TOWN OF MORAGA
REGULAR MEETING

April 27, 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

Vice Mayor Trotter led the Pledge of Allegiance.

3. SPECIAL ANNOUNCEMENTS

There were no special announcements.

4. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation Declaring National Police Week to be May 15 to 21, 2016

Mayor Metcalf read into the record a proclamation declaring National Police Week to be May 15 to 21, 2016; and announced in honor of Peace Officers Memorial Day and in accordance with Public Law 103-322, the flags of the United States and the State of California would be displayed at half-mast in the Town of Moraga on May 15, 2016. He presented the proclamation to Acting Chief of Police Jon King.

Speaking on behalf of the Police Officers present in the audience and those unable to attend the meeting, Acting Chief of Police King thanked the Town Council for the proclamation. He announced that another Coffee with a Cop would be held at homemade/kitchen café & bakery on Saturday, April 30, at 9:30 a.m. and he invited all to attend.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

5. PUBLIC COMMENTS AND SUGGESTIONS

Tom Schnurr, Moraga, referenced the recent filming of a Honda commercial in the cul-de-sac at the end of School Street, which had been an inconvenience to the neighborhood with little warning. While he understood the film crew paid for police services and a small encroachment fee, he urged the Town Council to consider a better fee structure in the future that would better benefit the Town.

In response to the Mayor, Interim Town Manager Robert Priebe acknowledged that staff had some discussions on this issue and agreed that something needed to be done.

6. ADOPTION OF CONSENT AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to adopt Consent Agenda Items 6.1, 6.2, (Councilmember Wykle abstained), 6.3, 6.4, 6.5, 6.6, and 6.7. Vote: 5-0.

6.1	Accounts Payable Claims for: 4/15/2016 ($220,261.45)	Approved
6.2	Approve Minutes for the Regular Town Council on February 24, 2016	Approved
6.3	First Quarter Update of 2016 Goals Review and Accept First Quarter Update of Town Council Adopted Goals for 2016	Approved
6.4	Continuation of Local Emergency Due to Storm Damage Consider Resolution 33-2016 Renewing and Continuing the Local Emergency Due to El Niño Storm Damage Pursuant to Public Contract Code Section 22050 and as Proclaimed by the Director of Emergency on March 14, 2016 and Ratified By Town Council on March 16, 2016	Approved
6.5	Hardie Drive Annexation to Lighting Assessment District 1979-1 Consider Resolution 34-2016 Approving Engineer's Report On Annexation 2016-1, Hardie Drive to Town of Moraga Street Lighting Assessment District 1979-1; and Consider Resolution 35-2016 Declaring the Town of Moraga's Intention to Annex Territory Designated as Annexation 2016-1, Hardie Drive to Assessment District No. 1979-1, Town of Moraga Street Lighting	Approved
6.6	2016 Paving Project Construction Management Contract Consider Resolution 36-2016 Authorizing the Interim Town Manager to Award a Consultant Services Contract to BKF Engineers (Walnut Creek) in an Amount of $175,000, Plus a 10% Contingency, for a Total Amount Not to Exceed $192,500 For Construction Management and Inspection Services for the 2016 Full Depth Reclamation Project (CIP 08-106)	Approved

6.7 Assign Employee to Serve as Acting Chief of Police — Approved
Consider Resolution 37-2016 Waiving Personnel Rule 8.9 to Authorize the Interim Town Manager to Assign Employee to Serve as Acting Chief of Police for More than 90 Days

B. Consideration of Consent Items Removed for Discussion

No items were removed from the Consent Agenda for discussion.

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/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 on April 25; and had awarded a Certificate of Appreciation to Boy Scout Troop #234 for their work distributing information throughout the Town on water conservation measures in cooperation with the East Bay Municipal Utility District (EBMUD) on April 26.

Vice Mayor Trotter – Reported that he had attended and chaired the Finance Committee meeting of RecycleSmart on April 21.

Councilmember Arth – Reported that he had attended the Eagle Scouts Awards and presented Certificates of Merit on April 16; an Audit and Finance Committee (AFC) meeting on April 26; and the Association of Bay Area Governments (ABAG) General Assembly on April 21.

Councilmember Onoda – Reported that she had been a model for the Women's Society Fashion Show at the Holy Trinity Serbian Orthodox Church on April 18; and had attended the Lamorinda Arts Council meeting at Saint Mary's College (SMC) Museum of Art on April 27.

Councilmember Wykle – No report.

B. Town Manager Update – Interim Town Manager Priebe reported that on April 19 the Governor had issued a State of Emergency proclamation that had included Contra Costa County, which made the Town of Moraga eligible for federal funding through the Federal Highway Administration (FHWA) for the sinkhole.

In response to the Vice Mayor's request to respond to an e-mail from Natasha Grasso, a local business owner, he had attended a meeting on April 25 to determine a way to address the impacts from the sinkhole. He reported that a sinkhole celebration was discussed with a request for signage, specifically banners, to be considered and displayed during the repair of the sinkhole. A

related item would be brought to the Town Council for approval at a future meeting. In addition, safety issues involved in the detours continued to be monitored and signage on the detours had been changed to better inform the public that all businesses were open during the sinkhole repair. He also reported that the Moraga Police Department had sent 13 untested sexual assault kits to a private lab for testing, to be paid for by the District Attorney's Office as part of a grant the Town had received.

9. DISCUSSION ITEMS

There were no discussion items.

10. PUBLIC HEARINGS

There were no public hearings.

11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Rheem Boulevard Sinkhole Cause and Repair Alternatives

Receive Presentation on the Cause of and Repair Alternatives for the Rheem Boulevard/Center Street Sinkhole, Accept Recommendation for the Pipe Replacement Option, and Direct Staff to Proceed with Emergency Contracting (CIP No. 16-702).

Public Works Director/Town Engineer Edric Kwan introduced representatives from Schaaf & Wheeler, Consulting Civil Engineers, who had provided the Town with the Storm Drain Master Plan the Town Council had adopted in the summer of 2015; and described the background of the sinkhole at the corner of Rheem Boulevard and Center Street, which had developed over an existing 96-inch diameter corrugated metal pipe (CMP), which conveyed storm water from Laguna Creek from north to south.

Glen Anderson, Senior Engineer, Schaaf & Wheeler, presented a PowerPoint presentation entitled *Town of Moraga, Rheem Center Sinkhole, Sinkhole Cause and Repair Presentation, Schaaf & Wheeler, Consulting Civil Engineers, dated April 27, 2016*, and a video clip of the initial observed damage; detailed the apparent mode of failure caused by a wet winter and preceded by eight days of rain. The heavy rains caused increased groundwater levels and loads above the pipe which created a large joint offset. Flowing water carried soils into the joint offset and created a large cavity above the pipe. The loss of soil undermined the sidewalk and surrounding ground causing the collapse, which resulted in the sinkhole. Photographs of the sinkhole the day of and days after the event were also presented.

