

**TOWN OF MORAGA  
TOWN COUNCIL SPECIAL MEETING**

**November 18, 2015  
MINUTES**

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

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

**I. CALL TO ORDER**

The special meeting was called to order at 7:01 P.M. by **Vice Mayor Michael Metcalf**.

**ROLL CALL**

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

Councilmembers absent: Mayor Roger Wykle

**II. PLEDGE OF ALLEGIANCE**

**Councilmember Onoda** led the Pledge of Allegiance.

**III. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**IV. PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or presentations.

**V. PUBLIC COMMENTS AND SUGGESTIONS**

Susan JunFish, representing Parents for a Safer Environment, Moraga, presented written comments. She outlined the formation of Parents for a Safer Environment and the history of the Town's Integrated Pest Management Policy (IPM) which had been drafted in 2006. Moraga had been rewarded for its IPM program and was the only Contra Costa County city which maintained pesticide-free parks. She asked that the Town Council update its current IPM to ensure that it protected the health of children, pets, wildlife, and the environment. She provided the Town Council information from the Moraga School District (MSD) on its pesticide toxic category list and recommended the Town adopt the list from the Mt. Diablo Unified School District (MDUSD) which was more consistent with the Town's current practices.

**VI. ADOPTION OF CONSENT AGENDA**

**A. Approval of Consent Items**

Consent Agenda Items 3 and 4 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/Onoda) to adopt Consent Agenda Items 1, 2 and 5. Vote: 4-0-1. Absent: Wykle.**

- |    |   |          |
|----|---|----------|
| 1) | Accounts Payable Claims for: 10/19/15 (\$10,000.00);<br>10/30/15 (\$324.62); 10/30/15 (\$369,440.64)  | Approved |
| 2) | Approve Minutes for the Special and Regular Town Council Meetings on October 14, 2015   | Approved |
| 3) | <u>Electronic Device Use Policy</u><br>Consider Resolution __-2015 Adopting Policies and Procedures for the Use of Electronic Devices by Town of Moraga Staff and Elected Officials   | Removed  |
| 4) | <u>Third Quarter Update of 2015 Goals</u><br>Review and Accept Third Quarter Update of Town Council Adopted Goals for 2015  | Removed  |
| 5) | <u>On-Call Tree Services Contracts</u><br>Consider Resolution 90-2015 Authorizing the Town Manager to Award Contract Services Agreements with Cleary Brothers Landscape (Danville), East Bay Tree Service (Moraga), and The Professional Tree Care Company (Berkeley), for On-Call Tree Services in an Amount Not to Exceed \$20,000 Annually, Contingent on Available Annual Budget Appropriations for a Total Contract Period of Three Years with an Option to Extend for an Additional Two Years | Approved |

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

**1. Electronic Device Use Policy**

Consider Resolution \_\_-2015 Adopting Policies and Procedures for the Use of Electronic Devices by Town of Moraga Staff and Elected Officials

**Vice Mayor Metcalf** acknowledged Councilmember Trotter's request to move the item to Ordinances, Resolutions and Requests for Action as Item F.

**2. Third Quarter Update of 2015 Goals**

Review and Accept Third Quarter Update of Town Council Adopted Goals for 2015

**Vice Mayor Metcalf** clarified with staff the status of Council Goal 3, the Livable Moraga Road Project, with the appointed Subcommittee to hold another meeting to draft the actual questions for the survey, and with the survey to be distributed in the November/December timeframe.

Planning Director Ellen Clark added that the consultant had a copy of the final draft of survey questions to be presented to Subcommittee members for review and comment which could be done via e-mail. The mail survey would be distributed in December and the item would be brought back to the Council in early 2016.

**Vice Mayor Metcalf** also requested clarification on the status of Council Goal 7 regarding the Community Preference Survey, and Town Manager Jill Keimach explained that the survey had been delayed since the Town and the consultant had been working on two surveys for the Hillside and Ridgeline Project, and the Livable Moraga Road Project. The Community Preference Survey would be addressed after they had been completed, expected in early 2016.

**Vice Mayor Metcalf** questioned the status of Council Goal 15, to implement the vision of the Moraga Center Specific Plan (MCSP). Ms. Keimach responded that subcommittee meetings had been held, there was momentum and vision, and the project would move forward in 2016. Another subcommittee meeting had been scheduled for November 19, 2015.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Metcalf/Trotter) to Accept Third Quarter Update of Town Council Adopted Goals for 2015. Vote: 4-0-1. Absent: Wykle.**

### VII. ADOPTION OF MEETING AGENDA

By consensus, the Town Council modified the meeting agenda and moved Consent Agenda Item 3 to Ordinances, Resolutions and Requests for Action as Item F.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Arth) to modify the meeting agenda and move Consent Agenda Item 3 to Ordinances, Resolutions and Requests for Action as Item F. Vote: 4-0-1. Absent: Wykle.**

### VIII. REPORTS

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

**Mayor Wykle** – No report.

**Vice Mayor Metcalf** – Reported that he had attended a meeting of the Southwest Area Transportation Committee (SWAT) on November 2; the Veteran's Day Memorial on November 11; the Hillside and Ridgeline Steering Committee meetings on November 4 and 12; the Town Manager's Five-Year Surprise Party on November 5; and a hearing before the Bay Area Regional Water Quality Control Board (RWQCB) on November 18, to present comments on behalf of the Town regarding the National Pollutant Discharge Elimination System (NPDES). The Council requested they be informed of the final vote of the RWQCB on the actions taken during that meeting.

**Councilmember Arth** – Reported that he had attended a Chamber of Commerce Executive Board meeting on November 4; the Town Manager's Five-Year Surprise Party on November 5; the Veteran's Day Memorial on

November 11; and the Chamber of Commerce Mixer at the new Town Council Chambers on November 17.

**Councilmember Onoda** – Reported that she had attended the Hillside and Ridgeline Steering Committee meeting on November 4; the Town Manager's Five-Year\* Surprise Party on November 5; the Veteran's Day Memorial on November 11; the Library Volunteer thank you event on November 12; a meeting of the Moraga Youth Involvement Committee (MYIC) on November 12; the Grand Opening for Dover Saddlery, a new store in the Rheem Valley Shopping Center on November 12; and the Chamber of Commerce Mixer at the new Town Council Chambers on November 17.

