



## TOWN OF MORAGA REGULAR MEETING

January 22, 2020  
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 Kimberleigh Korpus**.

#### ROLL CALL

Councilmembers present: Mayor Kimberleigh Korpus, Vice Mayor Mike McCluer, and Councilmembers Renata Sos, Steve Woehleke and Roger Wykle

Councilmembers absent: None

#### 2. PLEDGE OF ALLEGIANCE

Al Dessayer led the Pledge of Allegiance.

#### 3. SPECIAL ANNOUNCEMENTS

There were no special announcements.

#### 4. PROCLAMATIONS AND PRESENTATIONS

- A. Presentation on Central Contra Costa Transit Authority (County Connection) by Al Dessayer

Al Dessayer, Town Council Liaison to the Central Contra Costa Transit Authority (County Connection), reported that County Connection had improved efficiencies where some routes had been changed, some deleted, some merged, and with a bus added to Route 6. From April through November 2019, ridership had increased 13 percent and Route 6 had increased 20 percent although the reasons why had not yet been determined. Riders were thanked for their support and continued ridership. He clarified that Route 6 operated every hour in the mid-day, and every 20 minutes during peak hours from Moraga to the cities of Lafayette and Orinda.

Mr. Dessayer understood there were plans to add more housing to the Moraga Center Specific Plan (MCSP) area, and although Route 6 had added a bus there was limited capacity and County Connection did not have the funds to pay for additional buses.

Mr. Dessayer added that even if the Contra Costa Transit Authority's (CCTA) proposed Measure J were to pass by the voters in March 2020, there would not be additional funds for more buses in Moraga. As a result, it had been recommended that Route 6 operate every 40 minutes during the peak period which would cost around \$40,000 per year. Another option could be consideration of a monthly transportation fee for new homebuyers with the Town to forward the fee to County Connection.

The Town Council thanked Mr. Dessayer for his long-time service to the Town of Moraga.

Responding to the Council, Mr. Dessayer confirmed that the bus for Route 6 was not at capacity but had been full during the evening and morning commute periods although ridership was down on weekends. With the re-opening of Chase Bank, it was hoped the bank would restore the nearby bus stop which had been used by ride sharers in the past.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

#### **B. Presentation on the Status of the Implementation, Usage, and Efficiency Improvements of the Mobile Moraga App**

Parks and Recreation Director Breyana Brandt introduced Maintenance Manager Kyle Salvin, and both provided a PowerPoint presentation on the implementation of Mobile Moraga App which had been one of the Town Council's Goals for 2019. The App had been launched in May 2019 with 1,221 downloads since that time and with community outreach in the About Town Newsletter, Lamorinda Weekly, social media, Moraga Citizens Network (MCN) newsletter, and postcard information and giveaways at community events. Since its implementation, Moraga Mobile App had 740 issues reported with 709 of those resolved. Internal staff requests had been submitted through the Content Management System (CMS).

A breakdown of the work order requests and the devices used; a look at the data for the requests by issue type and facility requests by sub-issue type; emerging trends in the system; addition of code compliance as its own separate category which had been implemented in December 2019; efficiency improvements; and additional improvements including data on the maintenance of Town assets and the Maintenance Master Calendar were all highlighted.

Next steps included continued tracking of data and emerging trends, flexibility in accommodating new and changing work order needs, and continued improvement in communications with the public using the work order system, and assessing operational efficiency improvements.

Responding to the Council, Ms. Brandt and Mr. Salvin explained that of the 740 issues that had been reported via the App, there were ways to ensure that issues were not duplicated. The App was a great tool to track issues that kept occurring such as those related to failing equipment. Staff had seen an increase in the use of the App over time and staff suggested they had crossed the 50 to 60 percent threshold with some of the issues coming in other ways. The marketing of the App had been tracked on a weekly basis. Staff was confident the App had not yet plateaued in the community.

As to the function of the Maintenance Master Calendar, Mr. Salvin described it as a behind-the-scenes item for staff use.

#### PUBLIC COMMENTS OPENED

Barry Behr, Moraga, reported he had successfully used the Mobile Moraga App to report a concern with graffiti which had been addressed immediately and he found the App offered a seamless process to residents. He otherwise commented that the Town did not have any method to welcome new residents to Moraga. He suggested that something could be created to provide key information to new residents.

PUBLIC COMMENTS CLOSED

**5. PUBLIC COMMENTS AND SUGGESTIONS**

Barry Behr, Moraga, invited the Town Council to participate in the annual Kiwanis Club Mardi Gras Lobster Fest scheduled for April 18, 2020 at Saint Mary’s College (SMC) Soda Center/Claeys Lounge. He emphasized the importance of the club’s fundraising efforts with donations to youth organizations and seniors in the community. He thanked the Town for its past support of the event including the sale of See’s Candies. He also spoke to the Backpack Program at the Monument Crisis Center which had also been funded by the Kiwanis Club’s fundraising efforts, and he encouraged interested parties to attend the Lobster Fest event with information available on the Kiwanis Club website and Facebook page. The Kiwanis Club was also accepting applications for new members. He requested that anyone interested in donating items for Kiwanis’ live and silent auctions contact the Kiwanis Club.