Dan Schaaf, Vice President, Schaaf & Wheeler, identified the potential pipe repair alternatives, including a no repair and secure the site option; trenchless repair option; daylight channel repair option; and pipe replacement option. He detailed the preliminary cost estimate, project duration, and considerations for each option and reported that there was a high risk with the *no repair and secure site option* where the sinkhole was likely to expand with further pipe damage and upstream flooding; a moderate to high risk with the *trenchless repair option* due to reduced capacity, upstream flooding, and undetected voids and potential future sinkholes; a moderate risk with the *daylight channel repair option* given the environmental requirements, property acquisition, potential for sedimentation/erosion and interim conditions and the option was not eligible for emergency federal funding; and a low risk with the *pipe replacement option* given the standard risks associated with construction.

Based on the details for the alternatives, Mr. Schaaf recommended that the Town Council consider the replacement pipeline option within the Town right-of-way (ROW), which would restore capacity and reduce upstream impacts, eliminate concern about voids around the pipe, replace the pipe with reinforced concrete pipe (RCP) which would have a long life, corrosion concerns would be lower, it would be a permanent fix of the 2006 temporary patch repair, and would involve a three-month closure of the intersection.

Mr. Kwan reiterated the recommendation for the replacement pipeline option, which carried the least amount of risk as described. If the Town Council concurred with the recommendation and directed staff to proceed with the emergency repair, the next steps would include beginning the design of the pipeline replacement repair, prepare bid documents, streamline the bidding process under the Emergency Contracting Procedures, with the Council to award a construction contract and appropriate funding if granted under the Governor's proclamation of June 8, hopefully allowing a start of construction on July 8, and completion of construction on October 8. He thanked the community for its patience, the Town Council for its guidance during the emergency, and Senator Steve Glazer and Assemblywoman Catharine Baker whose support assisted the Governor in issuing the emergency proclamation.

Responding to the Council, Mr. Kwan explained that staff would need to review with Caltrans what would qualify for the emergency funds; the Town had received little information on the Governor's emergency proclamation; the Vice Mayor had recommended the Town emphasize that the failure had been exacerbated by recent heavy rains and that the repair needed to be completed as far down the pipe as possible; and water would remain in the pipeline during the repair period as part of the process. The repair would be accomplished in cooperation with all of the environmental permitting agencies to ensure the work was done correctly, which was common for such a repair.

In terms of the damage to the Autohaus property and whether any federal or state funds could be used to repair private property, Mr. Kwan stated that staff would address that issue with Caltrans, although given the location of the sinkhole and the fact the CMP was also underneath private property, in order for the Town to repair its section within the Town's ROW it would also have to address the piece underneath the private property as well. The intent was to repair the damaged pipe within the Town's ROW and that portion under private property (Autohaus) but not the portion under the Rheem Shopping Center. While the Rheem Shopping Center portion of the pipe was not in the best shape, it had not failed. He recognized it would be wise to address that pipe, although he would have to speak with Caltrans to understand what would be eligible under emergency funding. He emphasized that staff had, and continued to, extensively research the records of ownership and easements, County files, and title reports for the Rheem Shopping Center but would not have discussions with the private property owners until staff had all the information.

In response to whether there had been any observations of that portion of the pipeline under the Rheem Shopping Center, Mr. Kwan understood that a member of the project team had observed beyond the sinkhole location in 2006.

Mr. Anderson clarified that Schaaf & Wheeler's survey of the sinkhole had extended 150 feet, partially into the private property. As part of the Storm Drain Master Plan, the entirety of that pipe had been evaluated and identified for specific repairs. No significant damage had been found based on the evaluation conducted two years ago. At that time, the area of the sinkhole appeared much the same as the rest of the pipe with no significant joint offset at the sinkhole location, and with no sign of a developing sinkhole.

Interim Town Manager Priebe stated that since damage to the pipeline had not been observed two years ago, it would build a case for the significance of the water impacts during the rainy

season, and the state had agreed. The Town's priority was to address the road closure and its impact on the entire community and to focus on the sinkhole repairs.

Mr. Kwan reiterated the pipeline replacement option would tie into the existing RCP at the north end, and would need to conform to the property line on the south side of Rheem Boulevard; there may be some encroachment depending on where the damage ended, which would be better clarified as part of the design process. He added that the entire stretch of CMP was about 600 plus feet.

PUBLIC HEARING OPENED

John Bissitt, Moraga, understood that sinkholes were an issue that could occur anywhere in the Town. He asked of the location of existing CMPs throughout the Town and what was being done to address the potential for future sinkholes or other problems within the Town's existing drainage infrastructure, and asked whether there were any plans to address the need to fund repairs through a Lamorinda effort.

Mr. Kwan explained that the Storm Drain Master Plan had identified areas of high priority including the Rheem Boulevard/Center Street area where the sinkhole had occurred; however, no Town funds had been dedicated to address the problems. As part of its 2016 Goals, the Town Council would be considering sustainable funding to address such issues which were prevalent throughout Moraga, and a challenging issue that all agencies were facing.

Kymberleigh Korpus, Moraga, expressed concern that some of the CMP located on private property had not been included in the plans for the sinkhole repair, and asked who would be financially responsible if the CMP located on private property failed in the future; and questioned whether the remaining useful life of the existing CMP on private property was known. She questioned whether it would be less expensive to repair the CMP on the private property now, as opposed to later, given that the sinkhole currently provided access to the area for repairs.

Mr. Kwan stated he could not predict the useful life expectancy of the CMP located on private property given the potential factors involved with the failure of such systems. He acknowledged while the costs for repair could be lower due to the length of the pipe itself, the issue of repair on private property remained to be resolved. He reiterated his understanding that any work on private property would be precluded from receiving emergency federal funding.

PUBLIC HEARING CLOSED

Mayor Metcalf expressed concern with the CMP that had been put in place years ago, and suggested now was the time to do the whole job. He was aware the Town could not conduct repairs of the CMP downstream since it would likely fall under private property, although he would like to have concurrence from the private property owners to do that work now to be able to determine how to fund it even if it required reimbursements from the property owners.

Councilmember Arth agreed that where the CMP was connected to the RCP was an issue that should be corrected now. He encouraged staff to aggressively investigate the replacement of the entire stretch of CMP.

