



**TOWN OF MORAGA
REGULAR MEETING**

**July 13, 2016
MINUTES**

7:00 P.M. Regular Meeting

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

1. CALL TO ORDER

The regular meeting was called to order at 7:01 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 August 2, 2016 as National Night Out in Moraga

Mayor Metcalf presented a proclamation declaring August 2, 2016 as National Night Out in Moraga and called on citizens to join with their neighbors in outdoor celebrations of National Night Out.

PUBLIC COMMENTS OPENED

Dennis Rein, Emergency Preparedness Director, thanked the Council for the proclamation, and invited everyone to participate in National Night Out celebrations that allowed an opportunity for partnerships and for the community to get to know its first responders.

Acting Chief of Police Jon King also spoke to the opportunity for residents to get to know one another and become acquainted with their neighborhoods.

Cathy Dausman, representing the National Night Out organization, also urged attendance at National Night Out.

PUBLIC COMMENTS CLOSED

B. Proclamation Honoring Central Contra Costa Sanitary District on its 70th Anniversary

Mayor Metcalf presented a proclamation honoring Central Contra Costa Sanitary District (CCCSD) on its 70th Anniversary during the month of July 2016.

PUBLIC COMMENTS OPENED

Emily Barnett, Communication Services and Intergovernmental Relations Manager, CCCSD, thanked the Town Council for the proclamation in honor of the CCCSD's 70 years of service and partnership with the Town of Moraga.

PUBLIC COMMENTS CLOSED

5. PUBLIC COMMENTS AND SUGGESTIONS

Padraic Kelly, Moraga, representing his neighbors, some of whom were present, expressed concern with a recent landslide in the creek behind Constance Place. He reported that while neighbors had been in communication with the East Bay Municipal Utility District (EBMUD), which had been responsive to the issue, there was now an odor from the stagnant water in the creek and there had been questions of creek ownership. He asked that the Town determine its role and engage the Public Works Department to review the matter.

Mayor Metcalf advised that the Town Council could not discuss the item which had not been agendized, but referred the matter to the Interim Town Manager.

Interim Town Manager Robert Priebe reported his understanding that the Public Works Department had been to the site, verified concerns with algae and odor from the creek, and clarified that the creek was under EBMUD's purview.

Public Works Director/Town Engineer Edric Kwan affirmed that the creek belonged to EBMUD; Town staff had contacted EBMUD, which was looking into the matter to determine what could be done to resolve the issue.

Mayor Metcalf encouraged Mr. Kelly to speak with Mr. Kwan as the Town staff contact on this matter.

6. ADOPTION OF CONSENT AGENDA

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

A. Approval of Consent Items

No items were removed from the Consent Agenda.

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

6.1 Accounts Payable Claims for: 06/20/16: (\$6,883.81);
6/24/16: (\$303,909.50); 6/28/16: (\$56,397.71)

Approved

- | | | |
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| 6.2 | Approve <u>Minutes</u> for the Regular Town Council Meeting on April 27, 2016 | Approved |
| 6.3 | <u>Second Quarter Update of 2016 Goals</u>
Review and Accept Second Quarter Update of Town Council Adopted Goals for 2016, as Amended in the Redline Version | Approved |
| 6.4 | <u>On-Call Construction Management Contracts</u>
Consider Resolution 71-2016 Authorizing the Interim Town Manager to Award On-call Consultant Services Contracts for Construction Management and Inspection Services to CSG Consultants, Inc. (Pleasanton), Ghirardelli Associates (Oakland), and Harris & Associates (Concord) in the Amount of \$150,000 for Each Year of the On-call Contracts for a Term of Three (3) Years with an Option to Extend for Two (2) Years, Contingent on Available Budgets | Approved |
| 6.5 | <u>Travel to APWA Exposition in Minneapolis, Minnesota</u>
Consider Authorizing the Public Works Director to Attend Out-of-State Conference in Minneapolis, Minnesota for the 2016 American Public Works Association (APWA) Public Works Exposition (PWX) from August 28 to 31, 2016 in Conformance with Town Travel Policy | Approved |
| 6.6 | <u>Grand Jury Report No. 1605 "Caring for the Victims" Response</u>
Town of Moraga Response to 2015-2016 Grand Jury Report No. 1605 – "Caring for the Victims – Commercial Sexual Exploitation of Children in Contra Costa County" | Approved |

