

**TOWN OF MORAGA
TOWN COUNCIL REGULAR MEETING**

**January 13, 2016
MINUTES**

7:00 P.M. Regular Meeting

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

1. CALL TO ORDER

The regular meeting was called to order at 7:00 P.M. by **Mayor Michael Metcalf**.

ROLL CALL

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

Councilmembers absent: None

2. PLEDGE OF ALLEGIANCE

Councilmember Onoda led the Pledge of Allegiance.

3. SPECIAL ANNOUNCEMENTS

There were no special announcements.

4. PROCLAMATIONS AND PRESENTATIONS

- A.** Proclamation Honoring the 2015 Campolindo High School Boys Varsity Water Polo Team

Mayor Metcalf presented a proclamation honoring the 2015 Campolindo High School Boys Varsity Water Polo Team and declared January 13, 2016 as "2015 Campolindo Boys Varsity Water Polo Day" in honor of the team's win of the North Coast Section (NCS) Division I Championship. The proclamation was presented to Campolindo High School Boys Varsity Water Polo Team Head Coach Miles Price.

PUBLIC COMMENTS OPENED

Miles Price, Campolindo High School Boys Varsity Water Polo Team Head Coach, thanked the Town Council for the proclamation and for taking the time to honor the high school, and individually the team. He commended the leadership of his senior athletes and the team as a whole on its success over the 2015 season, and stated that 16 of the athletes would return in the next season while the senior athletes would attend top universities.

Michelle Alessandria, the parent of one of the varsity water polo players, thanked the coaching staff and all players for a successful season. She looked forward to future seasons.

PUBLIC COMMENTS CLOSED

The Town Council congratulated the team on its successful season.

Nikhil Suri, a member of the Campolindo High School Boys Varsity Water Polo Team, thanked his team, the coaches, and parents for all their support over the past four years.

5. PUBLIC COMMENTS AND SUGGESTIONS

Chuck Prewitt, Moraga, reported that he had met with Mayor Metcalf and Moraga Police Lieutenant King to discuss a request that the Town Council consider the adoption of a proposal to prioritize the installation of five police cameras in the Town for the purpose of increasing property values, utilizing technology to benefit public safety, creating a better sense of community, enabling the police to more effectively prevent and solve criminal activity, and enabling the Town to emphasize and draw on safety as a benefit and point of civic pride.

Kristen Beckwith, Moraga, reported on an incident where she had viewed someone stealing her neighbor's mail at which time she had contacted the Police Department, which had led to a high speed chase that had ultimately been called off since it was deemed unsafe. She had posted the incident online which had led to a meeting with Lt. King and the Mayor. She expressed concern with an increase in crime in Moraga and wanted the Police Department to have the tools to keep the community safe. She asked the Town Council to consider the request proposed by Mr. Prewitt.

Mr. Prewitt added that a representative of Bay Alarm was present in the audience and was supportive of community-based cameras. He reported that the cities of Lafayette and Orinda had already implemented similar cameras and suggested Moraga do the same.

Mayor Metcalf advised that the Town Council would be holding a Goal Setting Workshop on January 21, 2016, at which time that issue could be discussed. He encouraged everyone to attend the meeting to provide their perspective.

Lindsay Osborne, Branch Manager, Bay Alarm, stated he was present at the request of Mr. Prewitt. He had experience with other jurisdictions with surveillance cameras in communities that had been successful.

Jim Smith, Moraga, whose home was located adjacent to the Moraga golf course, understood the Town owned the back nine of the golf course, and Moraga Country Club (MCC) rented the area. He reported on an ongoing problem since 2008 when the golf course had installed a diversion basin rather than a detention basin, which had resulted in a 20-foot sinkhole with the banks of the creek behind his home that were now 15 feet deep. He commented on the flooding and environmental damage that had occurred as a result and asked the Town Council to work with MCC to make modifications to allow the water to be retained for a longer period of time with a controlled release. He offered written recommendations to the Town Council and asked that his request be considered during the Town Council Goal Setting Workshop.

