



**TOWN OF MORAGA  
REGULAR MEETING**

**January 26, 2022  
MINUTES**

**6:30 p.m. Regular Meeting**

**TELECONFERENCED MEETING LOCATION ONLY**

**\*COVID-19 NOTICE\***

**THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953 (AS AMENDED BY AB 361), WHICH AUTHORIZED TELECONFERENCED MEETINGS UNDER THE BROWN ACT, DURING CERTAIN PROCLAIMED STATES OF EMERGENCY. THE GOVERNOR OF CALIFORNIA PROCLAIMED A STATE OF EMERGENCY RELATED TO COVID-19 ON MARCH 4, 2020. THIS TELECONFERENCED MEETING WAS NECESSARY SO THAT THE TOWN COULD CONDUCT ESSENTIAL BUSINESS AND WAS PERMITTED UNDER GOVERNMENT CODE SECTION 54953 IN ORDER TO PROTECT PUBLIC HEALTH AND THE SAFETY OF ATTENDEES.**

**Consistent with Government Code Section 54953, this meeting was held via teleconference only, and was not physically open to the public. Town Councilmembers and staff teleconferenced into the meeting by audio and/or video. The meeting was conducted via Zoom Webinar.**

**1. CALL TO ORDER**

The regular meeting was called to order at 6:32 p.m. by **Mayor Renata Sos**.

**ROLL CALL**

Councilmembers present: Mayor Renata Sos, Vice Mayor Steve Woehleke, and Councilmembers Sona Makker, Mike McCluer and Teresa Onoda

Councilmembers absent: None

**2. PLEDGE OF ALLEGIANCE**

**Councilmember McCluer** led the Pledge of Allegiance.

**3. SPECIAL ANNOUNCEMENTS**

There were no special announcements.

**4. PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or presentations.

**5. PUBLIC COMMENTS AND SUGGESTIONS**

**Mayor Sos** reported there were no comments from the public.

**6. ADOPTION OF CONSENT AGENDA**

**A. Acceptance of Consent Items**

Consent Agenda Item 6.2 was removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

**Mayor Sos** reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (Woehleke/Onoda) to adopt Consent Agenda Items 6.1, 6.3, and 6.4. Roll Call Vote: 5-0.**

- |     |  |          |
|-----|--|----------|
| 6.1 | Receive <u>Accounts Payable</u> Claims for 01/14/2022<br>(\$265,193.19)  | Approved |
| 6.2 | Approve <u>Minutes</u> for the Town Council Special Meeting on<br>October 12, 2021 (continued from January 12, 2022)   | Removed  |
| 6.3 | Approve Minutes for the Town Council Regular Meeting on<br>October 13, 2021  | Approved |
| 6.4 | <u>Town Council Committee Appointments for 2022</u><br>Confirm Appointment of Town Council Representatives to<br>Committees, Commissions and Boards for 2022 | Approved |

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

1. Approve Minutes for Town Council Special Meeting on October 12, 2021  
(Continued from January 12, 2022)

**Councilmember McCluer** requested an amendment to the second sentence of the last paragraph on Page 7 as follows:

*She [Councilmember Sos] proposed to direct staff to reopen the application period for another week.*

PUBLIC COMMENTS OPENED

**Mayor Sos** reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

**ACTION: It was M/S (McCluer/Onoda) to approve the Minutes for the Town Council Special Meeting on October 12, 2021, as amended. Roll Call Vote: 5-0.**

**7. ADOPTION OF MEETING AGENDA**

PUBLIC COMMENTS OPENED

**Mayor Sos** reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

**8. REPORTS**

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

**Mayor Sos** – Reported she had attended a Moraga Liaison meeting and briefed the Council on the discussions, particularly related to the efforts of the Moraga School District (MSD) and the Acalanes Unified High School District (AUHSD) to keep students in school safely as it related to COVID-19. She had also attended the Canyon Road Bridge Reopening ceremony and, along with Councilmember Onoda, had met with the Community Relations representative for Republic Services to discuss issues with hiring and retaining truck drivers, which was also an issue at other local agencies such as County Connection.

**Vice Mayor Woehleke** – Reported he had attended the Canyon Road Bridge Reopening ceremony and had been following issues at the Moraga-Orinda Fire District (MOFD) Board of Directors meetings and briefed the Council on the discussions. A special meeting of the MOFD Board of Directors had been scheduled for January 26, 2022 to further discuss the issues. In addition, the MOFD Board had approved the execution of the California Department of Forestry and Fire Protection Tunnel East Bay Hills Fuel Break Grant and he hoped a future presentation would be made to the Town Council on the project along with the MOFD's pre-season fire season planning.