Vice Mayor Trotter asked the Assistant Town Attorney whether the private property owner had any legal obligation to assist the Town in upgrades to the storm drain system that were located on private property, and benefitted the private property as a result.

Assistant Town Attorney Karen Murphy affirmed that research was being conducted on the easements and what those obligations may be. She understood the intent was to move forward

with the emergency repair work and continue to work on those issues with respect to the other pipe given the potential monetary constraints.

Vice Mayor Trotter noted that, based on his calculations, if the entire piece was done the cost could be in the $15 million range as opposed to the projected estimate of $3.3 million for the pipeline repair option. He could support the repair of the emergency conditions that existed now with federal funding to cover a large amount of that cost but understood based on the staff comments that the same argument would not apply 400 or 500 feet away from the sinkhole area. He recommended a dialogue with the private property owners once a legal position had been identified. He agreed that if the CMP could be repaired, it should, but since funding was an issue that should not impede the repair now to allow the sinkhole to be repaired and Rheem Boulevard to be reopened as quickly as possible.

Councilmember Wykle agreed and found it to be unfortunate that RCPs had not been installed in 2006, although it was likely funding had been an issue at that time. He wanted to see the sinkhole be repaired and the road be reopened, along with a repair of the rest of the pipe if possible.

Councilmember Onoda questioned whether the pipeline repair option, as recommended by staff, was the option the Town Council wanted to take and whether the daylighting option or any of the other options looked better given the discussion.

Mr. Kwan emphasized the need to address the emergency at hand and repair and restore the area to be able to provide some normalcy to the community and local businesses, and to allow traffic to again flow through the area. It was unknown what would happen with the stretch under the Rheem Shopping Center. He would like the opportunity to conduct research of the Town's rights, identify who was responsible, and determine what repairs would be appropriate. It could be considered parallel to the work being done by staff and the Town Attorney to determine what could be done with that section on private property that was not under the Town's control.

Interim Town Manager Priebe noted that the federal funding coming from the Federal Highway Administration (FHWA) was because Rheem Boulevard was a minor arterial street. Nothing beyond that would likely be eligible since it was not directly related to Rheem Boulevard as an arterial street.

Mayor Metcalf clarified with Mr. Kwan that the invert gets corroded in the CMPs and if an inspection of the entire CMP had not been done under private property, it would be useful to do that inspection to identify the condition of the CMP. He suggested it made sense to pour some protective liner on the invert to extend the life of the pipe under the private property, with the private property owners to pay for that work, and suggested that could mitigate an issue that could become a major problem, or that a contingency measure could be considered in conjunction with the project.

Ms. Murphy reiterated that they had discussed concurrently reviewing the legal issues while also moving forward, which was a priority, and she hoped to get something back to the Town Council as soon as possible.

Vice Mayor Trotter did not want that inquiry to get in the way of the approval of the emergency project. He would rather see the legal issues be clarified before embarking on such work.

Mr. Kwan emphasized that staff had been researching the private properties extensively, but did not have all of the information to present at this time. The primary focus now was the repair of the intersection to allow it to reopen prior to the winter season.

ACTION: It was M/S (Trotter/Metcalf) to adopt the staff recommendation for the Pipe Replacement Option, Replacing the Corrugated Metal Pipe for the Approximately 125-foot Stretch; and To Direct Staff to Proceed with Emergency Contracting (CIP No. 16-702), While Also Pursuing Both Research and Dialogue with the Adjacent Property Owners Who Also have Corrugated Metal Pipe Underneath their Properties as to Potential Remedies; and Staff to Report Back to the Town Council at a Later Date on the Potential Remedies and Options. Vote: 5-0.

B. Hacienda de las Flores Conceptual Plan

Consider Resolution __-2016 Accepting the Gould Evans Conceptual Plan and Receiving the Final Feasibility Study, Appointing a Town Council Subcommittee, and Directing Staff to Develop a Request for Qualifications (RFQ) to Seek a Private Partner for the Conceptual Project and Consider Allocating Funds in an Amount Not to Exceed $50,000 from Fund 100 – One Time Developer Fees (Palos Colorados) for the Next Project Phase

Parks and Recreation Director Jay Ingram presented the staff report and recommended consideration of the resolution.

Lauren Maass, Project Manager, Gould Evans, introduced the Gould Evans project team and provided a presentation to identify the community goals for the project, with a consistent theme for a broad community usage/multi-functional and highly flexibility facility; maintenance of a community park and all of the amenities that came with it; a place for social gathering during the day, evenings and weekends; a year-round indoor facility for 150 to 200 people; further enhance the Hacienda site by improving its identity and visibility from Moraga Road; and a destination and venue site for the Lamorinda and regional Bay Area; with the site to be made Americans with Disabilities Act (ADA) accessible and financially sustainable while respecting the neighbors and neighborhood.

Ms. Maass reported that since the February 10, 2016 Town Council meeting when Gould Evans had last made a presentation to the Town Council, numerous community and stakeholder meetings had been held including meetings with regulatory agencies, Saint Mary's College (SMC), different restauranteurs, and those in the hospitality industry, some of whom were present in the audience. The project had been well received by SMC, particularly the potential for lodging, with an interest for more rooms than the five guest rooms that had been proposed, and venues for special events that could not be held on the SMC campus.

Ms. Maass identified the existing site plan for the Hacienda de las Flores and the Phase 1 Approach for the Community Conference Center, Restaurant and Inn. The plan continued to have the same amenities, including a new Garden Room. Discussions with the Public Works Department and feedback as part of the Livable Moraga Road Project had led to the recommendation for a one-way entry off of Moraga Road; a dedicated right and left turn pocket; the sidewalk could be widened for better pedestrian access; and the development of a bike pathway on Moraga Road. Review of the roads, widening them and easing the grades significantly could also be considered. Widening of the road would allow for additional parking spaces; as many as twelve plus parking spaces could be provided along the road.

As part of the one way access, the recommendation was that the exit from the Hacienda remain on Donald Drive to allow traffic to come out on Donald Drive, and proceed back to the traffic intersection with the light, which offered the safest place to exit. For special events, an exit that used to exist off the parking lot on the southern end at Devin Drive could be re-created and used to move more vehicles out of a special event more efficiently.

April Phillips, Landscape Architect, identified the primary entry for the Hacienda and the goal to increase visibility and identity, with the entrance to create that visibility; protect and conserve the existing landscaping; add more water conservation landscaping; add a plaza between the La Sala Building and the Hacienda; create another sense of entry as one descended into the site offering a sense of arrival; with the Garden Room to screen out the parking lot; and provide a focus on the existing mature trees. Access would also be provided and an accessible route had been added off the Hacienda deck entrance on the east side. She emphasized the Hacienda grounds would remain a community park, with community park access.