Mayor Metcalf affirmed that staff was aware of the situation.

Vice Mayor Trotter referenced the approval of the J&J Ranch project in the City of Orinda, inquired of the detention drainage improvements that had been required as part of that project, and asked staff to provide that information to the Town Council.

Kathe Nelson, Moraga Chamber of Commerce, reported that the Chamber of Commerce in partnership with Saint Mary's College (SMC), would be hosting a business symposium on January 19, 2016 at Claeys Lounge at 7:00 p.m. The event was free and businesses and the

community were encouraged to attend. The panel would include Town staff, real estate and retail experts, and the new owner of the Rheem Valley Shopping Center.

6. 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/Wykle) to adopt Consent Agenda Items 1, 3, 4, 5, 6 and 7. Vote: 5-0.
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| 6.1 | Accounts Payable Claims for: 12/03/15 (\$13,241.90);
12/11/15 (\$504,039.06); 12/11/15 (\$110.00);
12/23/15 (\$66,621.45) | Approved |
| 6.2 | <i>Approve Minutes for the Special Town Council Meeting on
November 18, 2015</i> | <i>Removed</i> |
| 6.3 | <u>Town Council Meeting Calendar</u>
Approve by Motion the 2016 Town Council Meeting Calendar and
Direct Staff to Schedule a Special Meeting if Needed | Approved |
| 6.4 | <u>First Quarter FY 2015/16 Revenue and Expenditures</u>
Review and Accept Status Report on Fiscal Year 2015/16 First
Quarter (July 1 – September 30) Revenues and Expenditures | Approved |
| 6.5 | <u>Local Hazard Mitigation Plan</u>
Consider Authorizing the Town Manager to Submit a Letter of
Intent to Participate in the Update of the Contra Costa County
Local Hazard Mitigation Plan (LHMP) | Approved |
| 6.6 | <u>Patch Paving on Rheem Boulevard</u>
Consider Resolution 1-2016 Authorizing the Town Manager to
Award a Construction Contract to JV Lucas Paving, Inc.
(Lafayette) in the Amount of \$17,825 to Patch Pave Portions of
a Stretch of Rheem Boulevard near Fay Hill Road and to Execute
Contract Change Orders up to 25% of the Contract Amount | Approved |
| 6.7 | <u>Travel to APWA Committee Meeting in Kansas City, Missouri</u>
Consider Authorizing the Public Works Director to Attend the
National American Public Works Association (APWA) Combined
Professional/Educational/Technical Committee Meeting in
Kanas City, Missouri from February 17 to 19, 2016 in Conformance
with Town Travel Policy | Approved |

B. Consideration of Consent Items Removed for Discussion

1. Approve Minutes for the Special Town Council Meeting on November 18, 2015

Vice Mayor Trotter requested an amendment to the paragraphs under the heading Informational Items as shown on Page 4 of the Special Town Council Meeting on November 18, 2015, to correct Coral dePriester to read Coral DePriester

ACTION: It was M/S (Trotter/Onoda) to approve the Minutes for the Town Council Special Meeting on November 18, 2015, as modified. Vote: 4-0-1. Abstain: Wykle.

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

8. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf – Reported that he had attended a Lamorinda School Bus Transportation Agency meeting, and commented on the acute driver shortage throughout the country; and a Southwest Area Transportation (SWAT) Committee meeting to discuss the proposed Contra Costa Transportation Authority (CCTA) reauthorization bill.

Vice Mayor Trotter – Reported that he had attended the Recycle Smart Board meeting and holiday reception on December 10; the Chamber of Commerce holiday party on December 10; a meeting of the Hillside and Ridgeline Steering Committee on December 16; a memorial service for Coral DePriester on December 22; and the Interim Town Manager Negotiating Committee meeting on January 8.

