

**TOWN OF MORAGA  
TOWN COUNCIL REGULAR MEETING**

**October 28, 2015  
MINUTES**

**7:00 P.M. Regular Meeting**

Council Chambers and Community Meeting Room  
335 Rheem Boulevard, Moraga, California 94556

**I. CALL TO ORDER**

The regular meeting was called to order at 7:03 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**

Town Manager Jill Keimach led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

**Mayor Wykle** reported that this was the first meeting in the new Council Chambers and Community Meeting Room. He welcomed everyone to the new venue.

**IV. PROCLAMATIONS AND PRESENTATIONS**

- A. Proclamation Declaring Red Ribbon Week to be October 23 through 31, 2015

**Mayor Wykle** read into the record a proclamation declaring Red Ribbon Week to be October 23 through 31, 2015, and encouraged citizens to participate in drug prevention education activities all year long to make the visible statement of being strongly committed to a drug-free Moraga.

**PUBLIC COMMENTS OPENED**

Jaime Rich, representing the Lamorinda Alcohol Policy Coalition, thanked the Town Council for the proclamation; presented Red Ribbons to the Town Council; thanked the Town of Moraga for its continued support of drug prevention; referenced the County's efforts and programs for drug prevention and cited the statistics and negative health impacts from heavy marijuana use in young people. She reported that youth surveys would soon be distributed to Campolindo High School students in an effort to help them understand the risks of drug use.

**PUBLIC COMMENTS CLOSED**

- B. Presentation on Lamorinda Transit Service Plan for Lamorinda Program Management Committee (LPMC) by Nelson Nygaard Consulting

Planning Director Ellen Clark reported that the presenters had been unable to attend the meeting, and asked that the item be postponed to a future meeting of the Town Council.

## **V. PUBLIC COMMENTS AND SUGGESTIONS**

Dale Walwark, Moraga, expressed opposition to the Planning Commission's October 19, 2015 approval of the Small Farm Animal Ordinance given that it would permit as many as six turkeys and the slaughter of the animals on site of a single-family residential property. He suggested most residents were unaware of the Ordinance, and he expressed concern with the noise, odor, and vermin associated with those kinds of activities. He commented that there had been a small influential group of people who had advocated for the item while also promoting beekeeping. He also questioned whether the Ordinance complied with the Town's Climate Action Plan (CAP), and urged the Town Council to approve beekeeping but reject chickens as part of the Ordinance.

Edy Schwartz, Moraga, complimented the new Council Chambers and Community Meeting Room which had uplifted the entire area. She reported she had attended the John Muir Land Trust Open House, had spoken to the Trust's support for the 600 acres of the Carr Ranch, and commended the Trust's efforts to preserve open space.

Bobbie Preston, Moraga, reported that over the past two years she had spearheaded the pruning of the Town's sole remaining large pear orchard, the JM orchard. She asked the Town Council to consider a fee waiver for use of the Town's electronic marquee sign in October 2016 in order to advertise the pruning event in an effort to maintain the orchard. She invited everyone to participate on Saturday, October 31 from 10:00 a.m. to 2:00 p.m. to prune the JM orchard. She added, when asked, that an indemnification clause was required to be signed by participants to release the Moraga School District (MSD) from liability. In addition, anyone willing to make a donation to defray the cost of using the Town sign for advertising could make a donation to the MSD earmarked for the pear pruning at JM Orchard for 2016.

David Ricketts, Moraga, explained that his property was located adjacent to a new development the Design Review Board (DRB) had reviewed on October 26, 2015 for Vista Encinos. He and other members of the public had raised questions about the size and scope of the proposed homes. He understood the Town Council had taken action in 2005, and had determined the project must be compatible with existing adjacent development. The homes approved by the DRB were over 4,000 square feet in size and would impact his residence. He understood the item would not be reviewed by the Planning Commission unless there was an appeal of the DRB's decision, and urged compliance with the guidelines of the 2002 General Plan. He asked for clarification of the process and asked that the Town Council direct the Planning Commission to review the entire development as a unit rather than reviewing the homes one by one.

Planning Director Ellen Clark advised that the project had been approved ten years ago; began construction leading up to the Final Map approval; and that remaining approvals included the design review of the project which was ongoing at this time. The approval did not require the applicant to propose all of the homes at once but come forward with one to two homes at a time. The DRB had been reviewing all of the proposals against the conditions of approval that had been adopted in conjunction with the approved project.