Steve Hammond, Moraga, Owner, Bay Area Ballplayers located in the Moraga Center, explained that a tent in the Moraga Center had been intended to house batting cages for youth baseball players. He had been informed by tent manufacturers the only requirement to install the tent had been to obtain a permit from the Moraga-Orinda Fire District (MOFD). He understood the tent would be allowed as long as it was not up for more than 180 days and was not a permanent structure. The MOFD had issued a permit for the tent and an application was pending for design review with the Planning Commission. He stated the tent would be in place for 180 days, had been planned to be removed in early April, and he requested the design review process with the Planning Commission be expedited to allow the tent to become operational.

**Mayor Korpus** advised that the Town Council could not discuss an item that had not been agendized although Mr. Hammond’s comments had been heard by the Town Council.

Stephanie Dickerson, Moraga, Moraga Rotary, reported the Annual Night at the Races fundraiser was scheduled for March 7, 2020, with the main beneficiary the Moraga School District. She encouraged the Town Council to support and attend the event, with additional information available on the Moraga Rotary website.

**6. ADOPTION OF CONSENT AGENDA**

**A. Approval of Consent Items**

Consent Agenda Item 6.3 was removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Wykle/Woehleke) to adopt Consent Agenda Items 6.1, 6.2 (as amended), 6.4, and 6.5. Roll Call Vote: 5-0.**

- 6.1 Accounts Payable Claims for: 01/03/20 (\$127,587.55): Approved  
01/08/20 (\$9,505.11)
- 6.2 Approve Minutes for the Town Council Special and Regular Approved

Meetings on November 13, 2019

- 6.3 Town Council Representative Appointments *Removed*  
*Confirm Appointment of Town Council Representatives to Committees, Commissions and Boards for 2020*
- 6.4 Bidding, Informal Bidding and Formal Bidding Procedures *Approved*  
Conduct a Public Hearing, Waive the Second Reading and Adopt Ordinance 286 Amending Sections 3.04.070 “Bidding;” 3.04.080 “Informal Bidding;” and 3.04.090 “Bidding,” “Formal Bidding” and “Formal Bidding Procedures” of Title 3, “Revenue and Finance” of the Moraga Municipal Code to Increase the Thresholds for the Purchase of Supplies, Equipment and Non-Professional/Non-Special Services (CEQA Status – Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3)).
- 6.5 Hacienda de las Flores ADA Restroom Project *Approved*  
Consider Resolution 5-2020 Awarding a Construction Contract to Plazo Construction (San Pablo) for Hacienda de las Flores Americans with Disabilities Act (ADA) Restroom Project (CIP 14-302) in the Amount of \$70,801 and Authorizing the Town Manager to Execute the Construction Contract in the Amount of \$84,961 (including a 20% Contingency) (Status: CEQA Exempt)

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

1. Town Council Representative Appointments  
Confirm Appointment of Town Council Representatives to Committees, Commissions and Boards for 2020

**Vice Mayor McCluer** explained his belief that he had removed the item because the Mayor had chosen not to appoint the Vice Mayor to several of the committees contrary to what he perceived to be the tradition of the Town. He noted one of the roles of the Vice Mayor was to step in when the Mayor was incapacitated. There had been a high turnover on the Town Council and rotations, and with some Councilmembers up for re-election in 2020, there could be new members. He believed if the Vice Mayor did not have the opportunity to serve on those committees and have the knowledge, scope, and breadth of experience, the Town would be at a disadvantage. He offered a motion to appoint himself as the Alternate to the Contra Costa Mayors' Conference in place of Roger Wykle.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**Councilmember Woehleke** seconded the motion, and reported he had communicated with a former Mayor who had confirmed the tradition of the Town related to the role of the Vice Mayor. He understood the Mayor had the prerogative to select the assignments and he was conflicted since as part of preparing the Vice Mayor to assume the role of Mayor he also supported the prerogative of the Mayor.

**Councilmember Sos** offered a substitute motion to close debate on the issue since it had been discussed in depth at the last meeting and it was not in the best interests of the Town, Town Council, any individual Town Councilmember, or the public to have additional discussion about the suitability (or not) of certain Town Councilmembers to be appointed to any commissions or committees. Instead, she thought the Town Council should be discussing what work needed to be done and the issues before the Town, rather than hashing out what may be perceived slights in the appointment process.

In response to Ms. Bazzano, **Mayor Korpus** stated her understanding that Councilmember Sos' substitute motion constituted a motion to close debate on the entire agenda item.

**Councilmember Wykle** seconded the substitute motion, stated it was important to support the Mayor, and while he acknowledged the Vice Mayor's comments, he explained that none of the commissions, committees or boards involved anything all empowering. The meetings were open to the public and he invited the Vice Mayor to attend those meetings.