Ms. Maass presented a rendering prepared by BKS Consulting to show the slopes that had been changed and had been eased around twelve percent, with the road widened to 22 to 24 feet in places to allow for additional parking on the side. The parking had been reviewed for the programs proposed for the property, with 95 parking spaces required pursuant to the Moraga Municipal Code (MMC). The site currently had 83 existing parking spaces with additional parking spaces able to be provided on the roadways. It was likely the parking provided would more than exceed MMC requirements.

Ms. Maass detailed the existing floor plan for the Hacienda ground floor level, identified Option1 with the new Garden Room, with the east side of the room to align with the east side of the dance room and with the west side to flank the parking area with additional restrooms added and an expansion of the service area. The Mosaic Room, which had previously been a meeting room, would be expanded as a restaurant that could remain open during special events. There would also be a new deck on the east side of the Mosaic Room with an option for the inn, restaurant, and all special events, with the entry through the lobby, an entry court on the west side, or entrance to the restaurant from the east side during special events.

Option 2 would restore the existing entry and the stairs, but would result in a slightly smaller deck. The Fireside Room would be part of the restaurant and guest experience, and the bar/lounge/dance room would be part of the different functions. The second floor of the existing Hacienda plan had not changed; the second floor would have five guest rooms with the new elevator to connect to all four levels of the Hacienda. The Casita and La Sala Buildings would be renovated to create better community flexible space. The Parks and Recreation Department would move to the La Sala Building.

Douglas Thornley, Principal, Gould Evans, explained that although the Hacienda was not on the Registry of Historic Buildings, it was a historic resource. The recommendation was that the Hacienda be treated as a historic building and the project follow the Secretary of Interior Standards for rehabilitating historic buildings.

Ms. Maass identified the two possible phases of the project; the second phase would involve additional casitas and expanded guest rooms; removal of the La Sala Building; potential creation of a larger court in front of the Hacienda; consideration of a wine cave, and possible venue site to house wine directly or part of a wine/jazz venue room to be incorporated into the hillside; and the possible renovation of the Casita from community space to additional guest spaces. This approach would also involve further development into the Pavilion area with a new two-story meeting room space to house the Parks and Recreation Department offices, and a new community room. The third option for a phase would be to further develop the casitas on the hillside and along the south flank, and restore a place for a pool or other community functions. There had also been consideration to daylight the creek, although that would be costly and a new bridge would be required, but which could be incorporated into the new grading of the hillside.

Ms. Maass identified the previous Town Council direction to consider Option 1, Phase 1. The Town had identified site development costs as a concern, with those costs having been

released with the hard costs for the project development at $6.1 million, with additional soft costs not including the daylighting of the creek. Responding to the Council, Ms. Maass reiterated the recommendation for a one way entry into the Hacienda, noted the existing grades were between 15 and 18 percent, with the requirement to remove some trees on the first incline into the Pavilion to reduce the grade. She reported that a new, short, retaining wall would be required between the new roadway and the Pavilion at the bottom of the slope.

Ms. Maass acknowledged that Gould Evans had not considered the creation of a new road where the garbage cans were kept which had little grade, and would have to be considered as part of the daylighting of the creek and in future phases with the casitas, coming in along the southern flank. She noted that area of the property abutted against the residential areas; the intent was that the primary roadway not occur through the casitas. She also acknowledged a request for an analysis of the potential rents for the guest rooms and an idea of the number of people who could use the restaurant to determine the financial feasibility for a developer beyond the results of the PKF study that had been prepared.

Joel Roos, Principal, Vice President of Development, Pacific Union Company, explained that he had worked closely with Gould Evans on several Public Private Partnerships (P3) over the last several years. He suggested one of the next steps could be to hire a professional to assist the Town in preparing a financial analysis. He also suggested the Town could consider a bifurcated process with that individual who could assist the Town in the preparation of the RFQ and analyze the PKF study, which he expected could be less than $50,000. Based on his experience, it was likely a private operator for the restaurant/inn concept would want to receive the revenue from the use of the banquet facility, although it was hoped that the Town, as the owner of the property, would receive some residual over time. He described his experience over the years with P3 partnerships, particularly related to the Presidio in San Francisco, which included a restaurant and a bed and breakfast on its grounds.

PUBLIC COMMENTS OPENED

Wendy Scheck, Moraga, stated she had attended a number of meetings, conducted interviews, and had supplied the Parks and Recreation Director with marketing information over the last few months. While she agreed that many restauranteurs and hotel operators were excited about the Hacienda location and the amenities planned, rather than endorsing the plan, there had been questions about the financial aspects of the project and their primary concern had been with the potential return on investment.

Ms. Scheck cited the revenue numbers in the PKF study and suggested an investor could expect to make about $250,000 per year net for the project by year three. Absent consideration of ramp-up time or cost of financing, an investor would be expected to earn approximately $2.5 million over ten years; however, the cost for Phase 1 had been estimated at $6.9 million. She could not imagine any developer would be willing to spend more than $2 million on the project, suggested it would likely be closer to $1 million, and unless the Town was planning to invest at least $4.9 million, the rent income to the Town would be in the range of $200,000 annually.

Ms. Scheck sought cost figures for a new Phase 1 without the Garden Room given that the expense for the structure may not be sustainable in Phase 1. She asked the Town Council to not support the conceptual plan, as proposed, and authorization of funds at this time. She suggested the next step should be to work out a much more detailed plan with cash flow and return on equity projections, addressing practical considerations such as the day-to-day operations of the Parks and Recreation Department versus the responsibilities and access of the operator/investor prior to getting into the next phase. She expressed the willingness to request support from the Chamber of Commerce with that work.

Andy Scheck, Moraga, also recognized the work on the project and the many good ideas that had been expressed, but prior to Town Council approval of the conceptual plan and expending funds for the next phase, he requested clarification on the scale of the Garden Room. He asked that the image of the Garden Room be corrected to show the actual size of the project to allow the Town Council and the community a better view of the potential scale. He suggested the benefit of a community event center was being lost given that the Garden Room had been geared more towards a large wedding facility. He also suggested that story poles should be installed to provide a better visual of what had been planned. He believed the Garden Room would destroy the Hacienda entirely along with any views of the south side.

Richard Harris, Moraga, spoke to his experience with start-up companies, which companies were not coming to Moraga, and in that regard he could find no information or studies the Town had conducted on that topic. He questioned the data being used to support the proposed project and the request for the expenditure of additional funds. While he liked the drawings and the concepts, he suggested there needed to be a business plan in place before such a project was proposed.