Hollie Lucas-Alcalay, Moraga, reported that the Hacienda Foundation was hosting a Holiday Faire on December 4, 5 and 6 and Captain Vineyards would host a complimentary wine reception on Friday evening, December 4. The event would be a fundraiser for the Hacienda Foundation and she hoped everyone would be able to attend and support local artisans.

## VI. ADOPTION OF CONSENT AGENDA

### A. Approval of Consent Items

Consent Item 2 was removed from the Consent Agenda.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Arth/Metcalf) to adopt Consent Agenda Items 1, 3, 4, and 5. Roll Call Vote: 5-0.**

- |    |   |                |
|----|---|----------------|
| 1) | Accounts Payable Claims for:10/16/15 (\$122,379.93)   | Approved       |
| 2) | <i>Approve Minutes for the Regular Town Council Meeting on September 9, 2015</i>  | <i>Removed</i> |
| 3) | Approve by Motion Proclamation Declaring November 4, 2015 to be Shelter-in-Place Education Day  | Approved       |
| 4) | <u>Town Council Meeting Location Ordinance</u><br>Consider Waiving Second Reading and Adopting Ordinance 260 Amending Chapter 2.04, Section 2.04.020, Place of the Regular Town Council Meetings, of the Town of Moraga Municipal Code  | Approved       |
| 5) | <u>2015 Pavement Construction Management Contract</u><br>Consider Resolution 87-2015 Authorizing the Town Manager to Amend the Consultant Services Contract with Harris & Associates (Concord) in an Amount of \$28,000 for a Total Amount Not to Exceed \$242,500 for Additional Construction Management and Inspection Services for the 2015 Pavement Reconstruction Project (CIP 08-106) | Approved       |

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

1. Approve Minutes for the Regular Town Council Meeting on September 9, 2015

**Councilmember Trotter** advised that redline changes had been made to Page 13 of the Town Council minutes from September 9, 2015, and copies had been provided to the Town 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 September 9, 2015, subject to the redline changes provided to the Town Council and the public. Vote: 5-0.**

## VII. ADOPTION OF MEETING AGENDA

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

**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 Liaison Meeting on October 16; the League of California Cities East Bay Division meeting in Emeryville on October 22; and a rate setting meeting for RecycleSmart, formerly the Central Contra Costa Solid Waste Authority on October 27.

**Vice Mayor Metcalf** – Reported that he had attended a meeting of the Lamorinda School Bus Transportation Agency, where it had been reported that ridership was close to the 2014 level and buses were full, although there had been a shortage of operators for the buses as a result of a slowdown as part of the certification process through the California Highway Patrol (CHP).

**Councilmember Arth** – Reported that he had visited the different departments of Stanford Children's Hospital on October 14 and 15 as an Ambassador; and had attended the Senior Mobility Action Council on October 23.

**Councilmember Onoda** – Reported that she had attended the John Muir Land Trust Open House, which had been well attended.

**Councilmember Trotter** – Reported that he had attended a rate-setting meeting of RecycleSmart on October 27 along with the Mayor and Town Manager; and the new rates would go into effect on March 1, 2016.

- B.** Town Manager Update – Town Manager Keimach welcomed everyone to the new Council Chambers and Community Meeting Room and thanked staff and the community for putting up with the construction over the past two years. She reported that during the October 14, 2015 Town Council meeting, the Council had directed staff to send a letter to the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). MTC had met this date and had included all three of the bullet point items Moraga had outlined in its letter and in the form of a revised resolution, to move towards a collaborative effort for a full merger of both ABAG and MTC, funding for ABAG to the end of the fiscal year, and the hiring of a third party consultant to consider the pros and cons of how best to serve the region.

## IX. INFORMATIONAL ITEMS

### A. Update on Referendum Litigation

Update on Referendum Litigation (Bruzzone v. Town of Moraga) Regarding Ordinance 252

Town Attorney Michelle Kenyon presented the staff report and updated the Town Council on the referendum litigation Bruzzone v. Town of Moraga regarding Ordinance 252. She reported that the Superior Court of Contra Costa County had held a hearing on October 14, 2015, with a ruling issued on October 16, 2015. The Court had found the referendum to be invalid because, if successful, it would have made the zoning inconsistent with both the Moraga Center Specific Plan (MCSP) and the General Plan; and had also found that the referendum was procedurally

defective because the proponents had not attached the environmental documentation that had been incorporated by reference in the Ordinance. Since the court had invalidated the referendum, there was no further action for the Town Council to take because Elections Code Section 9241 was no longer applicable.