**ACTION: It was M/S (Sos/Wykle) to close the Debate on the Entire Agenda Item. Vote: 4-1. Noes: McCluer.**

**ACTION: It was M/S (Woehleke/Sos) to confirm Appointment of Town Council Representatives to Committees, Commissions and Boards for 2020. Vote: 4-1. Noes: McCluer.**

## 7. ADOPTION OF MEETING AGENDA

### PUBLIC COMMENTS OPENED

There were no comments from the public.

### PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Wykle/Woehleke) to adopt the meeting agenda as shown. Vote: 5-0.**

## 8. REPORTS

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

**Mayor Korpus** – Reported she had attended the Mayors' Conference and briefed the Council on the presentation of updated numbers from the Association of Bay Area Governments (ABAG) regarding the Regional Housing Needs Allocation (RHNA); Ribbon Cutting Ceremony for Amabile School of Music; Liaison Meeting and briefed the Council on the discussions and upcoming community events; Mayors' Breakfast meeting at The Ranch and briefed the Council on the topics to be discussed during a joint session with the Lafayette and Orinda City Councils scheduled for March 2020; and Lamorinda School Bus Transportation Agency (LSBTA) Committee meeting and briefed the Council on the discussions.

**Vice Mayor McCluer** – Reported he had attended the Liaison Meeting; and had introduced the Town Manager during a recent Moraga Rotary meeting and briefed the Council on the discussion of the Town's unfunded needs.

**Councilmember Sos** – Reported she had been out of town. She commended the Mobile Moraga App which afforded her the opportunity to immediately obtain the Town Council meeting agenda materials.

**Councilmember Woehleke** – Reported he had been prepping for the ABAG Special General Assembly Meeting scheduled for February 7, 2020, and had spoken with East Bay Municipal Utility District's (EMBUD) Director of Watershed and Resources about the Town of Moraga's status on the watershed; and had spoken with the President of the Moraga Country Club (MCC) and briefed the Council on the discussions.

**Councilmember Wykle** – Reported he had been out of Town.

**B. Town Manager Update** – Town Manager Cynthia Battenberg asked the Chief of Police to provide an update on recent activity in the community.

Chief of Police Jon King reported there had been an incident on Sunday, January 19 at the Rheem Valley Shopping Center near the front of Starbucks where reports of shots having been fired had been received, with the Moraga Police Department having responded. Two individuals seated in a vehicle in front of Starbucks had been shot, and after a search by officers the suspect had been apprehended and a firearm recovered in the area. Both victims had been treated and released from the hospital and the suspect had suffered a self-inflicted gunshot wound and was still receiving medical treatment. It had been determined to be a domestic violence issue and an isolated incident, and the Police Department was in the process of presenting the case to the District Attorney's Office with charges of attempted homicide.

On the same day, the Police Department had responded to a report of a suspicious person near Wells Fargo Bank. When Officers contacted that individual, he was found to be in possession of over 150 blank access cards and cash withdrawn from the Automatic Teller Machine (ATM) using the fraudulent cards, and was likely part of a criminal enterprise. Chief King reported this investigation was ongoing and he confirmed that similar incidents had occurred elsewhere in the area, and in Southern California, with the Police Department coordinating efforts with federal authorities on the case.

Chief King offered some tips on how residents could protect themselves while using bank ATMs. He added that on both the NextDoor website and on various blogs there had been erroneous and unsubstantiated information regarding the shooting case, and while he could not go into specifics, it was unfortunate some incorrect information had gone out into the community. The Police Department was working to address the matter.

The Town Council commended the work of all of the Police Departments involved in the cases.

Ms. Brandt also reported the restaurant/caterer Request for Proposal (RFP) had been released for the Hacienda de las Flores. She acknowledged the various community members and community groups that had patiently worked on this effort over the years. The RFP had been out five days and she was confident the Town was well positioned, with additional written information available on [haciendadelasflores.com](http://haciendadelasflores.com).

## 9. DISCUSSION ITEMS

There were no discussion items.

## 10. PUBLIC HEARINGS

There were no public hearing items.

## 11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

### A. Moraga School District Parcel Tax

Consider Resolution 6-2020 Supporting the Moraga School District March 3, 2020 Ballot Measure M Renewing Funding of the Current \$192 Rate Per Parcel to Provide \$1 Million Annually to Maintain High Quality Elementary and Intermediate Schools

Ms. Battenberg presented the staff report and asked that the Town Council adopt the resolution contained in Attachment A to the staff report. Responding to the Council, Ms. Battenberg reported the Town of Moraga had supported a 2013 parcel tax and a 2016 bond measure proposed by the Moraga School District (MSD).

### PUBLIC COMMENTS OPENED

Ana Moon, Moraga, spoke to her extensive research of school funding in the State of California and the fact that Moraga had the second lowest funded school district. She also spoke to the background of the Moraga Education Foundation (MEF) founded in 1981, and local parcel taxes which provided local funding since 1992. She noted that the MSD could not absorb the loss of revenue in the event that Measure M failed. Even if the measure passed, the MSD anticipated deficits in spending in the next year due to increasing costs and State mandated contributions to pension funds. For those reasons, she asked the Town Council to endorse MSD's proposed Measure M.

