



**TOWN OF MORAGA
REGULAR MEETING**

**May 25, 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 and Teresa Onoda

Councilmembers absent: Councilmember Roger Wykle

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 Honoring Kiley Yeaman, Kevin Paulsen and Michael Bellotti for Lifesaving Efforts on March 25, 2016

Mayor Metcalf presented a proclamation honoring Kiley Yeaman, Kevin Paulsen and Michael Bellotti (not present) for their lifesaving efforts on March 25, 2016, when along with emergency personnel, they successfully assisted in saving the life of a 22-year old male who had collapsed at 24-Hour Fitness in Moraga. He declared May 25, 2016 as "A Day of Appreciation" to honor their quick and selfless live-saving actions; in recognition of starting the Chain of Survival; and for giving the young patient, his family and friends the gift of life.

PUBLIC COMMENTS OPENED

Moraga-Orinda Fire District (MOFD) Captain Vince Matulich noted he and his partner, Tim Williams, had been on duty the day of the event; both had been part of the emergency response which had been significant; and the Chain of Survival was a testament to the Emergency Medical Service (EMS) system. On behalf of the MOFD, Captain Matulich thanked Kiley Yeaman, Kevin Paulsen, and Michael Bellotti for their involvement and presented plaques of appreciation.

Mayor Metcalf reported that he would attend a ceremony at the Commons Park Bandshell on May 26, at which time Rescue One Foundation would present to the Town an Automated External Defibrillator (AED).

Interim Town Manager Robert Priebe also offered his congratulations for the heroic efforts and noted that, given the isolation of the community, the MOFD has had paramedics on staff since he had started with the Town in 1979. He suggested the MOFD was underappreciated and emphasized his appreciation for all of its hard work.

PUBLIC COMMENTS CLOSED

5. PUBLIC COMMENTS AND SUGGESTIONS

Parks and Recreation Director Jay Ingram read an e-mail into the record that had been sent to him from Moraga resident Skip Brandish and his wife, who on May 12, 2016 had participated in a Moraga Movers van trip to a Giants game, and who expressed their appreciation to Parks and Recreation Department staff, particularly Clinton Calkins, for the rewarding experience.

The Town Council thanked Mr. Calkins for his service to the Town.

6. ADOPTION OF CONSENT AGENDA

A. Approval of Consent Items

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Arth/Trotter) to adopt Consent Agenda Items, 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6. Vote: 4-0-1. Absent: Wykle.
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| 6.1 | Accounts Payable Claims for: 05/05/16 (\$125.00);
5/13/16 (\$265,855.05) | Approved |
| 6.2 | Approve Minutes for the Special Town Council Meeting on
March 10, 2016 | Approved |
| 6.3 | Approve Minutes for the Special Town Council Meeting on
March 16, 2016 | Approved |
| 6.4 | <u>Continuation of Local Emergency Due to Storm Damage</u>
Consider Resolution 44-2016 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 Services on March 14, 2016 and Ratified
by Town Council on March 16, 2016 | Approved |
| 6.5 | <u>Measure J Biennial Compliance Checklist</u>
Consider Resolution 45-2016 Authorizing Submission of the
Biennial Compliance Checklist for Measure J Calendar Years
2014 and 2015 Growth Management Program for Allocation of
Fiscal Years 2015/16 and 2016/17 Local Street Maintenance | Approved |

and Improvement Funds to the Contra Costa Transportation Authority

- 6.6 CalRecycle Application for Payment Programs Approved
Consider Resolution 46-2016 Authorizing the Public Works Director to Submit Department of Resources Recycling and Recovery (CalRecycle) Applications for Payment Programs and Related Authorizations

Item 6.7 was considered separately to allow a Roll Call vote.

ACTION: It was M/S (Arth/Trotter) to adopt Consent Agenda Item 6.7. Roll Call Vote: 4-0-1. Absent: Wykle.