## PUBLIC COMMENTS OPENED

Scott Bowhay, Moraga, expressed his disappointment with the court's ruling and disagreed with some of the points in the court's decision. He suggested the citizens of Moraga would like to vote on the item and the organization would be working to make that happen. He stated that while the court had set aside the referendum, it had not set aside the sentiment of the voters of the Town of Moraga, which was something to consider when moving forward.

## PUBLIC COMMENTS CLOSED

In response to the Council, Town Attorney Kenyon reported that the Town had spent approximately \$55,000 to date on both the referendum and the litigation.

## X. DISCUSSION ITEMS

### A. Saint Mary's College Campus Master Plan

Presentation on 2015 Saint Mary's College Campus Master Plan Update by MIG Consulting and Saint Mary's College Staff

Saint Mary's College (SMC) President Jim Donahue presented the Draft SMC Campus Master Plan, which represented a continuation of the effort to achieve Town and Gown relations of renewed trust, cooperation, and shared interests. He reported that since 2013, there had been an extensive on-campus engagement with students, faculty, staff, and Christian Brothers to fully understand the current and future facility's needs, mobility enhancements, and sustainability goals. The effort had culminated in a new strategic plan envisioning almost no change to undergraduate student enrollment, and very minor increases in graduate student enrollment given that the Draft Campus Master Plan had not focused on increasing attendance, but had focused on ways to enhance the campus with greater amenities for students, more sustainable buildings, programs, and improved safety and operations. The process had also presented an opportunity to address ongoing community concerns that had been raised including new and better ways to address issues related to traffic, noise, lighting, and campus parking.

SMC President Donahue suggested the Town and SMC had a mutual goal to ensure that SMC became the leading Catholic University in the western United States, and he looked forward to receiving community input on the Draft Campus Master Plan. He presented Chris Beynon, with MIG Consulting, to present the Draft Plan. When asked, he understood the Moraga Historical Society did not have copies of the photographs shown in the Draft Plan and he would make those copies available to the Historical Society.

Chris Beynon, Principal, MIG Consulting, Berkeley, provided a PowerPoint presentation on the SMC Draft Campus Master Plan with photographs depicting the SMC campus from 1928 to the present, and reported that the original architecture had been maintained since that time. The purpose of the SMC Draft Campus Master Plan was to update and link the past to the present. The comprehensive plan had identified and analyzed the physical needs of the campus, addressing a full range of issues and topics in order to create a concise document that could be used by SMC, the Town, and the Moraga community.

The Draft Campus Master Plan had been divided into five chapters, including Introduction and Campus Profile, Campus Vision, Facilities Plan, Design Guidelines, and Standards and

Implementation, and included a number of other reports and analyses as detailed in the presentation. The Draft Plan included reductions in Greenhouse Gas Emissions (GHGs); energy efficiency requirements for new and remodeled buildings; implementation of a Sustainability Tracking System (STARS) program; sustainable landscaping and infrastructure design leadership; an improved on- and off-campus bicycle network; improved shuttle transit services; and new parking management strategies to make the parking more efficient.

SMC was also in the process of preparing a California Environmental Quality Act (CEQA) document that would cover the entire campus and would include both project and program level analyses. Mechanisms would be established for Town staff to ensure project consistency with the SMC Campus Master Plan; simplify the development review process for Town staff, elected officials and SMC; and allow for CEQA tiering and streamlining for future projects.

Mr. Beynon identified the projects proposed as part of Phase 1, including but not limited to the library and learning commons; a new residence hall; and a proposed roundabout at the entrance to the campus to help with traffic circulation. Phase 2 would be in the 2020 to 2030 timeframe and include the chapel, stadium upgrades, baseball stadium, and theater/academic building. He identified the project schedule which had been ongoing since the summer of 2013 and explained that environmental review, project description, scoping meetings, open houses, and the preparation of an Environmental Impact Report (EIR) would occur from fall 2015 through winter 2016; and thereafter public hearings and adoption through the Planning Commission and Town Council in the spring of 2016.

Responding to the Vice Mayor, Ms. Clark affirmed that impacts to all of the intersections would be evaluated and analyzed as part of the traffic analysis since SMC was large enough that it had a broad impact on traffic throughout the Town. SMC had prepared a traffic analysis which was being peer reviewed by the Town's consultant. She acknowledged the existing traffic concerns and noted that while SMC did not plan a great expansion of students, how SMC managed traffic in and out of the campus would be important.