Janelle Chung, Moraga, also supported Measure M on the March 2020 ballot and urged the Town Council to endorse the measure which was vital for the schools and community. She explained that by law the funds would directly benefit Moraga elementary and intermediate schools and would be under local control; Citizens' Oversight Committee and annual audits would ensure that all funds were spent as promised; the funds would be directed towards maintaining programs the community valued and for well qualified and dedicated teachers, and not towards pensions or benefits. She added that low income seniors in the community would be able to apply for an exemption from the cost of the measure.

Stephanie Dickerson, Moraga, also supported Measure M. She reported the City of Orinda's parcel tax was \$509, the City of Lafayette's was \$539, and the Acalanes Union High School District (AUHSD) was \$301. Measure M proposed an extension of the existing tax of \$192.

Paul Derksen, Moraga, Strong Schools for Moraga, advised that Measure M was a renewal of funding and impacted existing programs in the MSD. He had initially campaigned for Measure B and emphasized the need to support Measure M given that significant cuts would result if the measure did not pass. He encouraged the Town Council to endorse Measure M.

Stephanie Galizia, Moraga, identified the widespread support in the community and many high profile organizations and individuals that had publicly expressed support for Measure M. A survey had also been conducted over the summer revealing overwhelming support for the parcel tax in the community and the results of the survey were highlighted.

Debbie Purcell, Moraga, stated she had moved to Moraga for the schools and if the Town Council did not endorse Measure M, it would send a message that local schools were not important. She urged the Town Council to endorse Measure M.

Richard Severy, Moraga, understood the Town Council had previously supported the MSD 2016 bond measure and had acknowledged the ongoing partnership between the Town and the MSD. He spoke to the benefits of Measure M, a renewal of Measure B, and stated if the measure did not pass, the MSD would immediately face over one million dollars in cuts and pursuant to State law, teachers would have to be notified their positions would be in jeopardy in the next school year. He urged the Town Council to continue to acknowledge the importance of Measure M.

Bruce Burns, MSD Superintendent, highlighted the number of successful partnerships between the Town and the MSD which contributed to MSD's schools consistently having ranked among the best in the Bay Area and the State, and which had assisted in ranking Moraga as a desired community. He also highlighted the MSD's numerous recognitions, achievements, and ranking by the California Department of Education as the highest elementary school district in Contra Costa County. He asked the Town Council to continue its support by voting in favor of the resolution supporting Measure M.

Heather Davis, Moraga, President MSD Governing Board, explained that her family had specifically chosen the Town of Moraga for its quality schools and educational opportunities. She spoke to her involvement in various capacities of the public school system over the years, and explained that the renewal of the parcel tax would allow the MSD to be better equipped to fund programs, teachers, support services, and maintain the educational opportunities for Moraga's children. If the renewal of the parcel tax were to fail, the community as a whole would suffer. She urged the Town Council to support the resolution supporting MSD's Measure M.

Barry Behr, Moraga, emphasized the benefits his children had received from the MSD. He urged the Town Council to support the resolution endorsing Measure M and to show its support for local schools. He suggested the better educated the population the more tax revenue to be generated over their lifetime.

The following individuals did not speak but offered written comments on speaker cards:

Laura Williamson, Moraga, *I am a long-time Moraga resident. This tax is crucial to our school funding and supports our property values. It is a relatively small amount and so important.*

Heather Myers, Moraga, *I'm a Moraga resident for 12 years. Moved here because of the schools. Strongly support Measure M. Thank you!*

Kristen Beckwith, Moraga, *I have been a Moraga resident for more than 18 years and I am strongly supportive of Measure M. This is extremely important for our schools!*

#### PUBLIC COMMENTS CLOSED

**Councilmember Woehleke** was impressed with the information provided. He supported Measure M and agreed with some of the comments as to the partnership between the Town and the MSD. He found the need had been demonstrated, it was a value investment and priority for the Town, and there would be fiscal responsibility built into Measure M. While he had concerns that Measure M would not end the MSD's fiscal challenges that did not detract from his ability to endorse Measure M.

**Councilmember Sos** also found the comments to be articulate and helpful, both substantively and qualitatively, and the passion in support of Measure M reflective of the commitment of the Town to public education in the community. She also found the study that had been performed in support of Measure M had been vigorous and clear, and with the determination that Measure M was the most effective and reasonable option given all of the myriad considerations that had been taken into account. She also recognized a demonstrated effort on the part of the MSD to cut costs, create efficiencies, and bring that process to a reasonable conclusion prior to deciding to ask for an extension of the funding. The measure had fiscal accountability and citizen oversight and there was no dispute of the importance of local schools to the community. She supported Measure M.