B. Consideration of Consent Items Removed for Discussion

No items were removed from the Consent Agenda

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Mayor Metcalf requested that the items under 11. Ordinances, Resolutions and Requests for Action be renumbered, with Item 11. C. moved to Item 11. A., and with the remaining items to be renumbered accordingly.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Trotter) to adopt the Meeting Agenda, as modified, to move Item 11. C. to Item 11. A., with the remaining items to be renumbered accordingly. Vote: 5-0.

8. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Metcalf – Reported that the Fourth of July festivities had been well attended with a record crowd.

Vice Mayor Trotter – Reported that he had chaired the RecycleSmart Board meeting on June 23; attended the Hillside and Ridgeline Steering Committee meetings on June 29 and 30; was a traffic warden during the Fun Run on July 4, and had raised money with the crowds at Commons Park, reaching the \$27,000 goal for fireworks; had attended the Moraga Center Specific Plan (MCSP) Implementation Steering Committee meeting on July 12; and the movies at the Orinda Theater on June 24, at which time he and his wife had also patronized the Fourth Bore Tap Room & Grill where he had been served a margarita which the establishment agreed to rename the “Moragarita.”

Councilmember Arth – No report.

Councilmember Onoda – Reported that she had chaired the Art in Public Spaces Committee meeting on July 12; and the MCSP Implementation Steering Committee meeting on July 12.

Councilmember Wykle – Reported that he had attended the RecycleSmart Board meeting on June 23; and the RecycleSmart Personnel Committee on July 13.

- B.** Town Manager Update – Interim Town Manager Priebe reported that the Town had received notification of approval of funding for the Rheem Boulevard Sinkhole from the Federal Highway Administration (FHWA) on July 1; the Town had received a Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2014/15; the Moraga Police Department had assisted with the closure of Rheem Boulevard on July 11 for the beginning of landslide repair work, with the signage to be improved due to complaints, and where the road would be closed for several months.

Interim Town Manager Priebe added that the Lamorinda Community Court had been held this date in the Town Offices when three local cases had been heard; the filing date for open Town Council seats would run from July 18 through August 12, 2016 at 5:00 p.m., and if an incumbent did not file by August 12, the nomination period would be extended to August 17; a Certified Playground Inspector had been hired to inspect all playgrounds and provide a report to the Town in response to concerns with the Town’s compliance with State safety criteria; and the Town had been notified that Contra Costa County had been approved for U.S. Small Business Administration and Economic Injury Disaster and Loan Declaration for the Rheem Boulevard Sinkhole, with more information to be provided to the Town. He specifically thanked Administrative Services Director Amy Cunningham for her work with the small business community. He also took the opportunity to express his appreciation to the community, Moraga Police Department, Moraga-Orinda Fire District (MOFD), and the efforts of the Moraga Country Club for making the Fourth of July celebrations the safest in years. Additionally, he commended everyone’s efforts in reaching the \$27,000 Fourth of July fundraising goal.

Interim Town Manager Priebe also spoke to the recent Dallas, Texas tragedy and reported that the community had shown tremendous support to the Moraga Police Department. He expressed his appreciation and gratitude to all of those who had shown their support to the Police Department.

Vice Mayor Trotter commended Town staff for the efforts in working with the FHWA in reversing the decision on the Rheem Boulevard Sinkhole funding, and particularly recognized the Mayor's efforts for a successful appeal after the Town's request for funding had initially been denied.

9. DISCUSSION ITEMS

There were no discussion items.