In response to the Vice Mayor's recommendation for consideration of a secondary entry off of Rheem Boulevard, Christina Paul, MIG Consulting, Berkeley, explained that a number of secondary ingress/egress points had been reviewed. Ingress/egress out of Rheem Boulevard would be difficult given the hill and it would be dangerous to place another intersection in that area given the grade change. A secondary egress near the Bollinger Canyon Road intersection had also been considered but would require crossing over a stream and the construction of a new bridge, which would have a greater environmental impact than the option chosen. The preferred option would simply designate the route past the recreation center as an emergency access option only used in the event the main entrance to the campus was blocked.

Ms. Clark affirmed that there would be scoping sessions for the EIR with the Town, and the secondary entry and many other issues would likely be discussed.

**Councilmember Trotter** recognized that parking on the SMC campus was a challenge. He was pleased to see future improvements include a couple of parking decks. He clarified with Ms. Paul the design SMC had considered to date was for one deck over the existing parking. He recommended consideration of a three-level structure which would go further to mitigate the needed parking and provide parking on game days. He identified a line of trees between the existing parking lot and the rugby/soccer fields which provided screening from St. Mary's Road, and encouraged SMC to consider a multi-level parking deck in that location. He asked that alternative be the subject of scoping and study in the environmental review process.

**Councilmember Arth** agreed that SMC consider a multi-level parking deck as Councilmember Trotter had recommended. He also clarified the number of beds envisioned in the new residence hall at 182, and that no additional residence halls had been proposed for Phase 2.

#### PUBLIC COMMENTS OPENED

Ferenc Kovac, Moraga, understood the proposed roundabouts, although he emphasized that the existing traffic conditions in and out of Moraga needed to be addressed. He supported the preparation of an unbiased, comprehensive traffic plan for the Lamorinda area.

Gerri Joyce, Moraga, sought more information on the stadium improvements that had been proposed as part of Phase 2 of the project.

Diane Hardy, Director of Project Management, SMC, advised that the Phase 2 baseball stadium improvements would primarily involve upgrades intended to provide only restroom facilities, potentially a concession stand, and amenities similar to those currently provided on a rental basis. Speaking to the McKeon Pavilion, she described it as a modern building compared to other Campus buildings, and the hope was that as part of the future renovation and expansion plans SMC would be able to upgrade the building to improve its aesthetic in the context of the remainder of the SMC campus.

#### PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** clarified with staff that a cumulative traffic analysis would be prepared although not necessarily at the regional scale that had been done for the MCSP.

### XI. PUBLIC HEARINGS

There were no public hearings.

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

#### A. Development Impact Fee Calculations

Consider Draft Development Impact Fee Calculations, and Provide Direction to Staff to Finalize the Nexus Study and Impact Fee Schedule for Consideration by Town Council at a Future Public Hearing

Planning Director Ellen Clark presented the staff report for consideration of Draft Development Impact Fee Calculations, and asked that the Town Council provide direction to staff to finalize the Nexus Study and Impact Fee Schedule for consideration by the Council at a future public hearing.

Libby Seifel, Seifel Consulting, gave a PowerPoint presentation with an overview of the Draft Development Impact Fee Program Comprehensive Update. She defined development impact fees as fees charged on new development to pay its fair share of the cost of new public facilities and infrastructure, with developers paying fees or undertaking projects to mitigate impacts from new development. Impact fees were used to pay for cumulative impacts of new development while existing residents paid their share through general tax dollars. She noted that the existing Development Impact Fee Programs in Moraga included local fee programs and the Lamorinda Fee and Finance Authority (LFFA) sub-regional transportation fees, although the local traffic fee was proposed to be discontinued as part of the LFFA fee update.

Ms. Seifel reviewed the nexus analysis and fee calculation methodology that had been used for general government and public safety, park land, park facilities and trails, storm drainage, and

traffic (which would no longer be included since the LFFA fee would be used to help fund local traffic improvements). She also detailed the proposed local impact fees. The Comprehensive Update Report would be finalized in November 2015, and the adoption of the proposed fee updates would occur in winter 2015 or January 2016.

In response to Council, Ms. Seifel explained that currently the Town's park impact fee did not apply to non-residential development. In speaking with the Parks and Recreation Director, she understood the primary users of park land were residents. Given that statistics had not been kept on park utilization, it was difficult to prepare a defensible study for non-residential use.

**Councilmember Trotter** suggested as a back-up plan that the local traffic impact fee would be applicable until replaced, which had not been shown as part of the Comprehensive Update.

Ms. Seifel suggested the Council could adopt the Development Impact Fee Program Comprehensive Update along with a statement that the local traffic impact fee be kept in place until the status with the LFFA was known in the next few months.