- 6.7 Ordinance Regarding Park Impact Fees Approved
Consider Waiving the Second Reading and Adopting Ordinance No. 262 Amending Moraga Municipal Code Chapter 8.140: Park Dedications and Chapter 17.24: Park Development Impact Fee

B. Consideration of Consent Items Removed for Discussion

No Consent Items were removed for discussion.

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Interim Town Manager Priebe requested that Item 11. C. under Ordinances, Resolutions and Requests for Action be removed from the agenda given that he had been unable to review the FY 2016/17 Operating and Capital Improvement Program Budgets until this week, and wanted to properly resolve some issues prior to Town Council presentation.

Assistant Town Attorney Karen Murphy recommended that the Town Council adopt the meeting agenda with the exception of Item 11. C., which would be agendized for Town Council consideration at its June 8, 2016 meeting.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to adopt the Meeting Agenda, with the removal of Item 11. C., FY 2016/17 Operating and Capital Improvement Program Budgets. Vote: 4-0-1. Absent: Wykle.

8. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf – No report.

Vice Mayor Trotter – Reported that he had spent the past week in New York City to be with his daughter who had graduated from New York University (NYU) Law School.

Councilmember Arth – Reported that he had attended the Audit and Finance Committee (AFC) meeting on May 17; and the Saint Mary's College (SMC) Graduation ceremony on May 21.

Councilmember Onoda – Reported that she had attended the swearing-in ceremony for Moraga Reserve Officer Kevin Walker on May 12; Liaison Meeting on May 13; Community Faire on May 14; a special viewing of the documentary film Hidden Legacy at the Moraga Library on May 14; the Hacienda de las Flores 100-Year celebration on May 15; and had represented the Town Council and awarded Certificates of Achievement to two Campolindo High School students who had received Gold Girl Scout Awards on May 22.

Councilmember Wykle – Absent.

- B.** Town Manager Update – Interim Town Manager Priebe announced that the Community Preferences Survey had been completed and the results would be presented to the Town Council soon; and the ballot box for the upcoming primary in June was available at the Town Offices and would remain through June 7. In addition, the bid package for repairs of the Rheem Boulevard Sinkhole were being finalized to be presented to five pre-selected contractors, although the Town had been denied funding from the Federal Highway Administration (FHWA). Staff would be considering options to either appeal the denial or approach the California Governor's Office of Emergency Services (CalOES). As a result, the award of construction contract had been postponed to a later Town Council meeting. He clarified, when asked, that Caltrans was the agency that reviewed the situation, made assessments based on what the Town provided, and would then make a recommendation to the federal agency. Caltrans had determined that the Rheem Boulevard Sinkhole did not qualify and had denied the request for funding. That action could be appealed or the Town could request assistance directly from CalOES.

Ms. Murphy added that staff was looking into the process for appeal and had been in communication with Caltrans about the process. The Town Council would be provided further information on the options.

9. DISCUSSION ITEMS

There were no discussion items.

10. PUBLIC HEARINGS

A. Master Fee Schedule Update

Consider Resolution 47-2016 Updating the Town of Moraga's Master Fee Schedule Effective July 25, 2016

Administrative Services Director Amy Cunningham presented the staff report and asked that the Town Council open the public hearing, accept public testimony, close the public hearing, and adopt a resolution to update the Town of Moraga's Master Fee Schedule, as proposed, which would become effective July 25, 2016.

Responding to the Council, Planning Director Ellen Clark clarified that the Lamorinda Fee and Finance Authority (LFFA) fees would become effective June 10, 2016. The majority of projects currently under construction would likely not be subject to the fees since they had been entitled

and vested under the former fee schedule. Any project deemed incomplete or approved subsequent to the date of adoption of the fees would be subject to the new fees.