Seth Freeman, Moraga, provided the staff, Town Council and the public with copies of written comments dated April 27, 2016. He opposed the expenditure of any funds on the project, which he described as contrary to the budget process. The official budget for the project had been identified at $151,000 and an additional $50,000 would exceed the official budget set for the project; the project was a carryover project from the previous year; and to arbitrarily pull money out of a fund for something that was unbudgeted or not contemplated when the budget had been passed, raised issues about the legitimacy of the official budget process.

Mr. Freeman referenced the Town's policies for the preservation of open space and the Town Council's recent action to donate $10,000 to the John Muir Land Trust to acquire the Carr Ranch property, and suggested the conversion of what was a community park to a for-profit private leasehold element would be contrary to Moraga's public policy and community values. The Town owned the Hacienda and had the infrastructure already for many of the uses that had been described in the new project and suggested those projects could be realized now at the Hacienda.

Edy Schwartz, Moraga, understood the Hacienda was a treasure in the community that was in need of upgrades. She recognized the possibilities in the staff report, and recommended the next step be the development of a business plan, with projections of real costs and incomes, and stated that work could be done with the assistance and expertise of the Moraga Chamber of Commerce along with contacts in the restaurant and lodging industries. She suggested if the needs for special events could be met by using large tents, that option should be considered.

Joao Magelhaes, Moraga, reported that he had presented a plan for the Hacienda in November 2014 for a public/private partnership model. If that model had been developed, the Town would not have had to sell any assets or make any investments. The Town Council at that time had unanimously endorsed the plan although with the award of contract to Gould Evans, he had not been invited to participate in the development of the plan. A new and unrelated plan had been prepared, with a different focus in mind; retaining the status quo; keeping and expending the existing wedding venue operations; and considering a public/private partnership.

Mr. Magelhaes suggested the addition of the Garden Room to the Hacienda would confirm the facility as a wedding venue, enlarging the current costly operation. He suggested the core operation of the Hacienda should not be a wedding venue and that large special events should be handled through the use of temporary tents installed in the Pavilion area in order to free the grounds of the Hacienda for everyone with no restrictions. He pointed out that the Pavilion had been designed for large events and referenced historical photographs which had shown the

Hacienda grounds and the original pool, and suggested a Garden Room and grading for a new access road would make the P3 program infeasible to most potential investors.

Dale Walwark, Moraga, questioned why the Town would continue to spend money on consultants who had hired PKF until such time as Town had information from a willing partner. He suggested the more restrictions on the potential investors, the more unlikely they would find someone interested in the project, particularly since the Hacienda was not historic and was not, in his opinion, an architectural gem. The building had been added onto over the years, contained faux Spanish architecture and features, the kitchen could not be used by a restaurant and caterers at the same time, and the five guest rooms upstairs would be financially infeasible. He suggested a public/private partnership would be a challenge, and opposed additional buildings along Devin Drive if reaching Phase 3 because one of the main attractions of the Hacienda property was the beautiful grounds, which could be impacted by future development.

Scott Bowhay, Moraga, speaking for himself, liked the work produced by Gould Evans; agreed that the Hacienda needed an extensive reexamination of possibilities and a new entrance/exit, which was something the Hacienda Foundation had also considered; recognized there was some immediacy to address the limited revenue to the Town and the need to improve the use of a facility that had been gifted to the Town by a prior agency; suggested it may be wise to restore the original park agency; reported on a visit to the Pleasant Hill Recreation and Park District, a separate agency from the City of Pleasant Hill, which may be something the Town should consider. He encouraged the Town Council to consider the concerns expressed.

PUBLIC COMMENTS CLOSED

Councilmember Onoda agreed that the plans were beautiful but did not believe the Town should be in the wedding business and suggested there were larger concerns. She suggested the addition of the Garden Room for up to 200 people was misplaced and not what the Hacienda was about in that there were other venues in the area to accommodate that need. Based on comments from the public, the community desired a place in the evening to have a glass of wine and food in a beautiful location. She suggested the project should be scaled back with a potential bed and breakfast, and noted that five guest rooms would be acceptable and in the future more could be added if needed.

Councilmember Arth realized the objective of the project had been to deal with the deficits of the Hacienda each year along with the need for more commercial activity, and was uncertain whether five guest rooms and a restaurant would achieve that goal. He wanted to see a pro forma prepared prior to searching for a developer given that the search for a developer would be expensive. He suggested a bifurcated contract with someone who would possibly do the financial work first after which a developer search could be pursued, although he would like to see the costs for a bifurcated process. He was opposed to a large monolithic structure adjacent to the Hacienda. He had been captured by the vision proposed by Gould Evans but also wanted to revisit Mr. Magelhaes' proposal.

In response to Councilmembers Arth and Wykle, Mr. Thornley clarified that what had been modeled and rendered was true and to scale.

Councilmember Wykle inquired of the cost estimate for the Garden Room, understood it could be part of Phase 2, and agreed that a pro forma should be prepared. He also clarified that PKF had been retained by the Town directly and not Gould Evans.

Ms. Maass noted the revenue from the restaurant had been projected at $858,000 assuming it was open 260 days of the year. She also clarified that the kitchen could operate for both the restaurant and special events.

Councilmember Wykle reiterated his desire to see the numbers for the construction costs for the Garden Room, the revenue expected from that venue, and a pro forma that could be done in-house with assistance from Gould Evans.

Vice Mayor Trotter commented that he had not been present during the February 10 Town Council meeting when the PKF study had been discussed, but understood after the fact that an in-house version had been received after the distribution of the staff report with no time for ample review. He liked the vision presented for the hotel/restaurant which he found to be attractive, but questioned whether a hotel/restaurant operator expected to control events. If the Town Council were to proceed in that direction, it would represent a change to the mission of the Parks and Recreation Department.

Vice Mayor Trotter proposed a new Phase 1, to conduct a sensitivity study on the differences between a tenting approach to handle events and the costs associated with the Garden Room. He liked the inn/restaurant concept because the Hacienda was currently underutilized and it was a way to give the facility some use and have someone come in to help restore it. He disagreed the Hacienda did not have historical significance, it had been in existence for 100 years, been occupied by people of historical prominence, and was a beautiful building, although it was showing its age.