**Councilmember Trotter** – Reported that he had attended the Hillside and Ridgeline Steering Committee meetings on November 4 and 12; the Town Manager's Five-Year Surprise Party on November 5; the Veteran's Day Memorial on November 11; and the Chamber of Commerce Mixer on November 17.

- B. **Town Manager Update** – Town Manager Keimach announced the Hacienda holiday Faire at the Hacienda on December 4, 5, and 6; the annual Active Shooter Training with the Moraga Police Department had been scheduled for Wednesday, November 25 with public safety organizations and with the Town Council invited to attend; and expressed her appreciation for the opportunity to work with the Town Council, staff, and the community for the past five years.

## IX. INFORMATIONAL ITEMS

**Vice Mayor Metcalf** recognized the recent passing of Coral DePriester, a long-time resident and former member of the Moraga Planning Commission. He also recognized the loss of human life as part of the recent terrorist attacks in Paris, France and asked for a moment of silence at that time out of respect for all those losses.

**Councilmember Trotter** reported that he had been privileged to have served on the Planning Commission with Mr. DePriester in the 1990s, stated he would be missed, and hoped that his memorial service would be well attended by the Town in recognition of Mr. DePriester's service to the community.

## X. DISCUSSION ITEMS

There were no discussion items.

## XI. PUBLIC HEARINGS

### A. **Small Farm Animals Ordinance**

Consider Waiving the First Reading and Introducing an Ordinance Amending Chapter 8.92 (Animals) and Section 8.04.020 (Definitions) of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code (*CEQA Status: Exempt from CEQA Pursuant to Section 15061(b) (3): General Rule Exemption*)

Associate Planner Brian Horn presented the staff report and a PowerPoint presentation to consider waiving the first reading and introducing an ordinance amending Chapter 8.92 (Animals) and Section 8.04.020 (Definitions) of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code (MMC). He recommended the Town Council consider the draft ordinance which would revise existing regulations to allow for the keeping of small farm animals including chickens, rabbits, and bees in Residential, Institutional, and Open Space Zoning

Districts as of right, when accessory to a residential use, while also establishing reasonable standards to ensure that the keeping of small farm animals would not negatively impact neighborhoods.

Responding to Council, Mr. Horn affirmed that Moraga's ordinance was largely modeled after the City of Lafayette's ordinance. An ordinance from the City of Orinda had also been considered but included 40-foot setbacks from the property line which would have excluded many lots in Moraga. He explained that, after considerable research, Lafayette's ordinance offered better solutions and more manageable setbacks. He noted that John Kiefer, one of the members of the working group, had also assisted the City of Lafayette in drafting its ordinance. Everyone in the working group had agreed to move substantially forward with the Lafayette ordinance. Some dissension regarding chicken-keeping had been raised during the Planning Commission's discussions.

With respect to the keeping of chickens, Mr. Horn explained the intent was for a family of four to have enough eggs for a week based on a chicken laying an egg every other day. He acknowledged most lots in Moraga were between 10,000 and 30,000 square feet in size, and clarified the rear and side yard setbacks for a 2-DUA (dwelling units/acre) zoning district, a 3-DUA zoning district and a 1-DUA zoning districts. The intent of the ordinance was to allow the keeping of small farm animals by right subject to the parameters of the ordinance. Any complaints about structures being too close to the required side or rear property line would involve a code enforcement response.

Mr. Horn noted certain exception requests that could be made to the required parameters of the ordinance with the exception findings outlined in Section 8.92.090, Exceptions, in Attachment A to the staff report.

In response to concerns with respect to odor, Ms. Clark stated it would be based on a reasonable person's standard, similar to the Town's noise ordinance or issues with glare from lights, with no quantitative standard defined. The California Environmental Quality Act (CEQA) had a similar offensive odor provision and she was unaware of any quantitative threshold for odor.

Ms. Clark and Mr. Horn both clarified the Town's fence height requirements. The flyaway barrier for beekeeping could be no more than 6 feet in height if located in the setback, anything higher would require a variance, and a vegetation barrier would be permitted although the Town would not regulate the height of vegetation.

#### PUBLIC HEARING OPENED

John Kiefer, Lafayette, explained that he had served as a volunteer resource for the Moraga Planning Department. He commented that over the last 10 years there had been significant changes in the design of chicken coops and poultry environments to a more natural and sustainable healthy living environment. He referenced a recent letter to Lamorinda Weekly listing a litany of concerns with the keeping of chickens in backyards, with the list having been written by one with a historical perspective that was out of date. He noted that both Lafayette and Moraga ordinances had addressed the concerns of odor through sustainable design components in the chicken coop to ensure there was no odor. He also addressed concerns with manure management, rooster noise and flock size. Given that only hens would be permitted, the primary setback requirements offered plenty of room. He found the proposed ordinance to be consistent with sustainable design practices providing the opportunity for keeping backyard hens while adequately protecting neighbors.

Tom Marnane, Moraga Planning Commission Chair, reported the Planning Commission had unanimously recommended the adoption of the ordinance and had found the ordinance to be reasonable, executable, and beneficial particularly in terms of beekeeping. He stated the ordinance would be enforceable in terms of odor and noise; met the intent of the Climate Action Plan (CAP); the Planning Commission had been well briefed in all aspects of the plans and had requested additional information which had been provided in relation to beekeeping. Both positive and negative input had been received from the public; the Planning Commission had discussed concerns with respect to noise, odor, and roosters; roosters would be prohibited; beekeeping would require adequate flyaway barriers with many reasonable provisions for enforcement; and the ordinance was similar to ordinances from other jurisdictions. The Planning Commission had reviewed a number of ordinances in the Bay Area as well as outside that area, including the Lafayette ordinance and the proposed ordinance was found to be comprehensive and a potential model for other jurisdictions.

Mr. Marnane added that he had visited Mr. Kiefer's chicken and rabbit facilities in the City of Lafayette and had found them to be clean, odor and vermin free, with unobtrusive noise. Based on his own experience in keeping small farm animals, he believed the ordinance met 4H and other standards for small animals, bee husbandry, and nuisance avoidance. He added that while similar to the proposed ordinance for Moraga, Lafayette's ordinance was less comprehensive. He recommended that the Town Council adopt the ordinance, as proposed, and he commended the Planning staff for its work.