Ms. Clark also defined the Town's Home Occupation Agreement pursuant to the Moraga Municipal Code (MMC) which allowed home-based businesses in residential zoning districts and which included a set of performance standards for those businesses. Three to four years ago, the former Planning Director had instituted a process whereby those home occupations would be required to sign an agreement, essentially requiring compliance with the standards, to be processed and placed on file with the Town. She was uncertain why the fee for the home occupation agreement had been set as it had, but she had reviewed the fee, and had determined it was higher than it needed to be. A reduction in the fee had therefore been recommended. She acknowledged that questions had been raised on this issue, particularly as staff had presented to the Planning Commission draft amendments to the home-based wineries and vineyards regulations, which were a component of the home occupation portion of the Moraga Municipal Code (MMC).

Ms. Murphy added that when the Planning Commission took action on the MMC pertaining to the home-based wineries and vineyards regulations, the Commission's recommendations would be presented to the Town Council. She took this opportunity to identify an error in the LFFA as shown in Exhibit A, Page 40 of 40, where the fee for Commercial had been shown to read: "1,000 Sq. Ft." at \$7.78, which should be corrected to read only "Per Sq. Ft."

PUBLIC HEARING OPENED

Wendy Scheck, Moraga, stated that although she and her husband had operated a business out of their home for the past ten years, she had recently learned of the Town's Home Occupation Agreement requirement for home-based business owners. She appreciated the reduction in the fee for home-based businesses from \$250 to \$75, although she remained concerned that singling out home-based businesses would make Moraga a less desirable place for people to purchase homes and join the community. She emphasized that working from home allowed people to avoid impacting local roadways and transit, and allowed people to balance work and family life much more easily. She understood that the Planning Commission had decided to form a subcommittee to revisit Chapter 8.112 Home Occupations, and she hoped the Town would make changes to support the home-based business community rather than penalize it.

PUBLIC HEARING CLOSED

In response to Vice Mayor Trotter as to the rationale for the Home Occupation Agreement fee, Ms. Clark explained that the burden for the Agreement was to accept the application, review it, ensure the use was consistent with the Zoning Ordinance, and create a file for the application. The procedure had been made a part of the administrative process, had not been codified as required by the MMC, and would not require an amendment to the MMC to discontinue what had been done in the past. As to the scope of the work for the Planning Commission Subcommittee, the intent was to draft amendments to the regulations for home-based wineries and vineyards, and to clarify the administrative procedures for home-based businesses.

Vice Mayor Trotter understood the Town Council could delete the fee for the Home Occupation Agreement and revisit the issue in the future since there could be a change in the MMC, which Ms. Clark affirmed could be done or the fee could be stricken once it had been determined which home occupations would or would not require a fee.

Councilmember Onoda suggested that enforcement of home occupations would be a challenge and she would rather see home occupations be encouraged, if at all possible, given that Moraga was a cul-de-sac community.

Councilmember Arth opposed the assessment of a Home Occupation Agreement fee and suggested those who were non-compliant would not likely comply and those in compliance did not need to comply. He found the process to be an invasion of the household.

In response to the Mayor, Ms. Clark stated that the draft amendments to the MMC related to home-based wineries and vineyards, and had been presented to the Planning Commission for a public hearing on May 16, 2016. A return to the Commission was expected by late June or early July, with the scope of work to review Chapter 8.112, primarily as it related to wine related businesses, with home-based occupations a secondary amendment. Among the questions to be asked of the Planning Commission would be whether a language change should be added to formalize the requirement for a Home Occupation Agreement. If nothing was done, it would continue to be an administrative decision.

Mayor Metcalf noted that two Councilmembers, including himself, could have a conflict since they had home occupation businesses. He advised careful consideration as to how the matter was being addressed.

Ms. Murphy stated the actual home occupation language would be submitted to the Town Council in a public hearing format in the future. Currently, the Town Council was only considering whether to impose the fee, as recommended by staff for a Home Occupation Agreement in the amount of \$75, or consider no fee, which could be changed at a future date. At this time, she did not see that a Councilmember would have a conflict of interest since the fee would generally affect anyone in the public, and since the Home Occupation Ordinance was currently under review.