10. PUBLIC HEARINGS

A. Street Lighting Assessment District 1979-1

Conduct a Public Hearing and Consider Resolution 72-2016 Confirming the Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1, Approving Assessments and Assessment Diagram, and Levying Assessments for Fiscal Year 2016/17

Randy Leptien, LCC Engineering & Surveying, Inc., described the annual proceeding for the levying and collection of assessments for Street Lighting Assessment District 1979-1; recommended the Town Council conduct a public hearing on levying assessments for Fiscal Year 2016/17 for the Town of Moraga Street Lighting Assessment District 1979-1; and adopt a resolution which would continue the current assessment of \$58 per year for a single-family residence.

Responding to the Council, Mr. Leptien explained the intent of the fund, an annual levy, with the costs and revenues to be the same each year, and acknowledged that over the years a surplus had been accumulated to be spent down with legitimate expenditures.

Administrative Services Director Amy Cunningham added that the surplus/reserve was specifically earmarked for street lighting purposes.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

ACTION: It was M/S (Trotter/Wykle) to adopt Resolution 72-2016 Confirming the Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1, Approving Assessments and Assessment Diagram, and Levying Assessments for Fiscal Year 2016/17. Vote: 5-0.

B. Bollinger Canyon Road Culvert Repair Project

Conduct a Public Hearing and Consider Resolution 73-2016 Adopting the Initial Study and Mitigated Negative Declaration for a Bollinger Canyon Road Culvert Repair Project and Authorizing Staff to File a Notice of Determination with the County and Proceed with the Project as Part of the 2016 Full Depth Reclamation Project

Public Works Director/Town Engineer Kwan presented the staff report and clarified that Saint Mary's College (SMC) had contacted the Town to advise that eight rather than six trees would be removed and that the term "relevant property owners" be removed from the documentation since the Town or its contractors would be responsible for the implementation of the mitigation

measure. Staff had modified the documents accordingly. He asked that the Town Council adopt the resolution contained in the staff report.

Mr. Kwan further clarified that SMC was not requesting any type of payment for that portion of the project which encroached onto SMC property; SMC had a final document for the right-of-entry agreements, and Town staff members were working closely with SMC.

Planning Director Ellen Clark added in response to the Mayor that the Mitigated Negative Declaration (MND) did not have the same alternative requirement as an Environmental Impact Report (EIR), which would have required a "no project" alternative, not considered in this case since it had not been required as part of the California Environmental Quality Act (CEQA) process.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Vice Mayor Trotter stated that he had walked the road and was confident the repairs would repair the undermining of Bollinger Canyon Road.

ACTION: It was M/S (Arth/Onoda) to adopt Resolution 73-2016 Adopting the Initial Study and Mitigated Negative Declaration for a Bollinger Canyon Road Culvert Repair Project and Authorizing Staff to File a Notice of Determination with the County and Proceed with the Project as Part of the 2016 Full Depth Reclamation Project. Vote: 5-0.

11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Continuation of Local Emergency Due to Storm Damage

Consider Resolution 74-2016 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

Public Works Director/Town Engineer Kwan presented the staff report and recommended that the Town Council adopt the proposed resolution.

Responding to the Council, Senior Civil Engineer Laurie Sucgang reported that PG&E was in the process of restoring gas services in preparation for the Town's work (Phase Two), with Phase Three to tie into the final stretch and restore services back to where they were. All other utilities had been put into "protect in place" mode to avoid damage during construction.

Mr. Kwan explained the continuation of the local emergency allowed the Town to bypass certain types of procurement processes. Now that the funding was in place the Town would have to follow the guidelines and the local emergency declaration would have no benefit in that sense. If approved, the local emergency would continue for 30 days after this date, and within that 30 days if there were other issues of concern a Special Town Council Meeting could be scheduled. If there was a need to extend the continuance, staff would keep the Town Council apprised. Removal of the local emergency declaration would not jeopardize federal funding. He affirmed that Caltrans was aware of the project timeline and he expressed his appreciation of the assistance provided by the Town Council and local legislators in that regard. He added that Town staff was also working with the County to assist in the right-of-way (ROW) process.