Lynda Deschambault, Moraga, Executive Director, Contra Costa Climate Leaders, explained that the agency had been established in 2007 at a time when she had been a member of the Town Council. At that time, a small farm animal ordinance had been one of the policies that had launched the Contra Costa Climate Leaders. She commented on the benefits of local farming, which reduced Greenhouse Gas Emissions (GHGs) and Vehicle Miles Traveled (VMTs), and which brought children in touch with nature. She suggested the ordinance had been well written, with a lot of research, and urged the Town Council to review and adopt the ordinance, as proposed.

Ms. Deschambault clarified, when asked, that her own property was in a 6-DUA zoning district, and was the largest duplex lot on Donald Drive. The property was 20,000 square feet in size and could accommodate another duplex or two.

Dale Walwark, Moraga, asked that beekeeping be separated from the keeping of chickens, turkeys and the like. He was displeased with the way the ordinance had been brought to the Town Council in that it had not been reported, but promoted, with Moraga residents unaware of any negatives associated with it. He suggested the Town, Lamorinda Weekly, the Contra Costa Times, and Moraga Citizens Network had not addressed the negatives of the issue, and that the working group involved in the formation of the ordinance had been comprised of proponents of the ordinance.

Andy Scheck, Moraga, explained that his family could eat from their own property and previous generations of his family had raised small farm animals and used them for food production. He was pleased the Town of Moraga was considering this issue. He recognized that Moraga was not a farming community, and he liked the fact the ordinance would allow small backyards to keep small farm animals. When asked, he commented that turkeys required more food and care, and suggested many in Moraga were not looking to keep turkeys.

Mr. Walwark suggested if that was the case, turkeys should not be included in the ordinance.

Mr. Kiefer explained that turkeys had been included in the ordinance to allow a family, as an example, to raise a turkey for Thanksgiving and eat it for the holiday.

PUBLIC HEARING CLOSED

**Councilmember Onoda** acknowledged the movement in the country for sustainable food, which lowered the carbon footprint. She supported the ordinance but recommended that turkeys be eliminated, and that the draft Ordinance be modified to exclude the 10 and 12-DUA zoning districts. She also noted that there were existing properties in Moraga with barns, stables, and arenas and she wanted to see those properties be grandfathered in as opposed to requiring a permit.

**Councilmember Trotter** agreed with the removal of turkeys from the category of Small Farm Animals, which would require a modification to Section 8.92.020 Definitions E, but which would require turkeys to be included under Section 8.92.020 Definitions E (2). He also recommended that Section 8.92.020 Definitions D, be modified with the term "Nuc" to be deleted since it had not been defined elsewhere in the ordinance, and recommended a modification to Page 2, Section 2, paragraph two to read:

*"Livestock" includes horses, cattle, sheep, goats, turkeys, ostrich, emu, and other domestic farm animals.*

**Councilmember Trotter** asked the Town Council to consider a one-year review of the ordinance to see whether the Town received any complaints or concerns during that time.

**Councilmember Arth** supported the elimination of turkeys from the ordinance but disagreed with the elimination of 10 and 12-DUA zoning districts from the ordinance given the lack of space would result in non-compliance with the setback requirements.

**Councilmember Trotter** pointed out that small farm animals could not be kept on parcels less than 6,000 square feet in size, and it was his understanding that 10 and 12-DUA parcels would not meet the requisite minimum lot size for the keeping of small farm animals given the fact that there were 43,560 square feet in an acre. As such, he questioned including something that mathematically would not be allowed.

Ms. Clark explained that lot size could be met, for example, if there was a four-plex on a larger lot that could achieve the density with a larger parcel size.

**Councilmember Onoda** also supported the elimination of language in the ordinance regarding "slaughtering of the animals," and suggested the Town was not rural enough to allow for slaughtering chickens or turkeys.

**Councilmember Trotter** disagreed with the removal of the language but wanted more discussion on whether to include the 10 versus 12-DUA zoning districts.

**Vice Mayor Metcalf** had no issues with raising animals or retaining the language regarding the slaughtering of animals, although he did not like the way the ordinance had been advocated. He commented on the difficulties the Town could face when the ordinance was implemented; agreed a one-year review of the ordinance was a good idea; had no issues with beekeeping although the keeping of chickens had been an issue in the Town in the past; and recognized that if chicken coops were installed and managed correctly there would be no odors, although those installed incorrectly could result in the Town having to inspect the chicken coops, expertise not likely enjoyed by Town or County staff.

**Vice Mayor Metcalf** questioned the adequacy of the enforcement provisions contained in the ordinance; would like to have seen a copy of the Planning Commission deliberations; and

suggested the ordinance had not sufficiently addressed unintended consequences. He stated he could not vote in support of the Ordinance unless it was better refined.

**Councilmember Onoda** noted that Mr. Kiefer was well known in the area. She suggested Moraga residents were smart, educated, did their homework, and would do it right.

**Vice Mayor Metcalf** pointed out that people cut corners and he again questioned how it would be known whether a chicken coop was installed and maintained correctly.

**Councilmember Trotter** recognized that enforcement would be handled through a complaint system. Noting the Town had followed the lead of the City of Lafayette in drafting the ordinance, he clarified with staff that Lafayette had received one noise complaint about a chicken on the roof of a coop and chickens that had escaped from a coop. He recommended modifying the ordinance and conducting the first reading as follows:

- Page 3, Modify Section 8.92.020 Definitions E, to remove the reference to turkeys;
- Page 2, Section 2, paragraph two, modified to read:  
*“Livestock” includes horses, cattle, sheep, goats, turkeys, ostrich, emu, and other domestic farm animals;*
- Page 3, Section 8.92.020 Definitions D, eliminate the reference to “Nuc;” and
- Page 3, Section 8.92.030 Small Farm Animals A, delete the reference to 10 and 12-DUA;

**Councilmember Trotter** offered a motion to waive the first reading, and introduce the ordinance subject to the changes, as identified. **Councilmember Onoda** seconded the motion.

Assistant Town Attorney Karen Murphy clarified that there were two sections in the ordinance that addressed the 10 and 12-DUA; Section 8.92.030, Small Farm Animals and Section 8.92.080 Beekeeping A.