As good policy, **Mayor Metcalf** suggested the issue should be reviewed systematically. He encouraged the Planning Commission to do a thorough job reviewing the subject and return to the Town Council with a recommendation.

Based on the discussion, Ms. Murphy recommended that the Home Occupation Agreement fee be deleted from the Master Fee Schedule given the issues raised, and staff could bring back any fee together with the ordinance amendments at a future date.

Vice Mayor Trotter agreed with the Assistant Town Attorney's recommendation and saw the issue related to other policy decisions the Town Council had made in the past such as having no interest in imposing a business license fee on local businesses. He added that when the issue had been raised in the past, the Town Council had heard from the Chamber of Commerce that it did not support a business license fee, and the Town Council had not imposed one.

Mayor Metcalf disagreed with that logic.

Councilmember Onoda agreed with the logic offered by the Vice Mayor.

Vice Mayor Trotter offered a motion to adopt Resolution 47-2016 Authorizing Updates to the Town of Moraga's Master Fee Schedule Effective July 25, 2016; with the deletion of the Home Occupation Agreement fee of \$75 entirely; and to correct the LFFA fee, to be computed on a per square footage basis of \$7.78 per square foot.

Councilmember Arth seconded the motion.

On the motion, Ms. Cunningham commented that the amendment to Exhibit A, as proposed, was not part of the resolution consideration for adoption but part of the resolution that had been adopted for the LFFA fee.

Ms. Murphy noted that the typographical error found in Exhibit A would be resolved administratively, with the motion clarifying the LFFA fee to be computed on a per square footage basis of \$7.78 per square foot.

ACTION: It was M/S (Trotter/Arth) to adopt Resolution 47-2016 Authorizing Updates to the Town of Moraga's Master Fee Schedule Effective July 25, 2016; with the deletion of the Home Occupation Agreement fee of \$75 entirely; and to correct the LFFA fee, to be computed on a per square footage basis of \$7.78 per square foot. Vote: 4-0-1. Absent: Wykle.

11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Annual General Plan Implementation Report

Review and Accept Annual General Plan Implementation Report for 2015 and Town 2016/17 Work Program Priorities Related to Implementation of the General Plan for the Fiscal Year 2016/17 Budget

Senior Planner Holly Pearson presented the staff report and asked that the Town Council review and accept the Annual General Plan Implementation Report for 2015 and Town 2016/17 Work Program Priorities related to implementation of the General Plan for the Fiscal Year 2016/17 budget, prior to its submittal to the State Department of Housing and Community Development (HCD). She clarified that no applications had been submitted for below market rate housing developments.

Planning Director Ellen Clark stated when the Town had last updated its Housing Element, the State had not commented on the fact the Town had not built below market rate housing. The last Housing Element cycle had been profoundly affected by the recession and the State had forgiven a lack of progress on housing goals across the State. The Town's approved Housing Element had included policies that were appropriate to encourage or support the provision for below market rate housing as those opportunities arose. The Town must show it had the available land and zoning regulations that allowed for certain types of units and densities that were more conducive to being more affordable, although the Town was not required to build, construct, or permit affordable housing outside its rules and regulations.

With the Palos Colorados project, Ms. Clark explained that secondary units were part of the inventory of future housing and had been counted as potential future below market rate housing units. Dormitory housing at Saint Mary's College (SMC) had not been included because none had been proposed at the time the Housing Element had been developed. She affirmed that strategy had been behind the Moraga Center Specific Plan (MCSP) Area when it had been adopted to allow the Town to have a certified Housing Element in 2010; and reiterated that the State had certified the Town's Housing Element, and had made very few requests for revisions.

Ms. Pearson added that the updated Housing Element did include policies and actions that provided a streamlined review process or fee deferrals for affordable housing.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Councilmember Onoda congratulated staff on the volume of work; **Vice Mayor Trotter** concurred; and **Mayor Metcalf** also commended staff on a thorough and informative document.