**Vice Mayor McCluer** found it helpful to learn that prior Town Councils had endorsed MSD's parcel tax and bond measure. As the Council Liaison to the MSD, he had had conversations with Superintendent Burns, was familiar with the MSD Finance Committee's actions, and found there had been very good financial management with taxpayers' funds. While he personally would have liked to see a sunset date, he believed that everything had been done correctly. He referenced an exhibit that had been provided at a recent Liaison Meeting which had shown Moraga elementary schools ranked better than any other elementary schools in the County, including schools in Orinda and Lafayette. He was proud to support Measure M.

**Councilmember Wykle** had been proud to support the initial MSD measure in 2013 as well as the 2016 bond measure, supported a long-standing partnership with the MSD moving forward, and offered a motion to adopt the draft Resolution contained in Attachment A to the staff report.

**ACTION: It was M/S (Wykle/Sos) to adopt Resolution 6-2020 Supporting the Moraga School District March 3, 2020 Ballot Measure M Renewing Funding of the Current \$192 Rate Per Parcel to Provide \$1 Million Annually to Maintain High Quality Elementary and Intermediate Schools. Vote: 5-0.**

**Mayor Korpus** declared a recess at 8:45 p.m. The Town Council reconvened at 8:50 p.m. with all Councilmembers present.

**B. Town Council Goals**

Review and Prioritize Mayor Korpus' Proposed Town Council and Community Goals for 2020

Ms. Battenberg presented the staff report which included the Town Council Goals for 2019, initiatives for each Town Department for 2020, and the list of Town Council Goals for 2020, as proposed by Mayor Korpus. She explained that both the Planning and Public Works Departments had numerous initiatives and there were some projects staff may not be able to accomplish in 2020.

**PUBLIC COMMENTS OPENED**

There were no comments from the public.

**PUBLIC COMMENTS CLOSED**

**Mayor Korpus** explained the approaches for her Town Council Goals for 2020 as outlined in the January 22 staff report, and her hope the Town Council would continue the work it had been doing for the last year (digging down into Town processes, planning, and strategizing for the future) with some minor tweaks. She noted the Town Manager's prior comments that Planning and Public Works Departments already had more initiatives in process than staff had capacity to

complete, and that she suspected all the departments had a similar problem—something she asked the Town Council to keep in mind as they talked about the 2020 goals.

**Councilmember Woehleke** provided a written handout dated January 22, 2020 to the Town Council which identified his recommendations and outlined approaches for consideration as Town Council Goals for 2020, as follows:

*Develop a Prioritized Approach to Minimizing Human Impact; and*

*Update Town Manager Responsibilities Documentation and Develop a Performance Management Plan*

**Councilmember Wykle** also reported the Moraga Chamber of Commerce had requested Town Council consideration of an update to the Town's Sign Ordinance, which had not been included in the Mayor's Town Council Goals for 2020.

Ms. Battenberg advised the item had been included as one of the Planning Department initiatives for 2020, as reflected in the staff report to: *Complete a comprehensive update of Title 8 Planning and Zoning of the Moraga Municipal Code (MMC). Revise to clarify text language and streamline the processes (grading, home occupation permits, establish noise limit measurements, simplify signage regulations, etc.).* She also understood U.S. Realty Partners, the majority property owner of the Rheem Valley Shopping Center, had submitted an application for a Master Sign Ordinance.

Planning Director Derek Farmer reported that U.S. Realty Partners had submitted an application for a Master Sign Program, façade improvements and text amendments to the existing Sign Ordinance in order to address some of the needs and desires for improvements to the signage in the Rheem Valley Shopping Center. He was confident the Comprehensive Update to the Sign Ordinance would occur in 2020.

Responding to Councilmember Woehleke's first recommended goal related to the Climate Action Plan (CAP), Ms. Battenberg reported there were four CAP projects staff was working on implementing including street lights that must be transitioned to Light Emitting Diodes (LEDs); approval of the PG&E zero percentage loan for efficiency upgrades in the Town's four main facilities; HVAC improvements in the same four Town facilities; installation of the electric vehicle (EV) charging stations and exploration of solar on Town-owned buildings. Those improvements would bring staff to capacity, and it may be difficult to complete all of the projects given staff's limited resources. It was likely the Town Council may have to prioritize the work given the numerous initiatives that had been outlined in the staff report which both the Planning and Public Works Departments were trying to complete.

Ms. Battenberg also commented on the staff time required for the Moraga Center Specific Plan (MCSP) Implementation Project and the need to consider recent legislation that had gone into effect January 1, 2020. As a result, that project had become very complicated. There were many other projects/initiatives that were ongoing which had been outlined in the staff report, all of which may have to be discussed further by the Town Council and be prioritized given the limited staff resources.

**Mayor Korpus** recognized the number of projects that were ongoing and initiatives still to be completed. In terms of Councilmember Woehleke's CAP recommendations, she suggested the Town was not to the point yet where it had additional bandwidth to work on that item, and she did not want to give the residents a false expectation that certain projects could be reasonably completed in 2020. She cautioned patience and noted there were other priorities that must be

completed, and that staff must have the time to do the work. She suggested the CAP recommendations be put off for at least a year.