To ensure consistency, **Councilmember Trotter** recommended that Section 8.92.080 Beekeeping A, also be modified with the elimination of 10 and 12-DUA from that section. He asked that the motion include a requirement for the ordinance to return to the Town Council for a one-year review from the effective date of the ordinance.

As the second to the motion, **Councilmember Onoda** accepted the modifications.

**ACTION: It was M/S (Trotter/Onoda) to waive the First Reading and Introduce an Ordinance Amending Chapter 8.92 (Animals) and Section 8.04.020 (Definitions) of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code, subject to the following revisions:**

**Page 3, Modify Section 8.92.020 Definitions E, to remove the reference to turkeys;**

**Page 2, Section 2, paragraph two modified to read:**

**“Livestock” includes horses, cattle, sheep, goats, turkeys, ostrich, emu, and other domestic farm animals;**

**Page 3, Section 8.92.020 Definitions D, eliminate the reference to “Nuc;”**

**Page 3, Section 8.92.030 Small Farm Animals A, delete the reference to 10 and 12-DUA;**

**Page 5, Section 8.92.080 Beekeeping A, eliminate the reference to 10 and 12-DUA; and**

**The ordinance shall return to the Town Council in one year from the effective date of the ordinance for review.**

**Roll Call Vote: 3-1-1. Abstain: Metcalf. Absent: Wykle.**

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

### **A. Home-Based Winery Businesses**

Conduct Study Session and Provide Direction on Approach to Regulations for Home-based Specialty Food, Beverage and Limited Agricultural Businesses, including Home-Based Wineries

Planning Director Clark presented the staff report and asked that the Town Council conduct a study session and provide direction to staff on an approach to regulations for Home-Based Specialty Food, Beverage and Limited Agricultural Businesses, including Home-Based Wineries; and direct staff to draft amendments to MMC Section 8.112 to include regulations for home-based occupations involving limited agricultural and specialty food and beverage production.

In response to Council, Ms. Clark explained that setback requirements for vineyards had not been considered, although she acknowledged a recommendation that setbacks be included in the discussion. She also clarified that the Town had not received outside pressure to adopt regulations related to the California Homemade Food Act nor had there been any complaints from neighbors regarding cottage food operations. The County Health Department was the enforcement agent for cottage food operations and environmental health. She also confirmed the request that some type of courtesy notice be included in the regulations to advise neighbors up to 72 hours in advance of any spray operations, with the chemicals being used in food production to be identified.

### **PUBLIC COMMENTS OPENED**

Scott Sampson, Moraga, owner of a 10.5 acre agricultural zoned lot, explained it had been his intent when the property had been purchased to use it for agricultural purposes. He explained that wine grapes were to be harvested at certain times, and the worker provisions in the regulations would prevent that from occurring. He suggested the Town could be overregulating and dampening start-up small local businesses, whether a home-based winery or business creating other craft products. Recognizing the Town Council was aware of Moraga's heritage of agriculture and farming, he pointed out that wine growing was also a type of farming. He read into the record a quote posted on the Town's own website from James Irvine as related to the semi-rural character of the Town; questioned the Town Council's willingness to approve new development to benefit the Town; suggested the majority of residents would suggest that vineyards added more to the semi-rural quality of life than housing; reiterated his opinion the regulations would overregulate; and as a taxpayer would rather see the Town debate broader issues which had real impacts on a greater majority of residents than regulations on micro-scale wineries. He questioned whether there had been any complaints about the current gap in the Town's regulations.

Sal Captain, Captain Vineyards, Moraga, explained that his was the largest vineyard in the Lamorinda area with 150 to 200 cases of wine produced in 2015, averaging 100,000 gallons of wine production. He explained that existing federal, state, and county regulations heavily

protected the citizenry and regulated the wine industry; and suggested the Town would do best to focus on those areas not regulated by state and federal agencies such as noise, parking, fire, and safety. He explained that Captain Vineyards was the only green and sustainable winery in Contra Costa County and he was aware of no vineyard that was not complying with state regulations with respect to the use of pesticides or herbicides. Captain Vineyards had educated its members on the use of vineyard management services through the Lamorinda Wine Growers Association (LWGA), which had been certified by the state. When asked, he clarified that Captain Vineyards had been able to produce 1,000 cases of wine using its own grapes with the exception of small amounts of grapes from vineyards that used sustainable practices.

Susan Captain, Moraga, spoke on behalf of the Lamorinda Wine Growers Association and thanked everyone for the time to debate the issue, emphasizing the willingness to continue speaking with the Town and neighbors to ensure something that was special and different from anywhere else. She commented that she had submitted an e-mail to the Town Council showing how the vineyards brought value to the Town and to the Lamorinda area.

Hollie Lucas-Alcalay, Moraga, explained that she had a small business known as Hollie's Home Grown on her half-acre property, where she grew culinary herbs in a garden in her rear yard. She questioned why small farm production like hers would be combined with home-based winery businesses. The business complied with the Town's regulations for a home occupation permit; was also a certified producer by Contra Costa County; and was annually inspected by the County Health Department. She requested that small food producers, and those with certified kitchens, not be combined with the proposed regulations since they were regulated by other bodies. Ms. Lucas-Alcalay understood uses like hers had been added at the last minute. She clarified she was not currently governed by the California Homemade Food Act, but was in the process of applying; and anything she produced that was not considered an agricultural item, such as herb infused olive oils, were made in a certified kitchen under the regulations of the Department of Health which also required certification and inspections by the Department of Agriculture and the County Health Department.

Ms. Clark explained that the inclusion of small food producers had been a late addition to the scope of work for the regulations in response to a suggestion to staff. She suggested it made sense given the small scale agricultural production in residential zones, including harvesting and potential processing similar to vineyards. While the focus could be changed back to home-based vineyards, she did not want to miss an opportunity if someone were to start growing hops and beer, as an example, on a larger agricultural property.

Susan Ross, Moraga, stated she and her sister were cottage food operators with a chocolate company, which had begun in November 2014. She too questioned the language in the regulations, which included cottage food operators, and asked that they be eliminated from the regulations.

**Vice Mayor Metcalf** declared a recess at 9:25 p.m. The Town Council meeting reconvened at 9:31 p.m. with Councilmembers Arth, Onoda, Trotter, and Vice Mayor Metcalf present.