ACTION: It was M/S (Trotter/Arth) to accept the Annual General Plan Implementation Report prior to its submittal to the State Department of Housing and Community Development (HCD); and Work Program Priorities Related to Implementation of the General Plan and the Needs of the Moraga Community for the Fiscal Year 2016/17 Budget. Vote: 4-0-1. Absent: Wykle.

B. Municipal Regional Permit (MRP 2.0) Trash Load Reduction

Receive a Presentation on the Requirements of the Municipal Regional Permit (MRP 2.0) for Trash Load Reduction (Provision C.10) and for Green Infrastructure (Provision C.3.j) and Provide Direction to Staff

Public Works Director/Town Engineer Edric Kwan presented the staff report, explained that the Municipal Regional Stormwater Permit (MRP 2.0) had been re-issued by the Regional Water Quality Control Board (RWQCB) becoming effective January 1, 2016, and as part of the reporting requirements for the Permit, the Town was required to report on the progress of development of a Green Infrastructure Plan development and implementation. He requested that the Town Council receive the report as part of the Town's outreach on the plan and purpose of a Green infrastructure Plan. Also, as part of the report, he asked the Town Council to receive a status report on the Town's compliance with Provision C.10 Trash Load Reduction and consider future adoption of an updated Stormwater Ordinance.

Frank Kennedy, Kennedy & Associates, presented the background of the Green Infrastructure permit reporting requirement, which required the preparation of a Green Infrastructure Plan and early implementation of Green Infrastructure Projects. He described the preparation of the Green Infrastructure Plan, identified what it included, and explained that Provision C.3.j required each permittee to review the current infrastructure (capital improvement) projects planned for implementation during the permit that had the potential for Green Infrastructure measures to allow for no missed opportunities

Pursuant to MRP 1.0, the most recent trash reduction goal had been to reduce trash from 2009 levels by 40 percent by July 1, 2014. In the 2014-2015 National Pollutant Discharge Elimination System (NPDES) Annual Report, the Town had reported a trash reduction level of 19 percent due to the installation of 31 full trash capture devices that had been installed using grant funds from the Association of Bay Area Governments (ABAG) Trash Demonstration Program. Under MRP 2.0, permittees were required to reduce trash from 2009 levels by 70 percent by July 1, 2017, and comply with performance guidelines of a 60 percent reduction by July 1, 2016.

Mr. Kennedy explained that Kennedy & Associates had been retained to assist with the NPDES stormwater permit compliance and had recently trained Town staff to perform visual assessment surveys to make corrections to the 2009 baseline trash generation maps. The corrected baseline maps were due to the RWQCB with the 2015-2016 NPDES Annual Report. Corrections to the map included changing SMC to a jurisdictional area, re-designating public schools as non-jurisdictional areas, and verifying the remaining "moderate" and "high" trash generation areas which were the two commercial shopping centers and adjacent areas.

Mr. Kennedy advised that Town staff and the consultants had considered many options to meet the trash reduction goals, and the RWQCB had outlined two options for compliance including Option 1, installing full trash capture systems; and Option 2, implementing other trash management actions. He highlighted the options as outlined in the staff report.

Mr. Kennedy recommended that the Town Council proceed with the recommended compliance plan including: 1) Preparation of a Green Infrastructure Plan; 2) early implementation of Green Infrastructure projects; 3) installation of full trash capture systems including developing a plan

and schedule to be part of this year's NPDES Report to achieve 70 percent trash reduction by July 1, 2017, by updating the Stormwater Management and Discharge Control regulations to primarily require full trash capture devices on private property in "moderate" and "high" trash generation areas. He explained that if the Town Council took no action, it would leave the Town liable to receive a Notice of Violation of its NPDES permit for not meeting the trash reduction goals and Green Infrastructure requirements and expose the Town to potential third-party lawsuits.

Responding to the Council, Mr. Kennedy stated in order to determine the number of full trash capture devices required for the Rheem Valley and Moraga Center shopping areas, it would require going into the shopping centers, counting the inlets, and identifying the locations to place the full trash capture devices.