**Councilmember McCluer** – Reported he had attended the Canyon Road Bridge Reopening ceremony; had discussions with the Campolindo High School Principal and the MSD, briefing the Council on the discussions; and was working to get up to speed on his role as the Council liaison to the County Connection board.

**Councilmember Onoda** – Reported she had attended the Canyon Road Bridge Reopening ceremony and commended staff on the great job. Along with the Mayor, she had met with the Community Relations representative for Republic Services to discuss issues with hiring and retaining truck drivers, briefing the Council on the discussions; and was working on a video project she had accepted from Sunrise Rotary as a Moraga resident. If the Town Council wanted to see the video when complete she would be happy to share it.

**Councilmember Makker** – Reported she had attended the Canyon Road Bridge Reopening ceremony; had participated virtually in the League of California Cities Academy for new Councilmembers; and had been preparing for upcoming committee meetings.

**B. Town Manager Update** – Town Manager Cynthia Battenberg reported the Town was still accepting applications for vacancies on Town Committees and Commissions and encouraged interested parties to apply, with the application deadline to close in the next week. She also reported a community meeting had been held with the Bollinger Canyon neighborhood and property owners to preview some of the work to zone the Bollinger Canyon Study Area. A PowerPoint presentation had been posted on the Town website via the Make Moraga Home page. She reported a White Paper and staff report would be presented to the Town Council at its February 9, 2022 regular meeting. In addition, the Hacienda de las Flores was under construction with Wedgewood Weddings having

commenced with its improvements. A reception would be scheduled in the future to welcome Wedgewood Weddings to the Town of Moraga.

In response to Councilmember Onoda, Ms. Battenberg explained that there had been issues with recording the Bollinger Canyon Study Area Community meeting, although staff had taken copious notes that were being compiled and would be reported out to the Town Council.

## 9. PUBLIC HEARINGS

There were no public hearings.

***Mayor Sos reported there were technical issues with the Livestream feed which staff was working to resolve. The public had been notified of the issue on the Town's website but the public was still able to participate in the meeting via Zoom pursuant to the instructions on the meeting agenda.***

## 10. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

### A. Town Council Goals for 2022

Review, Discuss and Prioritize Mayor Sos' and Vice Mayor Woehleke's Proposed Town Council and Community Goals for 2022

**Mayor Sos** provided the background for the discussion of the Town Council Goals for 2022 and the process behind the Draft Town Council Goals for 2022 she and Vice Mayor Woehleke were offering for consideration, as outlined in the January 26, 2022 staff report.

**Councilmember McCluer** wanted all Councilmembers to have the opportunity to present any Town Council Goals to allow a discussion of everything being presented.

**Mayor Sos** outlined the process for the Town Council to follow when discussing the Town Council Goals, which would include public input. She explained that public comment would be taken on more than one occasion as part of the discussion.

### PUBLIC COMMENTS OPENED

A letter from Katie Bidstrup, Executive Director, Moraga Chamber of Commerce, had been provided to the Council with a request that it be read into the record. Given time constraints, only a portion was read into the record. In summary, the Chamber asked the Town to support the economic recovery of small businesses and the Chamber who serves as the Town's economic development partner through the allocation of American Rescue Plan Act (ARPA) funds. In addition to serving its member base, the Chamber also produced many community events that promote the Town of Moraga, engaged the community and increased economic vitality, which in turn aided the Town through business sales tax proceeds. The Chamber requested grants to support local businesses and funding for the Chamber to enable them to rebuild and offer events and outreach.