**Councilmember Trotter** commented that based on the testimony and staff responses, small food operators and certified kitchens should be stricken from the regulations since there was no public health safety nexus for its inclusion, and given that the environmental effects would be regulated at the County and State level.

**Councilmember Arth** agreed with Councilmember Trotter, although he asked staff to consider whether there should be a setback to the winery operations to ensure neighbors were not concerned with overspray which would also minimize other irritations.

**Councilmember Onoda** commended the existing home-based vineyards and small food operators in the Town. She acknowledged the primary concerns with home-based vineyards would likely be noise and parking, suggested those who had allergies could also be concerned with what was in the air, and suggested it was important to know what and when spraying occurred on the subject properties.

**Vice Mayor Metcalf** did not want to see the regulations include anything related to setbacks which he found to be unnecessary. He wanted to encourage this burgeoning industry consistent with the values the Town identified in the General Plan and elsewhere. He supported the establishment of ministerial standards for home-based wineries, and if the standards were not followed there would have to be some regulations considered.

**Councilmember Arth** emphasized the need for setbacks to be considered, citing the prior discussion of the Small Farm Animal Ordinance. He suggested staff should consider including setback requirements.

Ms. Clark clarified the staff approach had been for a ministerial permit of the categories of wine production that would be subject to regulation, which would require the application for a permit from the Town, with a series of checks on required performance standards. If the applicant wanted to do something different, such as apply for more employees or more frequent events, that could be approved through a discretionary permit.

**Vice Mayor Metcalf** liked staff's approach and suggested two employees would be reasonable in addition to seasonal employees.

**Councilmember Onoda** also liked staff's approach and suggested it would not be a problem to have staff look at the setbacks.

**Councilmember Trotter** reserved judgment on the issue of setbacks. He referenced an e-mail from the Lamorinda Wine Growers Association, suggested those who were not engaging in any commercial activity; i.e., just growing grapes should not be required to go through an additional use permit process. He was advised by staff that the growing of grapes for home consumption would not be regulated. He suggested that two employees with seasonable workers was reasonable, and any more than two employees would require a conditional use permit. He clarified with staff that public tours and tastings, special events and the like would be subject to the limitations of the ministerial permit.

When told the production at Parkmon Vineyards was 1,200 cases annually, **Councilmember Trotter** suggested for the purpose of the study session and in the future, it would be helpful to have accurate information on the volume of production from Parkmon Vineyards to better understand where to strike the balance. He agreed with the need for a 72-hour noticing requirement for spraying.

Mr. Captain reiterated that Captain Vineyards did conduct spraying and used sustainable products through Integrated Pest Management (IPM). Any spraying in the county that was not reported to the Department of Agriculture would be in violation of the regulations. He had received no complaints about spraying on his property.

The Town Manager and the Town Council concurred that Council had provided sufficient direction to Staff.

**B. Art in Public Spaces**

Consider Resolution 91-2015 Rescinding and Replacing the Public Art Policy as Referenced in Resolution 43-2008; Establishing a New Art in Public Spaces

Policy; and Establishing an Art in Public Spaces Fund, and Consider the Creation of an Art in Public Spaces Committee Charter by Motion

Parks and Recreation Director Jay Ingram presented the staff report to consider a resolution rescinding and replacing the Public Art Policy as referenced in Resolution 43-2008; establishing a New Art in Public Spaces Policy; establishing an Art in Public Spaces Fund, and considering the creation of an Art in Public Spaces Committee Charter. He advised that the Town Council had been presented with a redline revision to Resolution 91-2015. He recommended the Town Council approve the resolution, as modified.

**Councilmember Trotter** understood the 2008 policy could not be rescinded since it dealt adequately with other non-art donations in the Town.

Mr. Ingram identified the Memorial and Donation Policy and a separate Art Policy and explained that the Park and Recreation Commission had spent time to create the Memorial and Donation Policy in late 2007. After that task had been completed, it had considered the Public Art Policy, which had been submitted to the Town Council in August 2008. In September 2008, he had brought back Resolution 43-2008 which had memorialized both of the separate policies. The action before the Town Council was to rescind the Public Art Policy and the language contained in the subject title, replacing the Public Art Policy, as referenced in Resolution 43-2008.

Ms. Murphy identified Section 1 of the Draft Resolution as contained on Page 1 of Attachment A, which could be modified to read:

*The 2008 Public Art Donation Policy, adopted by Resolution No. 43-2008, is hereby rescinded as it pertains to public art. The Memorial and Donation Policy remains in force and effect. The Town of Moraga Art in Public Spaces Policy, attached hereto as Exhibit A, and incorporated herein by reference, is hereby adopted.*

Mr. Ingram clarified the fees for Art in Public Spaces Policy, which had been based on a model from the City of Orinda, with the monies used for marketing, to obtain broader exposure for the artist locally. He clarified the recommendation from the Park and Recreation Commission for a total of \$10,000. Initially \$5,000 could be for the purchase of the art piece. The Park and Recreation Commission recommended the allocation of an additional \$5,000 from Fund 100 – One Time Developer Fees, for marketing the Art in Public Spaces Program.

Mr. Ingram recommended that the Art in Public Spaces Committee discuss the best way to use those additional \$5,000 in funds for marketing the new program. He affirmed the City of Orinda provided seed money for its public art program, although Orinda relied less on the seed money given donations. He was unaware of Orinda's original donation amount.

#### PUBLIC COMMENTS OPENED

Dale Walwark, Moraga, expressed concern with reducing the Palos Colorados funds, suggested \$5,000 was not needed to market the Art in Public Spaces Program, and suggested the initial \$5,000 would be better used for the Town's infrastructure.

#### PUBLIC COMMENTS CLOSED

**Councilmember Trotter** requested a redline strikeout version of the 2008 policy to show how the plaques and memorial portion of the policy would continue to be carried out. He could not support the resolution as currently presented.

Speaking to Attachment F, 2008 Public Art Policy, Page 3, Plaques, Mr. Ingram explained that the only plaques placed on public property were the Heritage Walk Plaques and plaques on park benches and picnic tables. The only change in the proposed Public Art Policy was the wording for the plaque. There was a separate policy for memorials and plaques which had not been included in the staff report given that it was not being changed.

Ms. Murphy noted the memorial and donation and public art policies were two separate policies, as referenced in Attachment E, Resolution 43-2008.