**Councilmember Onoda** clarified with Ms. Seifel the rationale and methodology used for the development impact fees proposed for duplexes and multifamily units which had been discussed with staff. The single-family detached and attached categories had assumed the same number of people per unit. Multifamily had a smaller number of people per unit because it tended to be smaller. The consultant had also spent time with ABAG and the LFFA consultant on this issue. Based on that effort, the numbers shown in the presentation had been determined to be the best number to use. The multifamily category could apply a cut off for up to a certain size of unit. If larger than the designated size, the unit would be under the miscellaneous category or single-family attached category.

**Councilmember Onoda** encouraged the consultant to consider that direction. She cited the City Ventures project as an example, which could set a trend in Moraga. She also clarified with the consultant that the development impact fees for parks included Town-wide park and recreation facilities and parking development that occurred on park land, which would be in alignment with the Parks and Recreation Master Plan, although the Town Council as part of a Development Agreement (DA) could agree that a developer was mitigating its park impact through some facility that had been developed on-site.

Ms. Clark added that for a number of recent projects, it had been concluded through the review process that small quasi-private recreation areas provided on-site were explicitly excluded as mitigation and the developer must still pay the park mitigation fee.

#### PUBLIC COMMENTS OPENED

Dave Bruzzone, Moraga, stated he had followed the development impact fees for some time. He expressed concern with the methodology used for the storm drainage fee. He described the Town's storm drainage system as not an enclosed system but discreet drainage areas that impacted certain areas of the community. He questioned requiring the MCSP Area to pay for drainage improvements in the Rheem Valley or areas upstream when the MCSP Area was at the lower end of the drainage. He added that lots in the Moraga Country Club had addressed drainage when improvements had been made, which had also applied to the orchard property in the MCSP Area. He sought the establishment of a proper nexus. In this case, he suggested there was no nexus to require the storm drainage fee for the MCSP Area. He also expressed concern with a past presentation on the LFFA fees using Vehicles Miles Traveled (VMT) rather than being based on peak trips. He suggested the methodology used for the traffic impact fees did not make sense.

## PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** referenced the history and purpose of the LFFA as mandated by Measure J, the Countywide sales tax measure; the methodology proposed by DKS Associates who had approached the individual Lamorinda communities to consider whether to support the program; the conclusions reached in Lafayette and Orinda on shared fees; the issue of VMT; and his understanding from the consultant who had recommended that the existing fee structure be maintained. He asked the consultant to clarify her comments.

Ms. Seifel explained that the Town's existing fee program was not an overlap, although the proposed projects in the local traffic fee had been going along the path for a local and LFFA fee, and they had found a 100 percent overlap between the local impact fee program, and the new LFFA fee program, as proposed. She stated it would be challenging to have a defensible nexus with that situation given the VMT methodology that had been used. In order to have a unique local fee, there had to be a unique set of projects or a unique set of reasons why new development must pay more. The conclusion had been to retain a local fee, recognizing the current situation where Moraga had been disadvantaged under the LFFA program where it should have received a larger share of the traffic fee revenues than it had received.

In Ms. Seifel's opinion, the existing LFFA methodology was not as transparent or fair as the methodology proposed by DKS Associates. While it was incumbent upon Moraga to have some type of local program, traffic impacts occurred Lamorinda-wide, and the improvements that would make a difference to Moraga residents were occurring in Lafayette and/or Orinda. If Moraga only had a local program it could only collect based on local development rather than regionally as allowed with participation in the LFFA program.

**Vice Mayor Metcalf** preferred that the Town not have to pursue its own program. He noted that Measure J required a program, the existing LFFA purported to do that, although the Town received a small portion of it. If Moraga were to proceed with the new program and retain the old LFFA for the traffic portion, it could get 4 to 5 percent of the LFFA fees. He was not sure Moraga could do better than that.

**Councilmember Trotter** pointed out that the Town had a local traffic fee in the past. He suggested considering a local traffic fee based on purely local improvements, and while coming up with a methodology would be challenging he would like to see that done with the costs updated. He was uncertain whether that work was covered under the existing contract with Seifel Consulting and asked whether it was possible the contract could be modified accordingly.

Ms. Seifel reiterated that she would have to revisit that issue. She had started to collect costs and data, done fee calculations, considered whether or not there could be a dual program, and had been working hard to refine the project with Town staff.

