMC had one good court on campus, would like to build another, but until that happened, the courts would be used at the Commons Park.

Eric Sandring, Moraga, explained that he had coached volleyball teams at Campolindo High School, had volunteered as a coach in the community, and would support improvements to the sand volleyball courts at the Moraga Commons Park which would attract other players and leagues.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Wykle) to extend the Town Council meeting to 11:45 P.M.
Vote: 5-0.**

For the CIP Budget, the Town Council offered the following direction to staff:

- Add an item to the CIP for high visibility crosswalk(s) with appropriate Americans with Disabilities Act (ADA) compliance on Rheem Boulevard to 335 Rheem Boulevard [**Metcalf**]; suggested the crosswalk be located closer to the Homemade Kitchen Café and Bakery restaurant on Rheem Boulevard to be more business friendly [**Trotter**]; recommended that the crosswalk be in a position where it would be most used [**Arth, Wykle**]; recognized the Town Council would have to determine how to pay for such an improvement; with staff to review the recommendation with an appropriation of Measure J funds as part of the Community Room/Town Council Chamber Project; and recommended the crosswalk include lighting above and on the ground [**Onoda**]; with

staff noting that similar crosswalks had been found to be ineffective although staff would consider what method of crosswalk would be the most efficient; and

- Add an item to the CIP for a crosswalk from the homes at Alta Mesa to the gas station located across the street [**Onoda**].

Councilmember Trotter commented that the Town Council had spent Palos Colorados funds on many projects over the years that were not recreational, and expressed concern with the Audit and Finance Committee's (AFC) view of the goals and needs of the community, and placing it all in Asset Replacement without any recreational nexus. He questioned the adoption of the proposal from the AFC which would put 50 percent of the Palos Colorados funds into Asset Replacement, which should be discussed community-wide outside of the budget context. He urged a Town Council discussion of the \$17 million intended to fund a replacement recreational facility and create something meaningful and lasting for generations.

Ms. Keimach clarified that a discussion of the Asset Replacement Fund had been agendized on three separate occasions and had been combined with the budget to save time. The AFC had discussed the issue during a meeting on November 18, 2014 from the direction of Asset Replacement and not Palos Colorados.

Mayor Wykle commented on the goal of the community surveys to identify the goals of the Town and how to spend the money. He found the seven projects listed in the CIP presentation to all be good projects in need of funding.

Councilmember Trotter again urged a broader policy discussion as to whether there were better uses for the money now that it was coming in.

Parks and Recreation Director Jay Ingram presented a letter from Rodger Lum, President of the Friends of the Moraga Library, copies of which were presented to the Town Council and the public, expressing support for the HVAC system for the Moraga Library.

Councilmember Trotter found the CIP projects that had been listed to be acceptable for General Fund expenditures as opposed to coming out of Fund-100 (Palos Colorados). He was confident that the Town's property tax revenues would be over budget for both last and next year and recommended that if there was additional General Fund revenue that had not been budgeted, a policy decision could be made that those funds be allocated to the seven listed CIP projects. If the Town had additional General Fund revenue from the current fiscal year, he would authorize funding for the seven CIP Projects with some funding from Asset Replacement.

Ms. Keimach understood that Councilmember Trotter was recommending using all of the \$186,000 of Asset Replacement to fund the CIP, plus funds from Palos Colorados, and if additional property tax revenue came in, those additional funds would be put back into the Palos Colorados fund. However, that would delay the Town's ability to achieve 50 percent reserves.

Vice Mayor Metcalf noted the Town already had a policy for excess funds to be put into the General Fund Reserve to reach the 50 percent.

Ms. Keimach reiterated that the action would delay the Town reaching the 50 percent reserves.

Councilmember Onoda supported such direction.

Councilmember Arth acknowledged Councilmember Trotter's concerns with the use of the monies for recreation although there was nothing in the underlying documents to restrict Palos Colorados monies for recreation. He agreed it was a major policy issue and at some point, the

community should be engaged. He preferred to fund the CIP projects out of the Palos Colorados funds without the reimbursement provision.

Mayor Wykle understood there was consensus, with the exception of Councilmember Arth, for Councilmember Trotter's approach.

Councilmember Trotter noted that the Town Council should also consider the recommendation to add another CIP project to the Five-Year Plan. He asked whether the Joaquin Moraga Intermediate School fields project should be included as a future improvement project and be added to the CIP for the purpose of development fee calculations.

Ms. Keimach expressed a preference to contact the Moraga School District (MSD) Superintendent to advise of the Town Council discussion on the issue, and to invite the MSD Superintendent to the next Town Council meeting.

Councilmember Onoda asked that the description of CIP #19, Multigenerational Community Center, include the statement "gallery space and outdoor sculpture space."

ACTION: It was M/S (Wykle/Metcalf) to extend the Town Council meeting to 11:55 P.M. Vote: 5-0.

Councilmember Onoda also asked that CIP #26 eliminate "the development of a dog park in the back forty" from the description, an issue she understood the Town Council had discussed and decided not to do years ago.

Ms. Keimach explained the description for CIP #19 had come from the 2007 Parks and Recreation Master Plan but could be modified as proposed by Councilmember Onoda. Also, the language "field with property owner approval" could be added to the description.

By consensus, the Town Council determined that a new CIP for a "generic field project" would be included in the CIP; there was no consensus to change the description of CIP #26, there was consensus to change the description of CIP #19 to include the language "gallery space and outdoor sculpture space" in the description; and there was consensus to add a new CIP project for a crosswalk on Rheem Boulevard paid with Measure J funding, as discussed.

XII. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

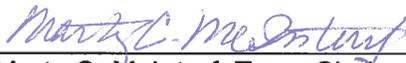
XIII. COMMUNICATIONS

There were no communications.

XIV. ADJOURNMENT

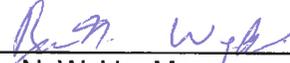
ACTION: It was M/S (Trotter/Metcalf) to adjourn the meeting at 11:47 P.M. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Roger N. Wykle, Mayor