**Councilmember Trotter** supported the \$5,000 in seed money and could also support \$5,000 from Palos Colorados funds.

**Councilmember Arth** supported the Art in Public Spaces Policy and also supported taking \$5,000 from Palos Colorados funds.

**Councilmember Onoda** supported the Art in Public Spaces Policy which would provide vitality for the Town, could bring people from all over to Moraga, and expressed a desire to serve as the Council representative to the Art in Public Spaces Committee.

**Vice Mayor Metcalf** suggested the idea of using Palos Colorados funds in the amount of \$10,000 was inappropriate given other needs of the Town. At this time, he could support taking \$5,000 from Palos Colorados funds.

**Councilmember Trotter** agreed with Ms. Murphy's recommendation to modify Section 1 of the Draft Resolution as contained on Page 1 of Attachment A, but recommended further modification as follows:

*The 2008 Public Art Donation Policy, adopted by Resolution No. 43-2008, is hereby rescinded as it pertains to public art. Resolution 43-2008 is not rescinded with respect to the plaques and memorials policy that had been attached as Exhibit C to Resolution 43-2008. The Town of Moraga Art in Public Spaces Policy, attached hereto as Exhibit A, and incorporated herein by reference, is hereby adopted.*

**Councilmember Onoda** suggested if the Town could put forth funds for the replacement of the grass area at the Hacienda during a drought, the Town should be able to provide \$5,000 more for this policy, pursuant to the recommendation from the Park and Recreation Commission. She emphasized the need for funds for marketing purposes, noting it takes money for artists to be aware of the policy and want to be part of it.

On the discussion, Ms. Keimach affirmed there were General Fund monies that could be used for the additional \$5,000, with \$5,000 remaining in the Town Manager's Contingency Fund that could be considered for use.

**Councilmember Trotter** also did not want to use the Palos Colorados funds for more than \$5,000.

**Vice Mayor Metcalf** reiterated his support of \$5,000 only for the program at this time.

**Councilmember Arth** supported \$5,000 from Palos Colorados funds and could agree with \$5,000 from the Town Manager's Contingency Fund if spent carefully.

**Vice Mayor Metcalf** clarified with staff the Governor's revised budget had already come out; the Town's mid-year budget had yet to be finalized; the budget period closed on December 31; the budget would come to the Town Council after review by the Audit and Finance Committee

(AFC); and at that time the Council could discuss whether there was excess money that could be considered for the program.

**Councilmember Trotter** recommended the appropriation of \$5,000 from Palos Colorados funds now, and direct staff to consider a further \$5,000 appropriation in connection with the next year's budget cycle.

**Councilmember Onoda** reiterated the importance of the additional \$5,000 at this time. She emphasized that \$5,000 would not go far and if the additional funds were not approved, the program could be short changed. She pointed out Orinda's art program had been successful. She suggested \$10,000 would be a great start for Moraga's program.

**Vice Mayor Metcalf** disagreed putting forth a total of \$10,000 for this effort, and suggested the Town might not be able to afford such a program at all. He wanted to see the project start with a minimal amount and consider additional funds at the end of the budget cycle.

Ms. Keimach recommended the Town Council review the mid-year budget with a decision in May to determine whether there were additional funds, at which time the availability of funds in the Town Manager's Contingency Fund could be confirmed. Since \$5,000 was recommended to market the existence of the program, particularly in the first year, the discussion of the \$5,000 seed money could be deferred pending the mid-year budget cycle.

**Councilmember Trotter** offered the following motion for consideration:

Adopt Resolution 91-2015, Rescinding and Replacing the Public Art Policy as Referenced in Resolution 43-2008; Establishing a New Art in Public Spaces Policy; and Establishing an Art in Public Spaces Fund, subject to the following revision:

Section 1 of the Draft Resolution as contained on Page 1 of Exhibit A, attached to the staff report dated November 18, 2015 as Attachment B, Art in Public Spaces Policy, as further modified:

*The 2008 Public Art Donation Policy, adopted by Resolution No. 43-2008, is hereby rescinded as it pertains to public art. Resolution 43-2008 is not rescinded with respect to the plaques and memorials policy that had been attached as Exhibit C to Resolution 43-2008. The Town of Moraga Art in Public Spaces Policy, attached hereto as Exhibit A, and incorporated herein by reference, is hereby adopted;*

The initial transfer of \$5,000 from Fund 100 – One Time Developer Fees, be appropriated for purposes of marketing to potential artists wishing to make public art donations to the Town of Moraga; and that any consideration of a separate \$5,000 appropriation from other Town resources or funds be taken up after the January 2016 Mid-Year Budget Review Process.

**Councilmember Arth** seconded the motion.

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 91-2015, Rescinding and Replacing the Public Art Policy as Referenced in Resolution 43-2008; Establishing a New Art in Public Spaces Policy; and Establishing an Art in Public Spaces Fund, subject to the revisions as shown. Vote: 4-0-1. Absent: Wykle.**

**Councilmember Trotter** offered a motion, seconded by **Councilmember Arth** to approve the proposed charter for the Art in Public Spaces Committee; and appoint Councilmember Onoda as the Town Council Representative to serve on the Committee.

On the motion, **Vice Mayor Metcalf** asked Councilmember Onoda to be cautious of advocating aggressive spending with her appointment to the Committee as a Council representative, and with other members as outlined in the charter.

**ACTION: It was M/S (Trotter/Arth) to approve the proposed Charter for the Art in Public Spaces Committee; and Appointed Councilmember Onoda as the Town Council Representative to serve on the Committee. Vote: 4-0-1. Absent: Wykle.**

**C. Moraga Library Restroom Improvements Project**

Consider Resolution 92-2015 Authorizing the Town Manager to Award a Construction Contract to CWS Construction Group, Inc. (Novato) in the Amount of \$167,500 for the Construction of the Moraga Library Restroom Improvements Project (CIP 15-301) and Execute Contract Change Orders up to 15% of the Contract Amount

Parks and Recreation Director Ingram thanked the Town Council for hearing the item, which had been a long time coming. He commended the work of Senior Civil Engineer Laurie Sucgang for her management of the project.