### PUBLIC COMMENTS CLOSED

**Mayor Sos** and **Vice Mayor Woehleke's** Goals for 2022 (as outlined in the staff report) are as follows:

### **Moraga Town Council 2022 Goals and Priorities For the Community, With the Community**

1. Efficiently sustain core operations and services of the Town, maintain fiscal discipline, and continue to position the Town for long-term fiscal sustainability and operational efficiency.
2. Continue updating, consistent with retaining the Town's semi-rural character, the Moraga General Plan and the 6<sup>th</sup> Cycle Housing Element to satisfy the Regional Housing Needs Allocation (RHNA). Implement corresponding rezoning (including the Bollinger Canyon Study Area), objective standards, and revisions to the Planned Development Process.
3. Complete work on the permanent Canyon Road Bridge and secure remaining reimbursements.
4. Complete the 2022 construction phase and the 2023 design of the "Worst First" Pavement Reconstruction Projects.
5. Continue implementation of the Storm Drain System Operations and Maintenance Program and undertake needed storm drain capital improvement projects.
6. Allocate the Moraga ARPA grant funding to the highest priority needs and implement corresponding plans.
7. Maintain and improve public safety for all with high-quality police and emergency response services and continue coordination with Moraga-Orinda Fire District (MOFD) on fire safety, evacuation, and emergency preparedness and with the Moraga schools on student well-being.
8. Maintain the Town's parks, open space, and facilities for the benefit of the public.
9. With public input, develop and initiate a process for identifying and prioritizing uses for unrestricted and unassigned Palos Colorados funds.
10. Keep focus on traffic and pedestrian safety, particularly around our schools and crosswalks.
11. Improve the Town's communications with and outreach to the public, including regularly obtaining feedback from the community.
12. Lessen the Town's impact on the environment by continuing to implement sustainability initiatives and viable strategies in Moraga's Climate Action Plan.
13. Contribute further to the community effort to improve diversity and inclusion throughout the Town.
14. Work collaboratively with the community to improve Moraga's business climate.

At this time, each Councilmember was asked to identify whether they wanted to remove or amend any of the proposed Town Council Goals for 2022 for further discussion.

**Mayor Sos** identified Town Council Goals 2, 4, 5, 6, 7, and 12, which had not been recommended to be edited (other than a correction to Goal 2 with the reference to Bollinger Valley Special Study Area to be corrected to read *Bollinger Canyon Special Study Area*).

Town Council Goals 1, 3, 8, 9, 10, 11, 13 and 14 were removed for discussion.

The Town Council with staff discussed, debated, offered context and background at length for possible revisions to Town Council Goals 1, 3, 8, 9, 10, 11, 13 and 14. New goals were also offered as part of the discussion, and while not all were supported and not all of the revisions were unanimous, based upon the discussion and based upon a straw poll, the Town Council offered the following direction:

- Town Council Goal 3 to remain as drafted by the Mayor and Vice Mayor.
- Town Council Goal 8 to be revised to read: *Enhance the Town's parks, open space, and facilities for the benefit of the public.*
- Town Council Goal 9 to be revised to read: *With public input, develop and initiate a process for identifying and prioritizing uses for unrestricted and unassigned Palos Colorados funds, including among other things, consideration of a Town-wide Recreation and Open Space Plan.*
- Town Council Goal 10 to be revised to read: *Keep focus on traffic congestion and pedestrian safety, particularly around our schools, crosswalks and through routes.*
- Town Council Goal 11 to be revised to read: *Improve the Town's communications with and outreach to the public, using innovative approaches that are inclusive of all segments of the community and encourage public input and feedback.*
- Town Council Goal 13 to be revised to read: *Contribute further to the community effort to improve diversity and inclusion throughout the Town, including but not limited to continuing sponsoring United Against Hate Week (UAHW).*
- Town Council Goal 14 to be revised to read: *Work collaboratively with the community, including the Moraga Chamber of Commerce to improve Moraga's business climate.*
- Add a new Town Council Goal 15 to read: *Improve and enhance the collaboration and partnership with Saint Mary's College.*

**Mayor Sos** reopened public comment.

#### PUBLIC COMMENTS OPENED

Kendall Langan, Moraga, believed the three-minute rule for public comment should be voided since a portion of the meeting had not been visible on Livestream. He reported as a local business owner and stakeholder he had never been asked anything by the Moraga Chamber of Commerce, which he described as a false entity. He suggested the Town should be coordinating with SMC to create excitement about SMC basketball games within the community, but which had not been discussed by the Town Council.

Ellen Beans, Moraga, thanked the Town Council for the good work on the Town Council Goals, particularly the SMC goal since it was an important piece of the Town's update to the Housing Element. She noted that SMC events were important for the community and the more residents were aware of the richness the college provided the better off everyone would be.

## PUBLIC COMMENTS CLOSED

Assistant Town Attorney Denise Bazzano stated for the record that the Town Council meeting was being appropriately conducted under AB 361, which allowed teleconferenced meetings as long as the Town Council had an Internet-based service provider throughout the meeting. Since the Internet was working appropriately throughout the meeting, the meeting was being appropriately conducted pursuant to AB 361.

Ms. Battenberg added that staff had posted a News Flash on the front page of the Town website which reported the Livestream technical difficulties. Information on the Zoom link had been included to allow members of the public to listen to the meeting and to participate.

**Mayor Sos** declared a recess at 8:39 p.m. The Town Council meeting reconvened at 8:44 p.m. with all Councilmembers and staff present via Zoom.