Councilmember Arth – Reported that he had attended a Chamber of Commerce meeting on January 6, when the election of officers had occurred.

Councilmember Onoda – Reported that she had attended the Mayors' Conference in the City of San Ramon on January 7; patronized a new business in the Town, Natasha Grasso Jewelry in the Rheem Valley Shopping Center; and referenced a recent newspaper article regarding local restaurant food recycling.

Councilmember Wykle – Reported that he had attended the Recycle Smart Board meeting and holiday reception on December 10; and referenced a recent incident in the City of Orinda where a suspect had been apprehended within 24 hours through the assistance of community cameras. He agreed that the Town Council should have a discussion of community cameras during the Town Council Goal Setting workshop.

- B. Town Manager Update – Town Manager Jill Keimach reported that both the property owner and the operator of the New Rheem Theatre had reached an agreement to continue operations for another year.

9. INFORMATIONAL ITEMS

There were no informational items.

10. DISCUSSION ITEMS

There were no discussion items.

11. PUBLIC HEARINGS

There were no public hearings.

12. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

- A. Hacienda de las Flores ADA Accessibility Project
Consider Resolution 2-2016 Authorizing the Town Manager to Submit a Community Development Block Grant (CDBG) Application to Provide Supplemental Funding for the *Hacienda Building Americans with Disabilities Act (ADA) Accessibility to the Upper Floors* Capital Improvement Project 14-301

Parks and Recreation Director Jay Ingram presented the staff report for consideration of a resolution authorizing the Town Manager to submit a Community Development Block Grant (CDBG) application to provide supplemental funding for the Hacienda Building Americans with Disabilities Act (ADA) Accessibility to the Upper Floors Capital Improvement Project (CIP) 14-301. He asked that the Town Council adopt the proposed resolution.

In response to the Council, Mr. Ingram explained that Gould Evans was preparing the conceptual plans for the Hacienda, but was not the firm evaluating locations for an elevator. Garavaglia Architecture, Inc. had identified seven different locations for a potential elevator and Gould Evans was familiar with, and was supportive of the top two identified locations. He noted that if the Town Council waited on this item, the Town could apply for a future grant cycle. The recommendation was for the Town Council to pursue the grant this fiscal year, and if not used in 12 to 18 months, the grant would go back for use by another Contra Costa County jurisdiction. He explained that staff intended to pursue other available grant fund sources since, even if the grant was approved, it would not cover the total cost. The remaining monies needed would require further discussion by the Town Council.

Ms. Keimach explained that this was the first phase for the request of an elevator to all levels of the Hacienda; the plans were under development by Gould Evans with the intent to pursue grant funds for the elevator, while concurrently determining what two elevator locations were best.

Mr. Ingram clarified that grant monies were from a pool of money the County would likely disburse between five to ten jurisdictions. County staff indicated, if the grant was awarded to the Town and the monies not used, the monies would go back to the pool of funds. He suggested the Town should move forward and not put off pursuing the grant until next year. He suggested that any opportunity to improve Town facilities, particularly to achieve ADA compliance, was important. He emphasized the intent to pursue other grant opportunities in an effort to bring the project back, requiring limited Town funds.

PUBLIC HEARING OPENED

Graig Crossley, Moraga, stated he had been interested in accessibility at the Hacienda since 1982. He suggested this was the closest it had come, financing was a key item, and an elevator was needed to provide access to all levels. He recommended the Town might want to wait for the Gould Evans conceptual plan, although he would like to see access to all levels of the Hacienda provided and sought more information as to how the upper levels would be used once access had been provided.

PUBLIC HEARING CLOSED

Mayor Metcalf referenced his experience with transportation grants and stated when the opportunity for money was available it should be pursued. He noted the Town did what it stated it would do, and had a good reputation for delivering on its promises. He was not particularly concerned with the fact the Hacienda project was not clearly known at this time. The upper levels of the Hacienda could not be used for any public activity given non-compliance with ADA, and he stated the Town should do what it could to gain access.