Senior Civil Engineer Laurie Sucgang presented the staff report to consider a resolution authorizing the Town Manager to award a construction contract to CWS Construction Group, Inc. (Novato) in the amount of \$167,500 for the construction of the Moraga Library Restroom Improvements Project (CIP 15-301), and execute contract change orders up to 15 percent of the contract amount.

Ms. Sucgang explained the Town Council had been provided with additional correspondence that had been received this date, advising that the Town had received a bid protest from the third lowest bidder (T Amarals Done Right Construction) alleging the lowest bidder and the second lowest bidder had failed to list the subcontractor for heating, ventilation, and air conditioning work; and that the low bidder and subcontractors had not been qualified or licensed to do the HVAC work. Since that time, CWS Construction Group, the lowest bidder, had submitted a response and had provided their subcontract bids. Staff had verified licensing and registration with the Department of Industrial Relations, as well as the dollar amount which had not violated the Subcontractor Listing Law. Additional correspondence included a response to the response from the lowest bidder, T Amarals Done Right Construction, the protesting bidder, as well as the second bidder, Integra Construction Services, Inc.

In addition, staff's architect and mechanical engineer had reviewed the second piece of correspondence and provided a memorandum clarifying the issues raised in the second response letter dated November 13, 2015, from T Amarals Done Right Construction. CWS also provided a response to the second letter. Staff contacted the references for CWS Construction Group, and received no negative responses. Staff was of the opinion all allegations had been reviewed and believed the contract should be awarded to CWS Construction Group, as recommended.

Ms. Sucgang clarified that no additional correspondence had been received on this matter beyond that identified by staff and the protesting contractors were not present. Staff had reviewed all bid documents with the Town Manager and Town Attorney and continued to recommend the Town Council award the contract to CWS Construction Group.

Ms. Murphy affirmed she had reviewed all of the documents with the Senior Civil Engineer. She suggested the allegations came down to the two contractors seeing the contract differently. Staff verified CWS was licensed to do the HVAC work, had two subcontractors who would do some of the work described in the packet, and some of the work would be done with a general contractor's license, pursuant to correspondence received from CWS Construction Group.

#### PUBLIC COMMENTS OPENED

Rodger Lum, President, Friends of the Moraga Library, reported the Friends Board was excited about the project, the Town Council's support and commitment to the improvement of the Library facility for Moraga residents and patrons, and making the facility Americans with Disabilities Act (ADA) compliant. He commended the Town Council for this action.

#### PUBLIC COMMENTS CLOSED

**Councilmember Onoda** thanked Ms. Sucgang for all her hard work.

**ACTION: It was M/S (Trotter/Onoda) to adopt Resolution 92-2015 Authorizing the Town Manager to Award a Construction Contract to CWS Construction Group, Inc. (Novato) in the Amount of \$167,500 for the Construction of the Moraga Library Restroom Improvements Project (CIP 15-301) and Execute Contract Change Orders up to 15% of the Contract Amount. Vote: 4-0-1. Absent: Wykle.**

#### **D. Complete Streets Policy**

Consider Resolution 93-2015 Establishing a Complete Streets Policy for the Town of Moraga

Associate Planner Brian Horn presented the staff report and requested that the Town Council consider a resolution establishing a Complete Streets Policy for the Town of Moraga to ensure compliance with the updated requirements from the Metropolitan Transportation Commission (MTC) for funding eligibility under the OneBayArea Grant (OBAG) program. The policy had been based on a model resolution developed by the MTC incorporating tailored provisions that more closely reflected Moraga's unique planning and land use context

Responding to Council, Mr. Horn noted the policy had not been directly vetted with MTC, although staff had used examples provided by MTC in Attachment B, the OBAG Program (OBAG 2) Complete Streets Required Elements, from other agencies including the cities of Alameda and Fremont, and information from the Contra Costa Transportation Authority (CCTA).

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

**Councilmember Onoda** sought a checklist for Planning Commissioners to be used when Planning Commissioners evaluated a project for compliance with the policy, to which Ms. Clark affirmed that could be done, with staff to use the policy as guidance when reviewing and making recommendations to the Town Council and Planning Commission on projects.

**Vice Mayor Metcalf** understood the intent of Councilmember Onoda's request, although he did not want to see staff expend a great amount of time to prepare a checklist. He wanted to see things done that helped the overall process, with staff to work with the Planning Commission to make them understand why things were the way they were.

Ms. Clark explained that staff worked to ensure the Planning Commission understood the criteria used to evaluate projects against, and to ensure compliance with, the local Complete Streets Policy.

**Councilmember Trotter** referenced Attachment C, Redline Comparison of MTC Draft Policy and Moraga Draft Policy, Exhibit A, and recommended the following modifications:

- Page 3, B. Implementation, 3A, revised to read:

*Plan Consultation and Consistency; Planning, design and maintenance of projects affecting the transportation system will be consistent with the Town of Moraga General Plan, Pedestrian and Bicycle Plan, other relevant plans, and input received from stakeholders and members of the public on proposed projects; and*

- Page 3, C. Exemptions; suggesting exemptions should not be granted by the Town Engineer but under the purview of the Planning Commission or the Town Council.

Ms. Clark clarified that would be above and beyond the MTC policy requirement which stated leadership within the staff level.

**Councilmember Trotter** reiterated his recommendation to modify Page 3, C. Exemptions, and suggested exemptions should not be delegated to the Town Engineer but be under the purview of the Planning Commission or the Town Council.

**Councilmember Trotter** suggested if the Planning Commission and Town Council were unable to grant exemptions under the proposed policy, he saw there could be a disconnect in matters of local control. He also sought further modification to Page 3, C. Exemptions, under item 4) and recommended the following revision:

- 4) one or more significant adverse effects, including without limitation roadway capacity and potential public safety impacts, would outweigh the positive effects of implementing Complete Streets design elements.

Ms. Clark explained that the language had been included, as shown, because that was the way it had been written in the model ordinance, although something different could be done.

**Vice Mayor Metcalf** understood the model ordinance was intended to clearly identify who was responsible for approving exemptions. He suggested Councilmember Trotter's modification was consistent with that intent.

Where the approval process was not ministerial, **Councilmember Trotter** recommended the third sentence of Page 3, C. Exemptions be revised to read:

*An exemption may be granted by the Town Engineer, Planning Commission or Town Council as appropriate, upon finding that inclusion of Complete Streets design principles are not possible or appropriate under one or more of the following circumstances:*

Ms. Clark affirmed that language would be acceptable and workable with the understanding it was aligning the exemption process to the level of approval of the project.