**Councilmember Sos** understood there were some CAP projects that were ongoing and staff was ever mindful of the issues and ways to improve in this area and lessen the footprint. She recommended the Town Council repeat the Town Council Goal for 2019 to *Continue Implementation of Viable Strategies in Moraga's Climate Action Plan to Lessen the Town's Impact on the Environment*, as a Town Council Goal for 2020.

**Councilmember Wykle** recommended the goal be further modified to read: *Continue Evaluation and Implementation of Viable Strategies in Moraga's Climate Action Plan to Lessen the Town's Impact on the Environment*.

**Mayor Korpus** noted that perhaps the Town Manager could consider bringing the CAP goal back for a discussion by the Town Council in 2020 if she determined there was bandwidth to do so, but if that did not happen, it could be discussed again in 2021.

**Councilmember Woehleke** expressed concern that the chosen approach was not a true response to climate concerns or to the concerns of citizens. He then proposed that the Town Council update the powers and duties of the Town Manager as set forth in the municipal code (in particular with regard to who is responsible for making communications on behalf of the Town) and also establish a more formalized annual review process for the Town Manager by developing a Performance Management Plan.

**Vice Mayor McCluer** supported Councilmember Woehleke's second goal to *Update Town Manager Responsibilities Documentation and Develop a Performance Management Plan*.

**Ms. Battenberg** explained that the goal would involve two separate projects, including changes to the Moraga Municipal Code (MMC) which may be significant, and a Performance Management Plan (PMP) that would become the responsibility of the Town Council.

**Mayor Korpus** liked the first part of the approach for the goal, and agreed it would be beneficial to clarify the roles and responsibilities of the Town Manager, but in terms of the second part of the approach and recommendation for a PMP, the Town Council was an organization that already had a process for reviewing the Town Manager, though not a set checklist or formulaic approach to getting that done. She noted that future Town Councils would have their own ideas on what an annual Town Manager review process should look like, and she found the current Town Manager review process to be completely effective and satisfactory. She preferred to maintain the current flexibility in the process rather than developing a PMP (an undertaking that she believed would, in the end, be a time-consuming and futile effort to impose a particular structure on future Town Councils).

**Councilmember Wykle** commented on his experience with PMPs in the Coast Guard, and he was not a fan. He found the Town Manager's annual performance reviews had worked well and the system was fine "as is." He also would label a lot of the bullet points which had been identified under the Town Manager's performance review as "duties as assigned." He pointed out that while press releases were not part of the Town Manager's performance review she and the former Public Works Director had performed remarkably well under high pressure. He supported the current process and suggested the Town Manager had enough on her plate than to prepare her own evaluation and job description.

**Councilmember Sos** echoed Councilmember Wykle's comments, although she suggested the issue of external communications and who speaks for the Town, when, and under what circumstances was worth pursuing, which did not require an overhaul of the MMC and which

could be addressed in other ways such as through the Town Council Protocols as a future agenda item. She supported leaving the MMC and the performance evaluation process “as is.”

**Councilmember Woehleke** pointed out Moraga was a small town. Based on his experience in 2019, when it came time for a performance review the only metric mentioned had been the Town Council Goals, which were not in the MMC, and did not address the breadth of what the Town Manager actually did and was expected to do. He found the current process to be incomplete and not representative of reality.

**Mayor Korpus** agreed the important issue was the need to address external communications and who was representing the face of the Town, which was really the piece that was very important for the Town Council to clarify for the purpose of providing guidance. If that issue could be clarified through the Town Council Protocols, she would rather see the Town Council take that approach but she also wanted to see that on the goal list.

**Councilmember Wykle** suggested that the item could be included as a 2020 initiative for the work list rather than rise to the level of a Town Council goal.

**Mayor Korpus** recommended the topic be considered as a future agenda item.

**Vice Mayor McCluer** suggested more than the evaluation of the Town Manager should be done to achieve Town goals, but if it was to be considered as a future agenda item that would provide the opportunity to discuss the details.

**Vice Mayor McCluer** also provided a written handout dated January 22, 2020 to the Town Council which identified his recommendations and outlined approaches for consideration as Town Council Goals for 2020. Of those goals, he identified his priority goal as follows:

*Review Traffic Flows, Congestions, and Seek Solutions including Best Practices.*

Interim Public Works Director/Town Engineer Shawn Knapp and Ms. Battenberg stated, when asked, that the cities of Lafayette and Orinda had traffic planners who dealt with such issues and had staff twice as large as Moraga. It was noted that prior to the Moraga Way project, a traffic study had been prepared which looked at a comparison of historical levels and levels prior to the project, and one would be done after the completion of the Canyon Road Bridge. There were other studies that had also been done with various information within the community and with Moraga a member of regional planning groups, which oftentimes had conflicting goals with Moraga, and there were agreements in place that must also be taken into consideration.