The Town Council continued its discussion of the Town Council Goals for 2022, as follows:

- Town Council Goal 1 to remain as drafted by the Mayor and Vice Mayor.
- Add a new Town Council Goal 16 to read: *Participate in a Moraga community service day working with community groups.* (Councilmember McCluer abstained from the straw poll given he had brought the recommended goal to the Town Council for consideration as a member of the Moraga Rotary Club.)

**Mayor Sos** again reopened public comment.

## PUBLIC COMMENTS OPENED

Kendall Langan, Moraga, thought that amplified music should not be permitted at the Hacienda. He otherwise believed the Town Manager and staff did not communicate, and the Town Council had failed residents since they did not talk with the community. He objected to a straw poll/thumbs up response to the Town Council Goals which was inconsistent with Robert's Rules of Order.

## PUBLIC COMMENTS CLOSED

**Mayor Sos** clarified the Town Council Goals had not been adopted formally. Through a straw poll or thumbs up vote, Councilmembers had indicated which Town Council Goals they wanted to see placed on the Consent Agenda for approval at the next Town Council meeting. There would be another opportunity for public comment at that time.

Ms. Bazzano confirmed the Town Council had not voted on the Town Council Goals as a whole at this time. Each Councilmember had offered his or her opinion via the straw poll to see where the majority was leaning, with the item to be brought back at the next Town Council meeting for a formal vote.

### **B. New Classification Senior Accountant**

Consider Resolution 10-2022 Approving a New "Senior Accountant" Job Description; Adding the "Senior Accountant" Salary Range to the Fiscal Year 2021/22 Salary Schedule, Effective February 1, 2022; and Amending Resolution 32-2019 to Include the "Senior Accountant" Classification in the Compensation Package for Mid-Management/Professional Employees, Effective February 1, 2022

Ms. Battenberg provided a PowerPoint presentation for the New Classification for the Senior Accountant. She asked the Town Council to approve the proposed Resolution.

Responding to the Council, Ms. Battenberg again detailed the summary of Full Time Equivalent (FTE) staffing levels for comparable agencies as shown on Page 2 of the staff report. She noted the City of Hercules was slightly larger than the Town of Moraga and had six employees completing the accounting functions under discussion. An analysis of the classifications of five agencies that had 5.48 or fewer FTE positions, were again detailed.

Ms. Battenberg stated the Senior Accountant would perform the day-to-day operations and functions of the Town in terms of accounting, while the Administrative Service Director handled reporting and projects. Adding a part-time Accountant Technician enabled the Town to close its books and have a better understanding of how the Town was operating and where the money was located, which helped the Town to make strategic decisions.

Ms. Battenberg also clarified that consideration of retention bonuses to retain employees would be Town Council policy that had not yet been considered but could be discussed as part of the upcoming budget discussions. She confirmed that labor negotiations were upcoming, and the Town Council could make those decisions at that time. She thought the Senior Accountant recruitment would likely result in a pool of potential candidates that had government experience, which prior accounting staff did not have. She added the new Administrative Services Director had reached out to attract people to the Town of Moraga but the existing title and salary for the position had been an impediment.

Administrative Services Director Annie To confirmed she had tried to attract other accountants from other cities to the Town of Moraga but the Town's salary had been too low.

Ms. Battenberg also explained that staff had approached an outside agency for temporary staff who had someone with municipal accounting experience who had worked with the Town of Moraga in the past, but that individual was now working with another jurisdiction. There was no one with municipal accounting experience who could handle the Town's basic fundamental system and work on the Town's budget, which was not something that could be contracted out. She clarified the Senior Accountant position would be in-lieu of the vacant Accountant position, and while both would be on the books only one would be funded. She again detailed the current filled and unfilled positions in the Administrative Services Department, as outlined in the staff report. She confirmed the part-time Accounting Technician position was also vacant, but staff was working to fill the position with interviews scheduled for this week.

As to whether the Town could borrow someone to fill the vacant positions from another jurisdiction, Ms. Battenberg emphasized that other cities had no available staff. She acknowledged a similar situation had occurred in the Engineering Department but once the salaries for some of the vacant positions in that department had been increased to the median market, the Town had been able to attract, hire, and retain qualified and skilled engineers.

Ms. Battenberg also commented that no recruiting firms were being used to fill the Senior Accountant position since typically recruiting firms were used for management positions. She further clarified that accounting temp agencies did not have any accountants with municipal experience.