Mayor Metcalf pointed out the County Supervisor representing the Town was aware of the historic nature and importance of the Hacienda as a community asset, and it would be ill-advised not to make the effort to obtain needed monies for the elevator.

Vice Mayor Trotter supported the resolution since the Mayor was correct that the Town had credibility with the County, used grant funding wisely, and had a reputation of deliverables with the use of grant funding. He was willing to take the risk that moving forward would not harm the Town's future ability for grant funding opportunities and he supported the resolution.

Councilmember Wykle clarified with Mr. Ingram that if the elevator was installed and Gould Evans continued its work, the upper levels at the Hacienda could be used for a variety of recreational class opportunities. Mr. Ingram confirmed in the affirmative.

Mr. Ingram was not aware of other grant opportunities through the County, although staff would continue its efforts to seek grant funding opportunities.

Councilmember Wykle supported the resolution and suggested it was a good idea to seek free money although he was concerned with the liability the Town could face for the remaining funds.

Councilmember Onoda loved the Hacienda and what had been Donald Rheem's bedroom, although current conditions of the upper level space suggested it was not ready for potential recreational classes. She favored following grants where available, and if it did not work, understood the money would be returned. She therefore supported the resolution.

Councilmember Arth supported the resolution and suggested that once the elevator was installed, the space would be ready. He supported the opportunity to obtain free money and would like to move forward.

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 2-2016 Authorizing the Town Manager to Submit a Community Development Block Grant (CDBG) Application to the County to Provide Supplemental Funding for the Hacienda Building Americans with Disabilities Act (ADA) Accessibility to the Upper Floors Capital Improvement Project 14-301; and assuming the Town was successful in obtaining the CDBG grant, staff was directed to look at other non-County sources of ADA funding. Vote: 5-0.

B. Moraga Movers Donation for Town Gateway Signs

Consider Resolution 3-2016 Accepting a Financial Donation of \$10,000 from the Moraga Movers for the Purpose of Replacing the Existing Town Gateway Signs, Expressing Town Council Appreciation for the Donation, and Committing to Completion of the Project

Councilmember Arth recused himself from the discussion due to a potential conflict of interest; he stepped down from the dais at this time.

Ms. Keimach thanked Moraga Movers for two donations of \$5,000 each; one in December 2015 and the other in January 2016. She advised that there had been some corrections to the staff report, with a redline version having been provided to the Town Council at the dais and copies for the public. She asked that the Town Council accept the donations and explained that designs for the gateway signs would come back to the Town Council at a future date.

Planning Director Ellen Clark presented the redline staff report and stated the donations allowed the Town to update the existing gateway signs at the Town's entrances, and integrate the design into the Town's wayfinding plans currently under development. New signage would announce the Town more effectively for motorists coming into the Town along the major arterials. She affirmed the signs would not be electronic and the consultant for the wayfinding program had proposed potential designs for consideration, with a mock-up in a real scale to allow review in the field, to be brought back to the Town Council prior to any installation.

Ms. Clark noted that Moraga Movers had not asked to be involved in the selection of the sign's design. In terms of recognizing Moraga Movers for its donations, the Town had a plaque policy for donated items that specified the size and type of any plaque.

PUBLIC COMMENTS OPENED

Phillip Arth, Moraga, President of Moraga Movers, provided history of the Moraga Movers, noting its purpose was to enhance the Town, and it had made donations to the Town over the years. He stated that the Moraga Movers were pleased to make the donation and it was his hope the additional funds for the project could be found in the mid-year budget adjustment. He noted a plaque would not be necessary, but a "thank you" letter from the Town would be appreciated and could be shared with the Movers members. He commented that a presentation would be made on the mid-year budget to the Audit and Finance Committee (AFC) on January 14.

PUBLIC COMMENTS CLOSED

Vice Mayor Trotter recommended in addition to an acknowledgement letter, the placement of a message on the Town's Community information sign thanking Moraga Movers for its donations.