Vice Mayor Trotter supported the continuance of the local emergency, did not want to end the local emergency prematurely, but was uncertain of the process moving forward.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Trotter/Wykle) to adopt Resolution 74-2016 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. Vote: 5-0.

B. Wayfinding Plan Sign Concepts and Gateway Signage

Consider Town-Wide Wayfinding Plan Sign Concepts and Gateway Signage Design Concepts and Provide Direction to Staff

Associate Planner Coleman Frick presented the staff report and asked that the Town Council consider the overall proposed concept and sign designs for the Town-Wide Wayfinding Plan, as well as the conceptual designs for the new gateway signage to be installed at the Town entrances. The concepts would be refined and the number of signs and sign locations would be finalized and returned to the Town Council for adoption in the fall.

Max Heim, Principal, Studio L'Image, presented a PowerPoint on the Wayfinding Sign Types, Sign Design Alternatives, results of the Open Town Hall Online Survey, and reviewed the preliminary sites that had been identified on the draft sign location map with final locations to be determined once the supported sites had been mapped out after approval of the final sign design.

Speaking to the wayfinding sign concepts and in response to the Council, Mr. Frick identified Option 4 as the preferred option from the respondents of the online survey, and the Design Review Board (DRB) had provided input and a preference for Option 5, which was a "hybrid" that added a pear component not part of Option 4.

PUBLIC COMMENTS OPENED (Wayfinding Plan Sign Concepts)

Jeanette Fritzky, Moraga, as a respondent to the online survey stated that only four options had been identified. She liked Option 5 and recommended that once the Town had identified a final option, it could also be considered as the Town's logo.

Bill Carman, Moraga, preferred Options 3 and 5; Option 3 may be less expensive, for use in parks and trails while Option 5 would be acceptable as a general Town sign. He also suggested consideration of the signage in a circle, which format had been used by the East Bay Regional Park District (EBRPD) and would be easier to attach to a wood post and be more cost effective.

PUBLIC COMMENTS CLOSED

Councilmember Arth preferred Option 4, and found Option 5 with the pear to be distracting and not clearly visible to passing motorists.

Vice Mayor Trotter suggested that Option 5 was cluttered and if driving by quickly the pear could appear to be a partridge or a quail.

Councilmember Onoda preferred Option 4, which was a clean design. She suggested it might be possible to make a metal pear shape and place it on the other side of the sign, which could be considered as an Eagle Scout project. She referred to a location in Lafayette where bird houses had been mounted on the other side of the stop signs, which she found intriguing. She shared the concern that there could be too many signs and cited the area of St. Mary's Road to SMC and to Moraga Road, where she had counted numerous "No Parking" signs on the right hand side of the road.

Mr. Heim advised that the signs, as presently designed, were one-sided; pedestrian signs could easily be made two-sided based on the circumstances where it would be useful; bicycle and vehicle signage would be one sided.

Councilmember Wykle liked the blue as opposed to the green sky option, and clarified with staff that he liked Option 4.

Mayor Metcalf disliked the blue color as part of Option 4 since it could fade, although Mr. Heim explained that the graphics would be state-of-the-art, but acknowledged that any signage facing west would be more prone to fading. The signs were typically guaranteed for ten years and after that time they could be refaced. It was likely the sign message would change in the next ten years.

On the discussion, **Mayor Metcalf** accepted Option 4.

Vice Mayor Trotter agreed that based on the sign location map there was a risk for sign clutter. He suggested they see how it worked and then determine how and when to install additional signs.

Mr. Heim was cognizant of sign clutter, and had avoided recommending redundant signage in major intersections. Bicycle signage had been deliberately placed away from other sign types.

Mayor Metcalf acknowledged Town Council consensus for Option 4.

Mr. Frick detailed the background and location of the Town's existing gateway signage and advised that the Town had received a \$10,000 donation from Moraga Movers to replace the existing signs located at the Town limits along Moraga Way, Moraga Road, St. Mary's Road, and Canyon Road.