Vice Mayor Trotter added that if speaking of the Hacienda as a public place for the community to gather and not just give it over to a private developer, if it was truly to be a P3 partnership, the Town had to do a better job determining the community use, with Gould Evans envisioning the remodel of the La Sala Buildings and use of the Casita. In looking at the Casita, it was away from the Hacienda in an area where the footprint could be expanded and could be more than one story. He noted that the Joint Ad Hoc Facilities Planning Subcommittee had discussed where to place a logical community center and the Committee had determined the best place to do so would be the grounds of the Hacienda. In his opinion, the best place was to do something where the Casita was now; it was off the parking lot where it could be integrated and would not have the same impact as the Garden Room on the south lawn.

Mayor Metcalf spoke to the issue as to whether the Town should continue to remain in the wedding business, and if so, the Town had to be serious about it. He noted the highest priority identified in the community workshops was a meeting facility for 200 or more people, although that did not appear to be the focus. He acknowledged that weddings could be accommodated with tents, noted that a business plan for the Hacienda had been discussed for years, although a business plan had not been created. He suggested the Chamber of Commerce might provide assistance in preparing a business plan. As to the concerns with the scale of the Garden Room, he noted that Gould Evans had offered ideas for the space but had not designed a space in that they were not at the level of detail at this point; however, he acknowledged the challenge with the images provided which could be corrected by asking Gould Evans to show what the building really could look like if the Town Council resolved whether it wanted a 200 plus occupancy Garden Room.

Mayor Metcalf was not opposed to a top notch restaurant or a bed and breakfast, and recognized that SMC was desirous of additional rooms, although the PKF study had suggested there was no market for that amenity and had not approached SMC as part of the report. He did not support any further work from PKF or modifications to the numbers in the PKF report since the report had not been done seriously.

Mayor Metcalf suggested a restaurant and inn would work well and stated a prior café operator had shown that a restaurant could work well at the Hacienda if operating year round. He disagreed with the expenditure of $50,000 for another study given the issues and questions raised, asked whether the Town Council was desirous of appointing a Town Council

Subcommittee, as proposed by staff, to work with staff and the consultants to continue the process, and if so, who would like to serve on the Subcommittee.

Vice Mayor Trotter acknowledged the comments and again suggested a sensitivity analysis on a Garden Room versus a tent option, and agreed that $50,000 for an RFQ process was not needed to answer that question. If pursuing a tent option there would be more of a role for the Town to handle events, although that was a question to ask the experts. He expressed the willingness to serve on a Town Council Subcommittee.

Councilmember Onoda also expressed a desire to serve on a Town Council Subcommittee and work with the Chamber of Commerce and SMC, and suggested that some of the SMC business students could also be part of the process.

Councilmember Arth suggested a financial analysis should be less expensive than a financial plan and would still like to see the Town Council proceed and request that information. As to the status of the prior café at the Hacienda, while the food was good, the Town had not received any rent from the business and that arrangement had not worked out financially for the Town.

Councilmember Wykle supported the idea of a Town Council Subcommittee as a next step to consider the issues, including details on the cost of the Garden Room and a sensitivity analysis. He was also interested in having a pro forma to show the hard costs and the revenue expected.

Mayor Metcalf acknowledged that Vice Mayor Trotter and Councilmember Onoda would like to serve on the Town Council Subcommittee, and understood the Subcommittee would be an Ad Hoc Committee that would not require a charter.

Vice Mayor Trotter offered a motion, seconded by **Councilmember Wykle** to appoint an Ad Hoc Committee of the Town Council to further study the potential use and reuse of the Hacienda de las Flores consisting of Vice Mayor Trotter and Councilmember Onoda; with staff and the consultants directed NOT to pursue a Request for Qualifications (RFQ) at this time but to prepare an additional cost pro forma/cost sensitivity analysis of a tenting versus the Garden Room alternative.

On the motion, Mr. Ingram commented that short of the feasibility study, Gould Evans had performed its scope of work. If the direction was that Gould Evans prepare a pro forma, it was likely there would not be sufficient funds left in the contract.

Vice Mayor Trotter amended his motion to appoint an Ad Hoc Committee of the Town Council to further study the potential use and reuse of the Hacienda de las Flores consisting of Vice Mayor Trotter and Councilmember Onoda, with staff directed to explore the possibility of obtaining a pro forma/cost sensitivity study from Gould Evans and with Gould Evans to provide a proposal for subsequent review by the Town Council.

Councilmember Onoda preferred a broader scope of work to allow for other possibilities, but did not offer an amendment to the motion.

Mayor Metcalf recommended approval of the Town Council Ad Hoc Committee, allowing the Committee to meet and determine how broad the scope of work should be. If an additional expenditure of funds was required, it would have to return to the Town Council for consideration.

Vice Mayor Trotter restated his initial motion, as amended, with staff and Gould Evans directed to explore the possibility of obtaining a pro forma/cost sensitivity study for a more refined cost analysis for restaurant/inn concept; which included a sensitivity analysis on different capital

costs, returns, and on a Garden Room as opposed to a tent operation for events on the Hacienda grounds.

Councilmember Wykle accepted the amendment to the motion.

ACTION: It was M/S (Trotter/Wykle) to Appoint an Ad Hoc Committee of the Town Council to further study the potential use and reuse of the Hacienda de las Flores consisting of Vice Mayor Trotter and Councilmember Onoda; with staff and Gould Evans directed to explore the possibility of obtaining a pro forma/cost sensitivity study for a more refined cost analysis for restaurant/inn concept, which included sensitivity analysis on different capital costs, returns, and on a Garden Room as opposed to a tent operation for events on the Hacienda grounds. Vote: 4-0-1. Abstain: Metcalf.

Mayor Metcalf declared a recess at 10:05 p.m. The Town Council meeting reconvened at 10:10 p.m. with all Councilmembers present with the exception of Vice Mayor Trotter who arrived at the dais at 10:17 p.m.

C. Pedestrian – Bicycle Master Plan Update

Receive Status Report on the Pedestrian – Bicycle Master Plan Update and Provide Direction to Staff

Assistant Planner Coleman Frick presented the staff report and asked that the Town Council receive the status report on the Pedestrian – Bicycle Master Plan Update and provide input to staff and the project consultants on the range of ideas for pedestrian and bicycling improvements that could be proposed as part of the draft Walk | Bike Plan and also on the next steps in the process.

Niko Letunic, Principal, Eisen | Letunic, presented a PowerPoint presentation on the Moraga Walk | Bike Plan. He outlined the key conclusions from the needs assessments, with 1,500 comments received from the public; roads of greatest concern identified as Moraga Road, Rheem Boulevard, St. Mary's Road, Moraga Way and Canyon Road; the main issues regarding sidewalks and bikeways, driver behavior, safer more visible crosswalks, Lafayette-Moraga Trail where the cyclists were perceived not to respect pedestrians, and bike parking. The single largest need was identified as a continuous bicycle/pedestrian facility along Moraga Road.