Andrew Kennedy, Kennedy & Associates, reported that the Rheem Valley Shopping Center had approximately 30 opportunities, and the Moraga Center had more than 40 locations where full trash capture devices could be placed. The cost of the devices ranged by manufacturer and would typically start at \$400 for a small device and could be as high as \$600 to \$700; roughly half a dozen vendors had been approved by the RWQCB. There would also be a \$150 per year, per device, fee for maintenance and inspection.

It was not known whether the "moderate" and "high" trash areas were plumbed directly into the storm drain system, although reconnaissance would be needed and there would have to be some structural device in place. Also, in many places the creek was located on private property and the Town could not place end-of-pipe devices on private property. The cost for end-of-pipe devices would vary depending on the volume of water; if the wrong device was chosen it could cause flooding. The number of outlets from the Moraga Center into the creek was unknown since the creek had not been walked. The simplest method would be to look at the inlets and place a full trash capture device in the inlet.

As to whether the full trash capture devices impeded the flow of stormwater or caused the drains to back up or flood, Mr. Kennedy explained there were filtering systems whereby low flows would soak through the netting. The RWQCB had approved devices that could handle a one-hour storm where the water would go through and overflow in the middle of the device, but there was the potential for trash to go through the overflow while still alleviating the flooding concerns. He suggested the full trash capture device would not reduce the capacity of the pipe since the pipe beneath the device would remain untouched as long as the maintenance frequency prescription was followed.

Vice Mayor Trotter commented that the Town had little trash and had on average a 19 percent reduction. As such, he questioned why the Town was now being asked to increase its trash reduction by more than 350 percent in a year.

Mr. Kennedy acknowledged the concerns, noted the maps had identified the areas of "moderate" and "high" trash areas, and with the full trash capture devices in place the cure would be automatic, those areas would be green, and the Town would reach 100 percent reduction. He recognized that the full trash capture devices would have to be maintained to realize that reduction, recognized the Town's shopping centers already conducted some maintenance such as street sweeping of the parking lots and the like, and expected once they were aware of the scope of the work and the cost it may not be that much different to pay to have someone just maintain the devices.

Mr. Kennedy also clarified, when asked by the Vice Mayor, that the definition of visible trash with sediment was considered an organic, to be captured under another provision, which involved another metric to approach sediment reduction. It primarily applied to construction

sites to prevent erosion at the source. The full trash capture devices would have a filter mesh of five millimeters; the RWQCB had determined that five millimeters would capture a cigarette butt, as an example.

As to whether the Town could consider something similar to a Geologic Hazard Abatement District (GHAD) to address the maintenance of the full trash capture devices, Mr. Kennedy was unaware of such an option being used by other cities.

Mr. Kwan stated that the concept of a Community Benefit District or Assessment District for property owners to draw from their property taxes into a pot of money to be used to fund the maintenance of the full trash capture devices could be investigated, although timing of setting up such a district would not comply with the July 1, 2017 deadline.

Mr. Kennedy acknowledged the importance of exploring the differences between the public and private sectors, but based on his experience such an arrangement in the private sector could be a long process given the need to craft and implement agreements, and at a certain point there must be some level of inspection and enforcement. He explained the City of Walnut Creek had done something similar and had spent part of two years implementing the process for a Downtown Beautification District, using parking meter fees to help fund that district.

Mr. Kennedy also acknowledged the one creek hot spot area shown on the map across from Campolindo High School, the only location found in 2009 at the time of the first MRP when the Town had been required to conduct trash hot spot monitoring, and where the consultants had public access. The trash had been broken down in relation to whether it was a plastic bag, candy wrapper, coffee cup, or plastic bottle, as examples, since the RWQCB desired that data. He also confirmed that neither the consultants nor Town staff had yet spoken to the property owners of the two shopping centers in Town about this issue.