Mr. Heim displayed the Gateway Sign Conceptual Designs with three horizontal options, and reported that all three options had been estimated a bit higher than the budget for the project leading to a revised option, identified as Option 1B, which had been preferred by the DRB. Option 1B consisted of a manufactured sign to be installed on-site with the boulders completely separate as a landscape item, and with the letters having a metal finish similar in appearance to the three original options.

Mr. Frick detailed the estimated costs for the Gateway Sign Conceptual Designs and given the Town's budget constraints, for this phase of the project he asked that the Town Council provide direction to staff, and authorize the Interim Town Manager to submit a letter to Moraga Movers requesting their concurrence with the extended project timeline. Staff would return with a request for funds for the cost of construction for the signs at the time of the 2016/17 mid-year budget review,

Responding to the Council, Mr. Heim noted that Option 1B strongly resembled the sign in front of the Council Chambers/Community Meeting Room but with a different lettering style and inclusion of the Town seal.

Councilmember Onoda liked Option 1B, which was elegant and a good size.

PUBLIC COMMENTS OPENED (Gateway Sign Conceptual Designs)

Mr. Carman liked all of the options.

PUBLIC COMMENTS CLOSED

Vice Mayor Trotter understood that Councilmember Arth had been involved in the solicitation of the donation from Moraga Movers and the estimated costs had been unknown at that time. He asked Councilmember Arth whether Moraga Movers would be willing to have its donation go towards the cost of one of the signs and not have four signs at one time.

Councilmember Arth understood that Moraga Movers would like at least two signs installed, and that the Town match the donation with two signs. Moraga Movers had no preference on the conceptual designs.

Councilmember Wykle clarified with Mr. Heim he had designed signs in other cities where the wayfinding and gateway signs had the same appearance, and others where the gateway signs had more permanence and the wayfinding signs were designed to reflect their more temporary nature. Conceptual designs for both approaches had been presented.

Mr. Frick reiterated the process which had led to the options for the gateway signs where Option 4 was similar to the wayfinding signage. The gateway signs had not been surveyed through the Open Town Hall platform, but had been vetted by the Interim Town Manager, staff, and the Design Review Board.

Vice Mayor Trotter like the solidity of the Town seal on the gateway signs and had no problem with the signs having slightly different branding than the wayfinding signs since they served different functions. The sign would be similar to the signage at the Council Chambers/Community Meeting Room, and he liked the option identified as Option 1B.

Mayor Metcalf acknowledged Town Council consensus for Option 1B.

C. **All Access Playground Project at Rancho Laguna Park**

Approve by Motion the Endorsement of the Conceptual Plans for the Moraga Rotary All Access Playground Project at Rancho Laguna Park

Parks and Recreation Director Jay Ingram presented the staff report and asked that the Town Council consider the endorsement of the Moraga Rotary conceptual all access playground project located at Rancho Laguna Park, and authorize Moraga Rotary to move the project forward, including fundraising.

PUBLIC HEARING OPENED

Barry Behr, Moraga, supported the project as a wonderful and generous gift from the Moraga Rotary, but suggested it was in the wrong location. He referenced a project for special needs children and young adults, which had been incorporated into Heather Farms Park. He had also spoken with a representative from the Walnut Creek Park and Recreation Commission who offered to assist the Town in identifying foundations and federal grants to speed up the collection of funds. He suggested the project should be incorporated into the Commons Park. He asked that the Town Council determine how much it would cost to place the project in the Commons Park, and then figure out a way to obtain funds to pay for the project.

Bill Carman, Moraga, read into the record written comments he provided to the Town Council. A member of the Park and Recreation Commission and someone who had a family member with disabilities, he supported the concept for an all access structure but expressed concern with the process for choosing a location since the Park and Recreation Commission had only been allowed to consider Rancho Laguna and not the Commons Park. He recommended the Town Council accept the offer from the Moraga Rotary to raise monies to begin building the project. He detailed information he had provided the Town Council and asked that the information be studied no later than October 2016, which would allow Moraga Rotary to move forward with funding and with the knowledge it had Town Council support for an all access play structure at Rancho Laguna Park, or at the Commons Park.