The Town Council discussed the goal but suggested it could set false expectations; would be a financial and staff time challenge given the cost of traffic studies and counts; was an issue that was a regional and Lamorinda issue; and while a study could be considered, the reality was that traffic impacts were considered in almost every significant development decision, as required by the California Environmental Quality Act (CEQA) and the General Plan. The Town Council acknowledged that traffic had worsened over the years and it should be acknowledged that traffic was considered in almost everything that was done in the Town. The Town Council also recognized there was more and more State legislation that would focus on housing and there was a recommendation such a goal was premature given current and future pending housing legislation. There was a recommendation to amend the goal to read: *Consider evaluating traffic impacts of significant development decisions and continue participating in regional and Lamorinda efforts to mitigate traffic impacts.*

Mr. Farmer stated in response to the Mayor that for most projects, traffic impacts could no longer be considered under CEQA, and with recent housing legislation, municipalities would

continue to be stripped of using their ability for more discretion with regards to traffic impacts. Senate Bill (SB) 743 was described, which changed the traffic impact methodology for housing and evaluation of projects in the future under CEQA.

**Mayor Korpus** noted that Town Council consensus, while not unanimous, was not to add *Review Traffic Flows, Congestions, and Seek Solutions including Best Practices*, as a Town Council Goal for 2020.

**Vice Mayor McCluer** identified his second priority goal as follows:

*Protect Open Space from over development of Residential/Retail Projects.*

**Vice Mayor McCluer** referenced the MCSP Area, Indian Valley, and the Bollinger Valley Study Area which had implications on open space. He asked the Town Council to consider this goal.

The Town Council recognized the value of open space to Moraga residents but had concerns with the statement as a free-standing goal given the General Plan, Hillside and Ridgeline and Scenic Corridor Guidelines and a host of other provisions required to be applied by the Planning Commission and the Town Council in making development decisions based on the facts and circumstances available. That process would compel the consideration of open space, scenic corridors, view impacts and the like. It was suggested that such a goal was best left to specific projects as they were considered.

**Mayor Korpus** advised that Town Council consensus, while not unanimous, was not to add *Protect Open Space from over development of Residential/Retail Projects* as a Town Council Goal for 2020.

The Town Council discussed the Town Council Goals for 2020 using Mayor Korpus' recommended goals as a basis, and while not always unanimous, the Town Council Goals for 2020 were to be prioritized as follows:

## **TOWN COUNCIL AND COMMUNITY GOALS FOR 2020**

### **Building for the Future**

1. Maintain and improve fiscal discipline by adopting a balanced budget, continuing high quality fiscal reporting, and continuing to position the Town for long-term fiscal sustainability and operational efficiency, including the following approaches:
  - Remain focused on planning, saving, and spending for long-term priorities, needs, and council goals, ensuring the Town's limited resources are not diverted from priority projects.
  - Diligently monitor legal fees, and remain vigilant as to the manner in which Town decisions impact legal costs in the short and long term.
  - Reassess general purpose fund allocations (as appropriate) and ensure the highest and best use of those limited funds in the Fiscal Year 2020/21 Budget (e.g., exploring reallocation of some Measure K funds and the repurposing of some of the Fund 140 – Property Tax Special District Lighting Funds to help fund the Town's unfunded infrastructure needs).
  - Prioritize long-term propagation and preservation of institutional knowledge and stability in decision making processes.

- Streamline Town Council meetings to enable regular adjournment no later than 11:00 p.m.
2. Maintain and improve public safety through the continued provision of high quality Police and emergency response services and the exploration of funding opportunities for an additional Police Officer (or perhaps a School Resource Officer) in Town.
  3. Begin construction on the permanent Canyon Road Bridge, completing phase I without incident, including submitting for reimbursement of costs in a timely manner.
  4. Continue implementation and development of the Storm Drain System Operations and Maintenance Program and begin work on needed storm drain capital improvement projects.
  5. Implement the 2020 \$1.8 million Neighborhood Streets and Roads Repair Program, complete design of 2021 Pavement Reconstruction Project (including potential reprioritization of worst-condition streets), and pursue additional third-party funding opportunities to supplement these efforts to maintain the Town's streets and roads.
  6. Revise the Town's Zoning Code to implement the Moraga Center Specific Plan.
  7. Enhance Moraga's business environment and work collaboratively with the Chamber of Commerce and other stakeholders.
  8. Rezone the Bollinger Valley Study Area.
  9. Implement a new Town website to increase functionality and transparency and reduce administrative burden.
  10. Complete approved site improvements and develop economically feasible recommendations/solutions for commercial and other public uses of the Hacienda de las Flores property.
  11. Update the Zoning Code to incorporate new Accessory Dwelling Unit legislation.
  12. Develop a plan and initiate a re-evaluation of the Town's three-step planned development process, development regulations and needs, and design guidelines, taking into account feedback from residents and other interested stakeholders.
  13. Continue evaluation and implementation of viable strategies in Moraga's Climate Action Plan to lessen the Town's impact on the environment.