Ms. Keimach advised of discussions during the most recent Mayors' Conference regarding the LFFA issue. She understood that in the City of Orinda, if the matter came to a vote, Orinda Councilmembers could vote 3-2 in favor of the LFFA. While it appeared that it was taking a long time to resolve that situation, she was confident it would be resolved. From a practical point of view, she suggested Moraga would not grow like Lafayette, and Moraga could lose if giving up the growth and resultant share of fees from Lafayette and Orinda. She recommended that the Town Council move forward with the Town's own impact fees, retain the current local traffic fee, which would not be subject to legal challenge, and in January or February 2016, if the LFFA issue did not move forward, staff could come back to the Town Council with a contract amendment for Seifel Consulting to do the update that had been started.

Ms. Clark understood that the Orinda City Council had scheduled action on the issue on November 17, 2015. Staff should be informed at that time of the status of the issue.

**Councilmember Trotter** supported the Town Manager's approach. It was his understanding the storm drainage fee would be imposed on new impervious surfaces, and if new development in the MCSP Area had impervious surfaces there would be a nexus to impose a storm drainage fee. He asked whether the new impervious surface calculation on a Town-wide basis was an improved methodology for assessing a storm drainage impact fee, or whether it had to be considered on a sub-drainage basin by sub-drainage basin analysis.

Assistant Town Attorney Karen Murphy was unaware of any requirement to consider an analysis on a sub-drainage by sub-drainage basin requirement. The storm drainage master plan analyzed the entirety of the system, and any development with impervious surface in the Town fed into that system and created impacts to that system. The nexus study would be reviewed from a legal perspective before it returned to the Town Council.

**Mayor Wykle** clarified with Ms. Seifel the methodology for park impact fees which she suggested was a defensible proposal with three components; land, facilities, and Town-wide improvements, which was a significant piece of the increase in fees.

Ms. Seifel suggested the amount was defensible and the Town Council had the choice not to charge that amount. It was a challenge given the history of development in Town, the Town's large number of needs, where impact fees were needed to help the new development share, and significant General Fund revenues or other types of funds to accomplish ballfields or a multi-generational recreation center, as examples.

In terms of how the fees being proposed compared to other jurisdictions, Ms. Seifel suggested they were in a similar range, although she had not reflected the traffic fees with the LFFA, a modest fee for a single-family detached unit. Park fees were on the middle to high side, general government and public safety on the lower to mid-side. As to the storm drainage fees, she suggested the Town had a defensible storm drainage master plan that had been prepared by an excellent and knowledgeable engineering group.

Ms. Keimach expressed a desire to bring the item back to the Town Council at its November 18, 2015 meeting for adoption.

**Councilmember Trotter** wanted to see a local traffic impact fee included as a fallback position. He also suggested the observations of having square footage cut off for multifamily versus single-family attached was a good idea. He stated the rest of the fees were fine.

**Vice Mayor Metcalf** asked that staff provide a full explanation why it would make sense to have the square footage cut off for multifamily versus single-family attached.

Ms. Keimach commented that at a staff level they were discussing square footage or the number of bedrooms because it was all about the number of people in the household.

Ms. Murphy added it was also about how single-family attached was defined versus multifamily in the final study, and they would review that to cover townhomes or other products as single-family attached since there would be more people living in them with greater impacts.

**B. Pavement Management Plan for Remaining Years of Measure K**

Receive Report on the Pavement Management Plan for the Remaining 17 Years of Measure K and Provide Direction to Staff

Public Works Director/Town Engineer Edric Kwan provided a PowerPoint presentation on the Pavement Management Plan for the Next 17 Years of Measure K. He identified the background of Measure K, an intensive three-year plan and one-cent sales tax initiative which had passed in 2012, with \$600,000 of future annual sales tax leveraged to yield upfront funds of approximately \$7.7 million to spend on a 3-year intensive pavement program, which currently provided \$1.1 million remaining non-leveraged annual sales tax, and \$174,000 of Garbage Impact Fees to spend on the pavement program. He identified the three phases of the Pavement Management Plan which had been separated into pavement treatment types of fair, poor, and failed streets; and described the improvements that had been accomplished to date.

Mr. Kwan reviewed the Pavement Condition Index (PCI) for 2012 to 2015, advising of the street network statistics and average PCI by functional class for arterial, collector, or residential streets. The Percent Network Area by Functional Class and Condition were also detailed, with the conditions described as good, fair, poor or very poor. The information had been based on current visual assessments conducted in the entire Town, and had included the south Rheem Boulevard area that would be rebuilt.