Mr. Carman also referenced a map of the Commons Park which had identified the location of water features; Upper Playgrounds A and B by the Skate Park, which had not been studied by the Park and Recreation Commission. He cited a number of reasons why he believed the Commons Park would be a better location for an all access play structure.

Scott Bowhay, Moraga, supported the Moraga Rotary project, although he too suggested that Rancho Laguna Park was the wrong location for a number of reasons. He suggested there could be a conflict with the off-leash dogs at Rancho Laguna Park, which was treasured by many; the Commons Park was the main central park in Town with the most use by young families, and he thought there should be an effort to make it work at that location. He also suggested there would be broader community and financial support if the project were located at the Commons Park. He added that the current handicap parking at Rancho Laguna Park had previously been located near the entrance, had been moved down near the restrooms, but could be added to and improved as part of a future project.

Jeanette Fritzky, Moraga, Chair of the Park and Recreation Commission, and also speaking as a private citizen, spoke to the numerous benefits of an all access playground structure, and also supported the Commons Park. She emphasized the need to make such a structure inclusive for everyone and noted that no all access playground would be able to serve all needs given the spectrum of disabilities. She commented that she would like to see a process adopted that would allow careful consideration, but did not want to slow the process with the Moraga Rotary whose contribution was much appreciated.

Michael Carradine, Moraga, read into the record written comments he provided to the Town Council; suggested the installation of an all access playground would not alleviate the Town from having to update all of its parks to be accessible; suggested there was a better location for an all access playground rather than Rancho Laguna Park; recommended the project might be better suited in the center of Town offering easier access; identified a number of different locations in Town that would be more suitable; noted any new location would be required to comply with ADA criteria; and given the Town's efforts to connect the two shopping centers with a new multi-use path and bicycle lanes, suggested placing the project at the southeast corner of the Hacienda as the best location given its location and existing ADA access and parking.

Kevin Reneau, President, Moraga Rotary, stated he would have preferred to have the project in a centralized location although the question was timing and the ability to fundraise. Moraga Rotary was ready to raise funds now, was not married to the location at Rancho Laguna Park, but it had flat land, was almost 6,000 square feet in size, and was feasible for the project. Given the Town's limited resources and the service organization's willingness to see the project done, Moraga Rotary was unwilling to spend potentially another two years to study a separate location given the desire to meet the Moraga Rotary's 50 years of service anniversary in 2017. He urged the Town Council to endorse the project and advised of Moraga Rotary's willingness to

revisit the issue if the fundraising allowed for the review of other locations but asked for an endorsement from the Town Council at this time.

Mr. Reneau clarified, when asked, that he was not asking the Town Council to approve the project at Rancho Laguna Park, but endorse the project, with the mitigating factor it was understood there was a limit to the Moraga Rotary's fundraising abilities.

Jeanne Moreau, Moraga, pointed out that restrooms were located at the furthest end of Rancho Laguna Park as compared to where the all access playground project had been proposed, and handicap parking was at a distance. Also, the entrance to the park had an unusual driveway, with many drivers seen speeding into the entrance. In addition, wildlife, particularly rattlesnakes, had been an issue at Rancho Laguna Park whereas at the Commons Park there would be more activity to keep wildlife at bay.

PUBLIC HEARING CLOSED

In response to the Council, Mr. Ingram explained that the 6,000 square feet was the existing curb area at Rancho Laguna Park where a playground had been removed years ago; there had been playgrounds on the north and south ends of Rancho Laguna Park in the past; and the playground on the north side had served younger children.

Mayor Metcalf supported the project and was enthusiastic to assist with the fundraising efforts. He agreed the energy in Town was in the center, and agreed that should be the focus. He asked whether the project would be feasible at the Commons Park and would like more information on that possibility. While the water feature at the Commons Park was nice, given the drought conditions, he suggested that structure could possibly be sacrificed, if necessary, to allow the location of the project at the Commons Park.