Mr. Kwan referenced plans for an open house to be held prior to the initiation of the ordinance process, including efforts to engage the property owners and the Chamber of Commerce to discuss the ordinance.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Mr. Kwan clarified that part of the costs associated with the Green Infrastructure Plan was an amendment to the contract with Kennedy & Associates, which the Town Council had previously approved, assuming Option 1. He noted that Option 2 was very onerous for staff since it would require the development of programs and the budget amount would have to be increased; it would take time to get through such a program with no guaranteed compliance with the July 1, 2017 deadline. Such action would open the Town to potential third party lawsuits and fines which the Town could not afford. Option 1 would not require more staff as opposed to Option 2, which would require consultant assistance.

Vice Mayor Trotter suggested that Option 1 appeared to be the way to go and would be less expensive for the Town to administer, placing the burden on private property owners who would be asked to manage their own trash loads.

Councilmember Onoda concurred, and while she recognized the State mandate and agreed the Town had no choice but to consider Option 1, there was nothing to educate anyone on what

trash "is." At some point she wanted to consider Option 2 to see what could be done to make everyone part of the equation.

Mr. Kennedy acknowledged there had been substantial credits in the past for outreach and education, which had been relied upon in the last annual permit report, although the RWQCB had denied those credits.

Mr. Kwan added that the Town would not receive credit for clean-ups either, and other agencies that had imposed plastic bag bans were no longer receiving credits.

Mr. Kennedy emphasized that everyone was feeling the pressure of the structural controls and the requirements. Given the short timeframe with little time to react, Option 1 was the best path forward although outreach and education would continue to occur. Outreach with middle and high schools where trash typically began to be left on the ground rather than be placed in a receptacle was another area to be discussed in addition to the implementation of the Green Infrastructure Projects.

In view of the deadline and all the reasons expressed by the Vice Mayor, **Councilmember Arth** supported Option 1.

ACTION: It was M/S (Metcalf/Trotter) to proceed with the Recommended Compliance Plan including: 1) Preparation of a Green Infrastructure Plan; 2) Early implementation of Green Infrastructure Projects; 3) Installation of Full Trash Capture Systems including Developing a Plan and Schedule to be Part of This Years' NPDES Report to Achieve 70 Percent Trash Reduction by July 1, 2017 by Updating the Stormwater Management and Discharge Control Regulations to Primarily Require Full Trash Capture Devices on Private Property in "Moderate" and "High" Trash Generation Areas. Vote: 4-0-1. Absent: Wykle.

C. FY 2016/17 Operating and Capital Improvement Program Budgets

Consider Proposed Fiscal Year 2016/17 Operating and Capital Improvement Program Budgets, Including Updates to the Five-Year Financial Plan, Financial Policies, Requests for Funding and Provide Direction on Unfunded Needs

The item had been removed from the agenda.

D. Amend CalPERS Contract for Cost Sharing

Consider Rescinding and Replacing Resolution No. 39-2016 and Consider Resolution 48-2016 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 of the Town of Moraga

Administrative Services Director Cunningham presented the staff report and asked that the Town Council rescind Resolution No. 39-2016, approve the amended resolution, and authorize the Mayor to execute the CalPERS Resolution of Intention (CON-302) in the format provided by the Agency; which would provide for an additional one percent payment to CalPERS by employees for the Employer Share of Pensions.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Arth) to Rescind Resolution No. 39-2016, and Approve the Amended Resolution, and Authorize the Mayor to Execute the CalPERS Resolution of Intention (CON-302) in the format provided by the Agency. Vote: 4-0-1. Absent: Wykle.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

13. COMMUNICATIONS

There were no communications.

14. ADJOURNMENT

ACTION: It was M/S (Onoda/Arth) to adjourn the meeting at 8:46 P.M. Vote: 4-0-1. Absent: Wykle.

Respectfully submitted by:



Marty C. McInturf, Town Clerk

Approved by the Town Council:



Michael Metcalf, Mayor