Ryan Shafer, Division Manager, Nichols Consulting Engineers, described the budget scenarios for the Next 17-Year Plan. He reviewed each of the scenarios in detail including Scenario 1: Optimum Budget, which would involve \$47.7 million, over 17 years of inconsistent annual funding levels, yield a 76 PCI, with zero deferred maintenance; Scenario 2: Current Investment Level \$24.8 million, over 17 years of consistent annual funding levels, yield a 57 PCI, with \$28.4 million deferred maintenance; Scenario 3: Maintain Current PCI of 70, \$33.8 million, over 17 years of consistent annual funding levels, yield a 70 PCI with \$13.7 million deferred maintenance; and Scenario 4: Increase PCI by 5 Points to 75, \$44.2 million, over 17 years of consistent annual funding levels, yield a 75 PCI with \$2.2 million deferred maintenance.

Mr. Kwan recommended that the Town focus on one type of treatment per year; budget appropriate percentage of funding for each treatment type; budget non-Measure K funds at or greater than pre-Measure K levels; and partner with other agencies to reduce costs. Responding to Council, Mr. Kwan affirmed the analysis had not factored in federal grant monies or the potential for the passage of a Federal Highway Bill where the Town could devote funds to Moraga Road, St. Mary's Road, Moraga Way, and potentially Rheem Boulevard.

**Councilmember Trotter** stated the Town had more money than the current \$1.2 million figure that had been shown from Measure K funds, assuming that the State added funds, and the Contra Costa Transportation Authority (CCTA) was successful with an extension of Measure J. He asked whether an analysis had been done to compare the midway point between \$1.2 million and \$2.3 million to determine what would be possible to sustain a particular PCI.

Mr. Shafer affirmed that such a scenario could be modeled.

Responding to Councilmember Trotter, Mr. Kwan confirmed that in total, with Measure K funding and other funding sources, the Town could potentially achieve Scenario 3, and maintain a 70 PCI. He described how the Town maintained its streets, and agreed that proven technologies should be used, although it would depend on the specific treatment and the specific road to determine the best and most cost-effective treatment.

Mr. Shafer affirmed that ever-changing technologies were always being researched and that sustainable elements had been brought into the infrastructure along with cost-effective measures, which had been brought into the discussions with staff. He suggested the Town was on the right track and was doing a great job with what it had.

**Vice Mayor Metcalf** described the return to source funds from the CCTA; the current discussions of a potential 50 percent return to source which had not been finalized since certain cities would like less; and characterized return to source as a misleading funding source in that it was dangerous to project what the Town of Moraga could realize as a result.

Ms. Keimach commented that the question was how to deal with the legislative issue, which had not been finalized, of having a statewide cap on sales tax receipts. Moraga was at the cap and some cities had legislative authorization to exceed the cap, although there were political pros and cons involved. At this time, if the County succeeded with an initiative for a sales tax measure, the impacts to Moraga were unknown.

**Vice Mayor Metcalf** emphasized the importance of the relationships with the Town's representatives in the State Legislature.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Councilmember Trotter** stated that some of the recommendations were premature absent more information on the potential funding sources and the effects of a potential County tax where the impacts to Moraga were currently unknown.

**Vice Mayor Metcalf** referenced the recommendations from the Audit and Finance Committee (AFC) not long ago to spend the \$600,000 to keep on top of replacement, although that figure might be insufficient and it had not included storm drainage costs. He recommended consideration of additional revenue measures; pointed out the Revenue Enhancement Committee (REC) had come up with a list of opportunities, some of which they had gone through already; and there were other options that could be considered as part of a future discussion. The good thing was that the Town understood the conditions of the roads and understood the Town's needs and expenditures. Of the scenarios that had been presented, he wanted to see a PCI of 75, although he was uncertain it was needed; a PCI of 70 would be great but where the funding would come from would be part of a future discussion.

#### **C. 2016 Pavement Design Services Contract**

Consider Resolution 88-2015 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount of \$174,700 for a Total Amount Not to Exceed \$775,900 for Additional Design Services for the 2016 Pavement Reconstruction Project (CIP 08-106)

Public Works Director/Town Engineer Kwan presented the staff report for consideration of a resolution authorizing the Town Manager to amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an amount of \$174,700 for a total amount not to exceed \$775,900 for additional design services for the 2016 Pavement Reconstruction Project (CIP 08-106). He recommended that the Town Council adopt the resolution, as shown in Attachment B to the staff report.