Mayor Metcalf understood pursuant to the resolution that the Town would commit to the completion of the project by year end 2016.

Ms. Clark reported that copies of a letter from Moraga Movers dated December 7, 2015, had been provided to the Town Council and the public. Moraga Movers requested the work be completed by the end of 2016, the resolution included that commitment, and based on staff's conversations with the sign consultant that was a feasible schedule. There was also a clause in the resolution allowing that time period to be extended, subject to agreement with Moraga Movers, as a result of circumstances outside the Town's control.

Mr. Arth explained the clause had been included to offer members of Moraga Movers confidence the project would be pursued, with energy, and the money would not be lost in the Town's overall finances. He expected the Town would show good faith moving forward.

Vice Mayor Trotter requested an amendment to the last sentence of the last paragraph of Page 1 of the resolution, shown as Attachment A to the staff report, as follows:

The Town Council further resolves that the Town's goal is to make a good faith effort to complete the project before December 31, 2016.

Mr. Arth was comfortable with the revision to the resolution.

Councilmember Wykle suggested the third WHEREAS clause shown on Page 1 of Attachment A should also be revised to be consistent with the recommended changes, although **Vice Mayor Trotter** disagreed the revision was necessary given the paragraph, as shown, was consistent with the letter from Moraga Movers.

Councilmember Onoda asked Mr. Arth to forward the Town Council's appreciation for the donations to the members of Moraga Movers.

The Council agreed, by consensus, to the new language.

ACTION: It was M/S (Trotter/Wykle) to adopt Resolution 3-2016, Accepting a Financial Donation of \$10,000 from the Moraga Movers for the Purpose of Replacing the Existing Town Gateway Signs, Expressing Town Council Appreciation for the Donation, and Committing to Completion of the Project, as modified. Vote: 4-0-1. Abstain: Arth.

Councilmember Arth returned to the dais.

- C. 335 Rheem Boulevard Project Completion
Accept the Construction of the 335 Rheem Boulevard Project (CIP No. 08-302) as Complete, Authorize the Town Manager to File the Certificate of Completion with the County, and Consider Resolution 4-2016 Appropriating \$59,800 from Fund 101-General Fund to the Project and Re-appropriating \$200,000 in Remaining Measure J Funds from CIP No. 08-302 to No. 16-105

Senior Civil Engineer Laurie Suggang presented the staff report for consideration of a resolution to accept the construction of the 335 Rheem Boulevard Project (CIP No. 08-302) as complete, authorize the Town Manager to file the Certificate of Completion with the County, and consider a resolution appropriating \$59,800 from Fund 101-General Fund to the project and re-appropriating \$200,000 in remaining Measure J funds from Capital Improvement Project (CIP) No. 08-302 to No. 16-105. She asked that the Town Council adopt the proposed resolution.

Public Works Director/Town Engineer Edric Kwan further clarified the requested appropriation of funds from CIP No. 08-302 to No. 16-105.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Ms. Keimach commented that when the construction manager for the project decided to no longer be part of the project, Mr. Kwan and Ms. Suggang's workload had been full with ongoing

projects, although they had taken a disorganized budget and half negotiated contracts, and had spent hours with Finance to take the bids and make sense of the estimates that were not accurate. She commended the efforts of staff and explained that the project had cost less than most public projects given the work that staff had done in-house.

The Town Council also commended staff for the hard work on the project.

ACTION: It was M/S (Arth/Onoda) to accept the Construction of the 335 Rheem Boulevard Project (CIP No. 08-302), as Complete, Authorize the Town Manager to File the Certificate of Completion with the County, and adopt Resolution 4-2016 Appropriating \$59,800 from the General Fund to the 335 Rheem Boulevard Council Chambers/Community Meeting Room Project (CIP No. 08-302) and Appropriating \$200,000 in Remaining Measure J Funds from CIP No. 08-302 to No. 16-105. Vote: 5-0.