Mr. Ingram commented that the possibility of locating the project at the Commons Park would have to be studied further. The reasons why Rancho Laguna Park had been selected as the location for the project had been detailed in the staff report, which had led to the focus for the Moraga Rotary project at Rancho Laguna Park.

Responding to whether the Town Council had any authority over the project, **Mayor Metcalf** suggested the Town Council had authority given it was a land use issue on public land, and Assistant Town Attorney Karen Murphy affirmed that the Town Council would be the final decision maker.

Mayor Metcalf understood the reasons why Rancho Laguna Park had been selected, however, he wanted to see what it would take for the project to be located at the Commons Park.

Vice Mayor Trotter understood that if the project were placed next to the existing upper playground at the Commons Park it would require preservation of ADA access to the bandshell with parking in the Skate Park parking lot, which Mr. Ingram affirmed could be a design option.

Vice Mayor Trotter also verified the implication that the existing playgrounds at the Commons Park were non-compliant with current State law in that they were too close to the road and parking lot, and could pose an abduction risk where the upper playground might have to be fenced. If fenced, he questioned why they would have to be enclosed in the same enclosure. Rather, he recommended preserving the existing handicap access south of the existing upper playground, and another playground below that path to be inside the same enclosure, since they would be 10 to 15 feet apart from one another, which Mr. Ingram again affirmed was a potential design option.

Vice Mayor Trotter supported the Moraga Rotary project, and while he understood the Commons Park was a better location, he recognized the project would be more expensive given the need for grading and other work, although a new ADA accessible path would not be required. He was skeptical that parks needed to be fenced to comply with State standards, and would prefer not to fence any of it, suggesting that fencing was the wrong thing to do, but if it must be done then possibly two fences should be considered. He would make the argument to any inspector that fencing was overkill in the context of the Town.

Councilmember Wykle also supported the Moraga Rotary project, although he would like to see integration and inclusion as part of the project, and suggested more homework needed to be done on a potential alternative at the Commons Park.

Vice Mayor Trotter understood that with the Moraga Rotary's timeline, the matter would have to return to the Town Council in August.

Mr. Ingram explained that the Site Specific Master Plan for the Commons Park would allow the project to roll into that effort nicely; the consultants were currently holding stakeholder meetings with individual groups, and community outreach meetings would be held after school commenced. The final project for the Site Specific Master Plan for Commons Park would be presented to the Town Council. He clarified that Ross Recreation Equipment had designed the structure and the work it had done to date had been pro bono.

Jon Bowden, Sales Representative, Ross Recreation Equipment, Specialty Design and Construction, explained that their license only allowed them to do incidental site work in a limited scope. The option proposed for Rancho Laguna Park was within their scope, although moving the project to the Commons Park might not be something they would be able to do. The focus was on Rancho Laguna Park with a defined footprint. While he agreed it should be located in the center of Town, if there were existing spaces it may be possible to take equipment out and relocate it elsewhere, which could be discussed further with staff. As designed, the play equipment was versatile and could fit into existing or multiple spaces to create a more cohesive, inclusive, and comprehensive design.

In response to Councilmember Onoda, Mr. Ingram detailed the requirements for appropriate fall zones around the play equipment.

Councilmember Arth understood that Moraga Rotary was seeking an endorsement of the project at this time. He suggested the Town Council could endorse the project without specifying its location. If Moraga Rotary reached its fundraising goal, and if the structure was moved to the Commons Park and it cost more, additional funds could be considered from the Palos Colorados Fund. He recommended that the Town Council endorse the project and study the location.

Mayor Metcalf agreed that would be an appropriate use of Palos Colorados funds.

Vice Mayor Trotter agreed although the Town Council still had the option of going back to the north portion of Rancho Laguna Park for the existing design.

Mr. Reneau explained that Moraga Rotary was in the process of foundation grant applications, and would like clarity from the Town Council that the project could move forward whether at Rancho Laguna or the Commons Park to allow the Moraga Rotary to affirm to the grant applications that the project would occur.