Mr. Letunic identified the Pedestrian Projects for Tier 1 to include the Livable Moraga Road Project, sidewalk fixes on the arterials, improvements at priority crossings, maintenance and repairs, and wayfinding signage. He outlined the potential crossing improvements to include visual narrowing, bulb outs, pedestrian refuge/island, and a green bike lane. Pedestrian Projects Tiers 2 and 3 included additional crossing improvements at lower priority locations, additional walkway improvements, and streetlights. A Bikeway Network was described with bikeways on the arterials and on neighborhood streets. The bike projects as part of Tier 1 included low cost improvements on the arterials, signed bike routes, improvements at priority crossings, maintenance and repairs and wayfinding signage. Bike Projects for Tiers 2 and 3 included higher cost bikeway improvements and bike detection at traffic signals.

Mr. Letunic identified the area near Los Perales Elementary School and explained that the sidewalk project had been downgraded to a Tier 2 project because it would be very costly, although some conceptual designs could be considered to provide an inexpensive facility, and parking on one side of the street may be necessary to create right-of-way. He also identified the next steps and explained that a final plan was expected in an August/September timeframe and that environmental review would be conducted concurrent with the plan.

PUBLIC COMMENTS OPENED

Richard Harris, Moraga, did not speak but offered the following written comments on the speaker card: *We would like the Town Council to address possible grants possibilities for sidewalks at Los Perales.*

Scott Bowhay, Moraga, referenced the community survey that had been distributed Town-wide and the results for the Livable Moraga Road Project, which he suggested could be an issue in the next Town Council election, and in the future if the Town Council avoided the preferences of the community.

PUBLIC COMMENTS CLOSED

Mayor Metcalf commented that the grant possibilities for Los Perales Elementary School would come from Safe Routes to Schools, although the Town did not have a project that was ready to compete. If a sidewalk for Los Perales Elementary School was a high priority, that design work should be in process now.

Planning Director Ellen Clark expressed her understanding in speaking with the Public Works Director that the proper approach would be to conduct preliminary design and engineering to have that facility included as part of an adopted plan, which would place the project in a good position for grants. There was another round of Safe Routes to School funding in the One Bay Area Grant Program (OBAG 2), which was currently being formulated, with an application by the Contra Costa Transportation Authority (CCTA).

Councilmember Wykle clarified with Mr. Letunic that it had been assumed that anything coming out of the Livable Moraga Road Project process would be part of the Pedestrian – Bicycle Master Plan Update, since that work was more in-depth.

Responding to Council, Ms. Clark added that the Via Moraga Subdivision crosswalk would include a pedestrian refuge as part of the project, and a crossing constructed by SummerHill Homes across from the Skate Park could also include a pedestrian island. She acknowledged that the design for pedestrian crossings continued to evolve, with new versions that were more visible and provided more warning than what the Town currently had in place at Corliss Drive.

Vice Mayor Trotter noted the Town Council's recent rejection of the overwhelming majority of respondents to the Livable Moraga Road Project survey in support of Option 3 as opposed to Option 1, which he had opposed. He verified with staff that a continuous pedestrian and bicycle lane had been proposed for that segment of Moraga Road of the Livable Moraga Road Project, and included a 5-foot pedestrian path and two travel lanes in both directions along with two bike lanes.

Vice Mayor Trotter referenced the crossing lights at the Lafayette – Moraga Regional Trail crossing at St. Mary's Road down from the Lafayette Community Center, which lights were now flashing 24/7. He encouraged staff to contact City of Lafayette staff to inquire if that was a safety measure, and suggested that continuously flashing lights might be something to consider.

Ms. Clark understood that the City of Lafayette had invested a great deal of money in updating some of its crossings and signage, and agreed to contact Lafayette staff.

Mayor Metcalf understood that the flashing lights referenced on St. Mary's Road were at a height where they were blinding, could be accentuated on a foggy evening, and could actually be a safety hazard.

Interim Town Manager Priebe recalled a past discussion of flashing lights at Corliss Drive and concerns from the neighbors given the glare of the lights in the evening. The area referenced in the City of Lafayette was a remote area.

Councilmember Onoda agreed that the Town Council should have the ability to move projects around in the tiers if it was found that a higher priority was identified around schools or certain destinations. She also agreed that a shovel ready project be considered for a sidewalk at Los Perales Elementary School.

Mayor Metcalf encouraged staff to include shovel ready projects to take advantage of available grant opportunities.

Vice Mayor Trotter reiterated the Town Council's recent rejection of the overwhelming majority of respondents to the Livable Moraga Road Project survey as related to Tier 1 walkway improvements, and stated he could not support any direction that involved doing anything that involved Option 1 given that one fifth of the households in Moraga had responded to the survey and did not like Option 1, and preferred Option 3.

Mayor Metcalf noted that Segment 3, Corliss Drive, was 600 feet, a short portion of Moraga Road although he did not recommend stopping the effort given that the rest of the project had been approved by the Town Council.

Vice Mayor Trotter pointed out the Town Council had not yet discussed the other segments and had not given direction on the other segments heading north. He emphasized the need to tread carefully, and if giving direction to Tier 1 improvements, being sensitive to the potential controversy for Livable Moraga Road which had yet to be concluded by the Town Council.

Ms. Clark explained that staff had looked at integrating the Livable Moraga Road Project into the Pedestrian – Bicycle Master Plan Update with the understanding that a decision had yet to be made. She affirmed that the Livable Moraga Road Project would be coming back to the Town Council on May 25, and the meetings on the projects had been timed in such a way whereby a decision on the entirety of the Livable Moraga Road Project remained to be achieved and which would incorporate the Segment 3 decision.

Councilmember Arth concurred with the cautions expressed by the Vice Mayor regarding Segment 3.

D. Contra Costa County Community Choice Aggregation Program Funding

Consider Resolution 38-2016 Authorizing the Interim Town Manager to Enter Into an Agreement with Contra Costa County to Contribute Funding to Conduct a Technical Study of Community Choice Aggregation Alternatives in an Amount Not to Exceed $10,000 from the Fiscal Year 2015/16 General Fund Operating Reserve

Councilmember Wykle affirmed with the Assistant Town Attorney that he would have to recuse himself from the discussion on the item given the potential for a conflict of interest. He stepped down from the dais and left the Town Council Chambers.

Assistant Planner Coleman Frick presented the staff report and recommended consideration of the resolution.