D. Town Council Committee Representatives
 Consider and Appoint Town Council Representatives to Committees and Boards for 2016

The Town Council discussed and made the following appointments to the Town Council Representatives to Committees and Boards for 2016:

<u>Standing Committees</u>	<u>First Appointment</u>	<u>Second Appointment/Alternate</u>
Art in Public Spaces Committee	Onoda	None
AFC (Audit & Finance Committee)	Metcalf	Arth
<u>Ad Hoc Committees</u>		
Hillside and Ridgeline Steering Committee	Trotter	Metcalf
Joint Facilities Planning Subcommittee	Trotter	Metcalf
Saint Mary's College Subcommittee	Onoda	Arth
<u>Liaison</u>		
ABAG (Association of Bay Area Governments)	Wykle	Arth
AUHSD (Acalanes Union High School District)	Onoda	Arth (Alternate)
Contra Costa Mayors' Conference	Metcalf	Trotter (Alternate)
EBMUD (East Bay Municipal Utility District)	Wykle	None (Alternate)
Citizen CORPS Council	Arth	Onoda
League of California Cities East Bay Division	Metcalf	Trotter (Alternate)
Moraga Chamber of Commerce	Arth	Onoda (Alternate)
MOFD (Moraga Orinda Fire District)	Trotter	Metcalf
MSD (Moraga School District)	Trotter	Onoda
MYIC (Moraga Youth Involvement Committee)	Onoda	Arth
<u>Voting Delegate/Boardmembers</u>		
RecycleSmart – Formerly CCCSWA (Central Contra Costa Solid Waste Authority)	Trotter	Wykle
League of California Cities Delegate	Metcalf	Trotter (Alternate)
LSBTA (Lamorinda School Bus Transportation Agency)	Metcalf	None
SWAT/LPMC/LFFA (South West Area Transportation Planning Committee; Lamorinda Program Management Committee; Lamorinda Fee & Financing Authority)	Metcalf	Wykle

RTPC (Regional Transportation Planning Committee)

Non-Council Appointments

EBRCSA (East Bay Regional Communications System Authority)	Metcalf	None
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Non-Council Liaisons

CCCTA (Contra Costa County Transit Authority)	Al Dessayer	
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CCMVCD (Contra Costa Mosquito & Vector Control District)	Vacant	
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Library Commissioner for Moraga	Rodger Lum	Patty Wernet
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CCTA (Contra Costa Transportation Authority Citizens' Advisory Committee)	Dennis Fay	None
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ACOA (Contra Costa County Advisory Council on Aging)	Keith Katzman	None
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PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to Appoint the Town Council Representatives to Committees and Boards for 2016, subject to the redline version. Vote: 5-0.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Vice Mayor Trotter requested a report from Police Chief Priebe related to the Town's medical marijuana ordinance; whether the ordinance needed to be modified in light of State law adopted in 2015; referenced the move to bring municipalities into compliance; and whether current State law would constrict the Town in a way inconsistent with the policy established by the Town in the past.

Ms. Keimach advised that the matter would be discussed at a meeting of Contra Costa County city managers on January 14. The extension would be for local jurisdictions to pursue local regulations related to the cultivation of marijuana, which the Town had done, but which staff would review in more detail.

14. COMMUNICATIONS

- A. Letter of Condolence to Margaret DePriester from the Moraga Town Council dated January 13, 2016

Vice Mayor Trotter requested that the letter be revised to address Margaret DePriester, not Mrs. Coral DePriester.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Staff was directed to revise the letter to Margaret DePriester from the Moraga Town Council dated January 13, 2016 to be addressed to *Margaret DePriester*.

15. ADJOURNMENT

ACTION: It was M/S (Wykle/Onoda) to adjourn the meeting at 8:45 P.M. Vote: 5-0.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Michael Metcalf, Mayor