Ms. Keimach referenced the City of Alameda's Complete Streets Policy as related to the same section and suggested if the model had already been approved by the MTC it may be safer to use the same language that had been used in Alameda's policy.

**Councilmember Trotter** noted he was willing to take that risk.

**ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 93-2015 in the form provided by staff, establishing a Complete Streets Policy for the Town of Moraga, subject to revisions to Attachment C, Redline Comparison of MTC Draft Policy and Moraga Draft Policy, Exhibit A, Page 3, B. Implementation, 3A; Page 3, C. Exemptions, as discussed and as part of subparagraph 4. Vote: 4-0-1. Absent: Wykle.**

**ACTION: It was M/S (Trotter/Onoda) to extend the Town Council meeting to 11:15 P.M. Vote: 4-0-1. Absent: Wykle.**

**E. Grand Jury Report on Community Courts**

Consider and Authorize the Town Manager to Sign and Submit the Town of Moraga Response to 2014-2015 Grand Jury Report No. 1510 – “Community Courts”

Chief of Police Robert Priebe presented the staff report for consideration of authorizing the Town Manager to sign and submit the Town of Moraga’s response to 2014-2015 Grand Jury Report No. 1510 – “Community Courts.” He asked that the Town Council provide direction, as recommended.

Responding to Council, Chief Priebe acknowledged the only action was to authorize the Town Manager to send a response letter to the Grand Jury. The letter did not commit the Town to anything, but proposed creation of a Lamorinda Community Court. He stated the District Attorney’s Office was in the process of preparing a draft Memorandum of Understanding (MOU) for community courts, which would be reviewed by all three agencies. He noted that a Community Court had been prompted in the City of Walnut Creek in response to the high volume of public intoxication cases. He also verified that he had spoken with Saint Mary’s College Director of Community and Government Relations about the Grand Jury Report. The City of Orinda had approved formation of a Lamorinda Community Court during its most recent City Council meeting when the item had passed unanimously. Once all three Lamorinda Councils responded, they would make it happen.

**Councilmember Trotter** complimented the Town Manager and the Chief of Police on the response letter.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**ACTION: It was M/S (Trotter/Arth) to authorize the Town Manager to Sign and Submit the Town of Moraga Response to 2014-2015 Grand Jury Report No. 1510 – “Community Courts,” and direct the Chief of Police and staff to proceed with dialogue with both Police Chiefs in Orinda and Lafayette and await the outcome of a Draft Memorandum of Understanding from the District Attorney’s Office. Vote: 4-0-1. Absent: Wykle.**

**F. Electronic Device Use Policy**

Consider Resolution 94-2015 Adopting Policies and Procedures for the Use of Electronic Devices by Town of Moraga Staff and Elected Officials

**Councilmember Trotter** stated he had removed the item from the Consent Agenda as he had concerns with the Town Council paperless agenda packet project and adoption of a Use of

Electronic Devices policy. He noted that he had informed staff that he did not intend to change to a paperless packet. He commented that the policy included no exceptions, and he disagreed with some of the statements in the policy that the use of electronic devices would assist Town elected officials and staff in the efficient performance of their duties. He expressed concern that he would not receive an agenda packet under the proposed policy. He requested that the policy include exceptions that elected officials could opt out. For the record, Councilmember Trotter noted that the Town Clerk, Marty McInturf, had indicated he would continue to receive a paper agenda packet.

Ms. Keimach explained that there were four electronic devices for those Councilmembers who had stated they wanted them. The policy would not require all Councilmembers to use the device. The policy allowed for the use of electronic devices, and if issued an electronic device, the policy would apply.

**Vice Mayor Metcalf** wanted the policy to spell out the process for the Town-owned electronic devices in terms of when the electronic device should be returned by a Councilmember to the Town Clerk, and address whether a Town official was responsible for the loss or damage to a Town electronic device. He also recommended the references to elected officials in the policy be amended to read "Town Officials."

Administrative Services Director Amy Cunningham explained that such issues as the return of a device would be evaluated on a case-by-case basis. In the event of any negligence or pattern of negligence, staff would work with that official or staff person to reimburse the Town for associated costs. She affirmed that anyone could have paper documents at any time, as needed.

Ms. Keimach explained the intent was if the Planning Commission and Design Review Board also wanted the use of electronic devices, the policy would be flexible enough to allow that in the future. The definitions had been amended to provide that flexibility but could be revised to read "Town Officials," "Elected," or "Appointed."

Ms. Cunningham added that staff was currently working on the most efficient way to provide information such as staff reports on the electronic devices and Town staff would work with the Town Councilmembers on the process.

**ACTION: It was M/S (Trotter/Metcalf) to extend the Town Council meeting to 11:20 P.M. Vote: 4-0-1. Absent: Wykle.**

Ms. Keimach described the process of how Council packets were currently distributed to Councilmembers, noting that in the future it would be distributed electronically, with an option for a paper packet if desired.

**Councilmember Trotter** requested modification to Attachment B, Draft Electronic Device Use Policy, as follows:

- Page 1, Purpose, revise the last sentence of the second paragraph to read:

*The Town Elected Official and staff acknowledge that the electronic devices will only be used to conduct Town business and that the goal of the electronic devices is to eliminate unnecessary paper agenda packets, and the Town Officials may request that they continue to receive paper agenda packets.*

- Page 1, Policies 1, Provisions and Receipt of Electronic Device, revise the first sentence to read:

The Town Clerk's Office will issue an electronic device to staff members and each Town Official who requests such a device.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Trotter/Arth) to adopt Resolution 94-2015, adopting Policies and Procedures for the Use of Electronic Devices by Town of Moraga Staff and Elected Officials, as amended. Vote: 4-0-1. Absent: Wykle.**

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

**Councilmember Trotter** recommended that a final version of the Vice Mayor's presentation and comments to the Bay Area Regional Water Quality Control Board be posted on the Town's website.

**XIV. COMMUNICATIONS**

There were no communications.

**XV. ADJOURNMENT**

**ACTION: It was M/S (Onoda/Arth) to adjourn the meeting at 11:16 P.M. Vote: 4-0-1. Absent: Wykle.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Michael Metcalf, Mayor