Jason Crapo, Deputy Director, Contra Costa County Department of Conservation and Development, asked the Town Council to endorse the staff recommendation to contribute funding to conduct a technical study of Community Choice Aggregation alternatives. He noted

that several cities in Contra Costa County had decided to join Marin Clean Energy (MCE), although others had not taken action to join a Community Choice Aggregation (CCA) Program. The County Board of Supervisors had discussed the issue on more than one occasion and had taken action on March 15 to direct County staff to work with interested cities within the County, and to prepare a technical study to determine what type of CCA, if any, would be in the best interests of the remaining residents, businesses and jurisdictions within the County not participating in a CCA.

The technical study would analyze electrical load data the County had requested from PG&E; compare the three CCA Program options as identified in the staff report; provide all participating jurisdictions information concerning projected electricity rates, and projected revenues; ability of a CCA Program to lower Greenhouse Gas Emissions (GHGs); and stimulate economic activity through the implementation of local renewable energy generation projects within the County. The information in the technical study would be helpful to all of the participating jurisdictions and help them decide whether or not to move forward on a CCA Program. Through the process of the study, County staff would communicate with Moraga Town staff and assist in presenting the findings of the study to the Town Council once complete.

Responding to the Council, Mr. Crapo affirmed he had seen recent information about MCE and suggested that MCE was more about market timing than economies of scale. By adding additional jurisdictions, MCE was able to procure energy for a new block of customers, with the timing such that the prices in the wholesale energy market were now less than MCE's existing contracts, and with the influx of new jurisdictions benefitting all MCE customers. He noted that under any of the three CCA alternatives that would be studied there was the potential for local renewable energy generation projects to be part of those programs. The technical study would also look at the differences in the way the programs were structured based on their governance and policies that may favor one alternative over another, which had the potential for a project in the County. Seven cities had agreed to contribute financially towards the technical study and several other cities had agreed to help participate in the review of the responses for a forthcoming Request for Proposal (RFP) to select the consultant.

Mr. Crapo acknowledged that the cities of Orinda and Pinole had asked for more information prior to considering a contribution to the cost of the technical study. He had attended a number of City Council meetings over the last few months to provide information, and he understood that the City of Lafayette had been accepted by MCE's Board of Directors in the last week. He added that the cost for the technical study had been allocated proportionately based on the population size of the jurisdiction.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Onoda understood the Town could have joined MCE a month ago at no cost, or wait until October 2016 to consider joining MCE at no cost. She questioned the justification of the $10,000 expense to contribute to the County's technical study.

Vice Mayor Trotter agreed with the concerns although he would likely support the item since he wanted another opinion on the subject.

Mr. Crapo acknowledged that similar concerns had been discussed at length with the Board of Supervisors on March 15, with pros and cons to the different program models. MCE was an existing program which was easy to join and the other two alternatives were new programs and

were more local, based in Contra Costa County or the East Bay Region, and based on a governance standpoint. Jurisdictions within the County would have a larger voice in the organization. Given the tradeoffs, the decision of the Board of Supervisors was that needed to be studied further before a decision was made.

ACTION: It was M/S (/Trotter/Onoda) extend the Town Council meeting to 11:30 P.M. Vote: 4-0-1. Absent: Wykle.

Councilmember Onoda also recalled that MCE would have local representation on its Board.

Vice Mayor Trotter was not opposed to obtaining a second opinion and acknowledged after it was received he might be of the opinion to wait and consider the admission to MCE in October 2016. He was not opposed to expending the $10,000 for more information and a second opinion provided the County study was neutral and identified the benefits or detriments of joining MCE or consideration of the other options.

Mayor Metcalf also supported the expenditure of funds, suggested the study would be worth it, and was uncertain MCE would approach the Town again in October.

Mr. Frick stated that based on the staff conversations with MCE staff, there was no set date for another enrollment period. In addition, a future waiver of MCE's normal fee had not been established. If the County chose to join MCE, given the large electricity load the Town would likely be able to join at that time.

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 38-2016 Authorizing the Interim Town Manager to Enter into an Agreement with Contra Costa County to Contribute Funding to Conduct a Technical Study of Community Choice Aggregation Alternatives in an Amount Not to Exceed $10,000 from the Fiscal Year 2015/16 General Fund Operating Reserve. Vote: 4-0-1. Absent: Wykle.

Councilmember Wykle returned to the dais.

E. Amend CalPERS Contract for Cost Sharing

Consider:

1) Resolution 39-2016 of Intention to Approve an Amendment to Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the Town Council Town of Moraga; and

2) Waiving First Reading and Introducing an Ordinance Authorizing an Amendment to the Contract Between the Town Council of the Town of Moraga and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to Provide Section 20516 (2% employee cost sharing) Applicable to Section 21362 (2% @50) for Local Safety Members and Section 20516 (2% Employee Cost Sharing) Applicable to Section 21354 (2% @55) for Local Miscellaneous Members

Administrative Services Director Amy Cunningham presented the staff report and recommended approval of the resolution, and the introduction of the ordinance. Responding to the Council, she affirmed the action before the Town Council was in conformance with labor agreements the Town had agreed to a year ago; the Town was bound to adhere to those agreements; there was no alternative without entering into renegotiations with employees. She also clarified that CalPERS allowed amendment to the contract only one year at a time.

Interim Town Manager Priebe emphasized the need for the Town Council to recognize that said action had been proposed by the Police Association and all of the other employee groups had come together. The Police Department and employee groups were collaborative, wanted to make it work, and had volunteered to take this action. Similar actions were being resisted by employee groups in other jurisdictions. Beginning in 2018, employee cost sharing could legally be imposed upon employee groups.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Onoda commended staff on all the hard work.

ACTION: It was M/S (Trotter/Metcalf) to adopt Resolution 39-2016 of Intention to Approve an Amendment to Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the Town Council Town of Moraga. Vote: 5-0.

ACTION: It was M/S (Trotter/Metcalf) to waive the First Reading and Introduce an Ordinance Authorizing an Amendment to the Contract Between the Town Council of the Town of Moraga and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to Provide Section 20516 (2% employee cost sharing) Applicable to Section 21362 (2% @50) for Local Safety Members and Section 20516 (2% Employee Cost Sharing) Applicable to Section 21354 (2% @55) for Local Miscellaneous Members. Roll Call Vote: 5-0.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

13. COMMUNICATIONS

There were no communications.

14. ADJOURNMENT

ACTION: It was M/S (/Trotter/Arth) to adjourn the meeting at 11:10 P.M. Vote: 5-0.

Respectfully submitted by:

Marty C. McInturf, Town Clerk

Approved by the Town Council:

Michael Metcalf, Mayor