Mayor Metcalf emphasized Town Council consensus to endorse the project, but the question was its location and the Town Council was seeking more study on the location at the Commons

Park. If that made sense, they would then have to determine how to pay for it, which should allow Moraga Rotary assurance to proceed with its fundraising efforts. He clarified the Town Council was not ruling out the proposed location at Rancho Laguna Park.

Councilmember Onoda congratulated the Moraga Rotary on its efforts for all underserved children in the community, other communities, and the legacy to be left to the Town.

Vice Mayor Trotter offered a motion to endorse, by motion, the conceptual plans for the Moraga Rotary All Access Playground Project to be funded in substantial part by the Moraga Rotary to celebrate its 50th Year in Moraga, with an endorsement proviso that the Town Council requested staff, with assistance from Ross Recreation Equipment, to look at the alternative location adjacent to the Upper Playground at the Commons Park as to how it might fit in, increase the cost, and return to the Town Council in the very near future with a report that was integrated into the ongoing Commons Park Master Plan, with the potential that the Moraga Rotary All Access Playground Project could still be built at the north site at Rancho Laguna Park. **Mayor Metcalf** seconded the motion.

On the motion, **Councilmember Wykle** asked that the motion be amended to also include the south site at Rancho Laguna Park.

Vice Mayor Trotter disagreed with any option that would cut into the existing green field. He hoped for a viable solution at the Commons Park.

Councilmember Wykle sought consideration of all options.

Mayor Metcalf pointed out that there had been discussions in the past cutting up Rancho Laguna Park, which had not been supported by the community.

Mr. Ingram reiterated that the project would be considered as part of the Site Specific Master Plan for Commons Park, which document would return to the Town Council after community outreach had been conducted.

Vice Mayor Trotter requested a status report on the matter during the next meeting of the Town Council in August including a site plan with a conceptual layout, to include the right side of Rancho Laguna Park.

ACTION: It was M/S (Trotter/Metcalf) to endorse, by motion, the conceptual plans for the Moraga Rotary All Access Playground Project to be funded in substantial part by the Moraga Rotary to celebrate its 50th Year in Moraga, with an endorsement proviso that the Town Council requested staff, with assistance from Ross Recreation Equipment, to look at the alternative location adjacent to the Upper Playground at the Commons Park as to how it might fit in, increase the cost, and return to the Town Council in the very near future with a report that was integrated into the ongoing Commons Park Master Plan, with the potential that the Moraga Rotary All Access Playground Project could still be built at the north site at Rancho Laguna Park. Vote: 5-0.

D. League of California Cities Voting Delegate

Designate Town of Moraga's Voting Delegate and Any Alternates at the League of California Cities Annual Meeting on October 5 to 7, 2016 in Long Beach, California, for the Purpose of Voting on League Resolutions Regarding Issues of Statewide Concern

Town Clerk Marty McInturf presented the staff report and asked that the Town Council designate a Town of Moraga voting delegate and any alternates at the League of California

Cities Annual Meeting on October 5 to 7, 2016 in Long Beach, California, for the purpose of voting on League resolutions regarding issues of statewide concern

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Metcalf/Arth) to appoint Dave Trotter as the Primary and Teresa Onoda as the Alternate Voting Delegate at the League of California Cities Annual Meeting on October 5 to 7, 2016 in Long Beach, California, for the Purpose of Voting on League Resolutions Regarding Issues of Statewide Concern Vote: 5-0.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Metcalf requested an update on the potential for the Moraga Rotary All Access Playground Project at Commons Park during the Town Council meeting on August 24, 2016.

13. COMMUNICATIONS

There were no communications.

14. ADJOURNMENT

ACTION: It was M/S (Wykle/Trotter) to adjourn the meeting at 9:50 P.M. Vote: 5-0.

Respectfully submitted by:



Marty G. McInturf, Town Clerk

Approved by the Town Council:



Michael Metcalf, Mayor