Ms. Bazzano read into the record the action for the item to consider input from the community, discuss, revise as needed, and prioritize Mayor Korpus' proposed Town Council and Community Goals for 2020 but which had not specified the Town Council would adopt the Town Council Goals. The Town Council may make a motion to adopt the priority of the Town Council Goals for 2020, as set forth herein. She recommended the motion be stated as follows: Move to accept the Goals as outlined by Mayor Korpus in the priority that had been set forth in the proposed goals from Mayor Korpus with the addition of Goal No. 13 and edits to the title, and Goals 1 and 11.

**Councilmember Woehleke** offered a motion, seconded by **Councilmember Sos**, to accept the Goals as outlined by Mayor Korpus in the priority that had been set forth in the proposed goals from Mayor Korpus with the addition of Goal No. 13, and edits to the title, 1 and 11.

On the motion, **Vice Mayor McCluer** suggested it would have been helpful for the Town Council Goals document to return to the Council in its final form.

**ACTION: It was M/S (Woehleke/Sos) to accept the Goals as Outlined by Mayor Korpus in the Priority that had been Set Forth in the Proposed Goals from Mayor Korpus with the Addition of Goal No. 13, and Edits to the Title, and Goals 1 and 11. Vote: 5-0.**

**C. Housing Needs Allocation (RHNA) Update Process**

Briefly Discuss the Upcoming Regional Housing Needs Allocation (RHNA) Update Process to Identify Items of Concern to the Town of Moraga and Provide Direction to the Town's Association of Bay Area Governments (ABAG) Representative Attending the February 7, 2020 ABAG General Assembly Meeting

**Councilmember Woehleke** stated for the record that he was not responsible for any staff work on the item. He otherwise provided copies of a draft agenda for the ABAG General Assembly meeting scheduled for February 7, 2020, and written responses he had prepared in response to the agenda items.

**Councilmember Woehleke** read into the record the agendized items on the ABAG General Assembly Draft Agenda for the February 7 meeting and explained that he had asked for the item to be placed on the Town Council meeting agenda since ABAG planned to gather comments on what local governments needed in order to do their Housing Elements and attempt to respond to the RHNA numbers, which were expected to increase significantly. He commented as the Town Council representative to ABAG, he had the option to say nothing, express support for the housing and policy framework proposal, or emphasize the importance of the appeal process for communities like Moraga.

As part of his written comments, **Councilmember Woehleke** had identified a number of bullet points which described how challenging it would be for Moraga to be required to provide additional development including limited jobs; mass transit; limited ingress/egress; fire storms and the like. He noted that almost all of Moraga was watershed for the East Bay Municipal Utility District (EBMUD) and upper San Leandro Reservoir, and the City of Orinda was likewise a watershed as opposed to most other municipalities. He had spoken with EBMUD to inquire how that affected additional development in the Town and whether it would impact additional RHNA numbers. He stated EBMUD had informed him that in other parts of the country it was not unusual for municipalities to be part of the watershed and that EBMUD's focus was on developments which reached the CEQA process. He sought input from the Town Council on how the Town's interests should be represented at the ABAG General Assembly meeting.

**Councilmember Wykle** suggested that saying nothing would likely be the reality for the discussion given the limited time that had been identified on the meeting agenda.

**Mayor Korpus** reported during the recent Mayors' Conference there had been a vote to indicate support for the Contra Costa County jurisdictions' housing policy framework proposal with a letter to be sent to ABAG. Individual jurisdictions had been asked to prepare a letter in support of that action which may be a better way to address any concerns from the Town of Moraga. She understood the City of Lafayette had a lobbyist who may be present for the ABAG meeting, and since Lafayette had some of the same interests as Moraga, it may be helpful for Councilmember Woehleke to lend support if the lobbyist were to express any comments.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

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

**Councilmember Sos** recommended a future agenda item include a discussion to clarify whether an actual amendment of the Town Council Protocols was needed to address the issue of who was to speak for the Town and who was responsible for external communications, and to review any language staff might prepare after consideration of the manner in which other municipalities have handled this issue in considering whether any clarifications should be implemented in Section 3.2 and 4.1 of the Town Council Protocols.

**ACTION: It was M/S (Sos/Woehleke) to Request a Future Agenda Item to include a discussion of clarifying whether through an amendment of the Town Council Protocols, the issue of who speaks on behalf of the Town and who was responsible for external communications and consider whether any clarifications should be implemented in Section 3.2 and 4.1 of the Town Council Protocols. Vote: 5-0.**

**Vice Mayor McCluer** requested a future agenda item include whether the Town Council should continue the practice of televising Town Council deliberations for appointments to various Town committees/commissions.

Ms. Battenberg reported that interviews for committees had been scheduled for Tuesday, February 25 and would be open to the public but not televised.

**Vice Mayor McCluer** withdrew his request.

**13. COMMUNICATIONS**

There were no communications.

**14. ADJOURNMENT**

**ACTION: It was M/S (Woehleke/McCluer) to adjourn the meeting at 10:58 P.M. Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Kimberleigh N. Korpus, Mayor