Ryan Shafer, Division Manager, Nichols Consulting Engineers, clarified the firm's history with the Town's Pavement Program, and the list of environmental permitting and assessments required to be performed as shown on Page 2 of the staff report. Due to the number of violations that had occurred in creek areas, (not Moraga) he explained that environmental agencies were now imposing very stringent requirements. The estimated cost of the repairs

had assumed a worst case scenario. A total project timeline had been prepared and he was confident it was achievable to be able to go out to bid next summer, although he cautioned that the timeline could be affected if special status species were found.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 88-2015 Authorizing the Town Manager to Amend the Design Professional Services Agreement with Nichols Consulting Engineers (Richmond) in an Amount of \$174,700 for a Total Amount Not to Exceed \$775,900 for Additional Design Services for the 2016 Pavement Reconstruction Project (CIP 08-106). Vote: 5-0.**

**D. Via Moraga Development Construction Inspection Services**

Consider Resolution 89-2015 Authorizing the Town Manager to Award a Consultant Services Contract to Anchor Engineering (Lafayette) in an Amount Not to Exceed \$45,000 for Construction Inspection Services for Subdivision 9317 Via Moraga Development

Senior Civil Engineer Laurie Suggang presented the staff report for consideration of a resolution authorizing the Town Manager to award a Consultant Services Contract to Anchor Engineering (Lafayette) in an amount not to exceed \$45,000 for Construction Inspection Services for Subdivision 9317 Via Moraga Development. She recommended that the Town Council adopt the resolution as shown in Attachment A to the staff report.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Vice Mayor Metcalf** clarified with Ms. Suggang that the developer of the Via Moraga Subdivision, Signature Homes, was well aware of the item before the Town Council. She described it as a typical action and the developer had not been surprised.

Ms. Suggang also affirmed in response to the Mayor that the temporary fencing along Moraga Road had come down a few weeks ago. The developer had reinforced the fence with concrete blocks and sand bags, and at the request of staff, the fence had been set back out of the travel lane and would be just on the sidewalk, at most in the shoulder.

**ACTION: It was M/S (Arth/Trotter) to adopt Resolution 89-2014, Authorizing the Town Manager to Award a Consultant Services Contract to Anchor Engineering (Lafayette) in an Amount Not to Exceed \$45,000 for Construction Inspection Services for Subdivision 9317 Via Moraga Development. Vote: 5-0.**

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

**Councilmember Trotter** referenced the Rancho Laguna II project and affirmed with the Town Manager that the developer had been assessed and had paid a fine in the amount of \$10,000 for the removal of a tree. He asked that a future agenda item include Town Council consideration that the \$10,000 fine be contributed to the acquisition of the Carr Ranch parcel.

He sought to direct staff, assuming the acquisition of the property by the John Muir Trust was successful, to use the \$10,000 towards the acquisition process. While he recognized there might be other alternatives, he wanted that recommendation to be part of any staff report.

Ms. Keimach suggested the \$10,000 would be better placed in the Town's Open Space Fund. By consensus, the Town Council placed the discussion of how to spend the \$10,000 on a future agenda.

**Mayor Wykle** referenced the request for a fee waiver for the use of the Town's electronic marquee sign for pear tree pruning, and recommended a general discussion and policy direction on fee waivers as part of a future agenda item, which was supported by the majority of the Town Council.

**Mayor Wykle** also responded to the request to consider the Vista Encinos project as a future agenda item.

Planning Director Clark suggested that staff follow up with Mr. Ricketts, who had spoken during public comment. She clarified that during the October 26, 2015 DRB meeting, only one of two home applications in the Vista Encinos project had been approved. The home that had been approved was still under the appeal period and the other home had been continued to a future meeting of the DRB.

**Councilmember Trotter** spoke to the new Council Chambers and Community Meeting Room, and stated that while the front of the building was a nice, inviting space and a great addition to the community, there was no place for people to be sheltered from the rain. He suggested there were relatively inexpensive ways to provide shelter. He suggested that expenditure may not have to be agendized but should be done to complete the space.

Ms. Keimach commented that would depend on the budget. Since staff would have to come back to the Council for the final close-out of the project, Councilmember Trotter's request could be discussed and considered at that time.

#### **XIV. COMMUNICATIONS**

There were no communications.

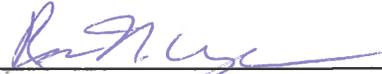
#### **XV. ADJOURNMENT**

**ACTION: It was M/S (Arth/Onoda) to adjourn the meeting at 10:18 P.M. Vote: 5-0.**

Respectfully submitted by:

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

Approved by the Town Council:

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