#### PUBLIC COMMENTS OPENED

Kendall Langan, Moraga, questioned why the Town Council would approve this request and add more cost to the Town. He also questioned the Town Manager's comparison of the Town of Moraga to the other jurisdictions outlined in the staff report. He suggested the Town Manager had provided false information as part of her PowerPoint presentation and that the Town Council



should rethink its approach, not add but eliminate staff, and that the Town's accounting should be the responsibility of the Town Manager. He suggested the Town Manager should consolidate, not expand staff, given the Town of Moraga was intended to be a minimal government since its incorporation.

#### PUBLIC COMMENTS CLOSED

**Councilmember Makker** recognized the challenges to attract new staff due to "the great resignation." She stated the request was not an addition to staff but raising the experience level, salary, and title to attract a more qualified candidate for the position. She liked the idea of retention bonuses which other cities were also considering. She believed this item was a reflection of the changing dynamic of the work force that many organizations were experiencing, and the Town had to do what was necessary to evolve and adapt. She was pleased the Administrative Services Director was confident that if the item was approved, she would be able to fill the position.

**Councilmember Onoda** commented that the Town Council and its residents expected the Town to be run professionally. She supported the Town staff and the tools staff needed. She too hoped the Administrative Services Director would be successful in attracting people to the Town of Moraga.

**Vice Mayor Woehleke** recognized the Town needed accountants. He had asked questions about outsourcing and temporary candidates because he did not have the authority to check himself. He appreciated the work Town staff had done to present this request and believed that not all of the nine cities that had been outlined in the staff report were comparable to the Town of Moraga. He suggested Moraga should compare itself to cities in the foothills in terms of size, but which admittedly would not match the salary comparisons. From a tactical standpoint he was having difficulty rationalizing the job descriptions in the staff report.

**Vice Mayor Woehleke** commented that if they were to bring on the Senior Accountant, they would be doing the duties of the Senior Accountant and the Accountant. He expected the duties of the Accountant would fold into the duties of the Senior Accountant. He suggested the duties should be summarized into critical matters given the difficulty to comprehend what they would need to do whether monthly, once every six months, or annually. He sought more clarity on the process.

**Vice Mayor Woehleke** recognized the need to bring someone on at a senior level even if doing some of the Accountant level duties, but he did not see those duties had been defined. In terms of the Senior Accountant being a supervisor, he found that should be changed given the limited organization rather than having two supervisors for 3.5 employees.

**Vice Mayor Woehleke** reluctantly supported the request but commented that if any staff person had spare capacity to do special projects, he hoped that person would take a look at the tasks in their area and research what could be automated, what could be deleted, and what could be economized. He suggested researching accounting software to automate accounting systems.

**Vice Mayor Woehleke** added the lack of metric load for research and purposes was a concern and while he would support the request at this time, the potential for recommending a FTE should be a last resort and should be substantiated by hard metrics.

**Councilmember McCluer** clarified with the Town Manager there was one candidate who met the minimum qualifications for the accountant position. He was pleased the new Administrative Services Director was on board and had been concerned with the loss of some of the accounting staff, but the issue was that many jurisdictions were having difficulties retaining staff. He believed they were in a short-term bubble and expressed concern spending monies to address a short-term issue. He was sympathetic to the situation to find someone to get the work done, but for

over 40 years, the Town had only one Accountant to close the books. He pointed out the Town was in a structural deficit and had unfunded needs, which was part of the equation.

**Councilmember McCluer** suggested there were minimal differences between the Senior Accountant and Accountant positions, and they were both mid-level professionals. He recommended staff take 30 to 60 days to look for an Accountant and see what could be found. He suggested the best way to determine what was needed in the Town was to consider an efficiency expert who would specifically review the Town staff and that analysis would determine whether or not more staff was needed. He would be willing to invest in that process.

**Mayor Sos** suggested the reality was that the Town was in crisis mode. The Town Council had a recommendation from staff, accounting was a core department, they were heading into the budget period, and they did not have the luxury to wait 30 to 60 days to find someone. Also, from a quality of work perspective, a step up from Accountant to Senior Accountant would ensure the Town got someone with municipal experience which was worth the cost and would pay for itself quickly. She suggested there was an issue that needed to be solved now and she supported the staff recommendation while also echoing the comments made by other members of the Council for staff to continue to find ways to streamline and improve operations.

**ACTION: It was M/S (Woehleke/Onoda) to adopt Resolution 10-2022 Approving a New "Senior Accountant" Job Description; Adding the "Senior Accountant" Salary Range to the Fiscal Year 2021/22 Salary Schedule, Effective February 1, 2022; and Amending Resolution 32-2019 to Include the "Senior Accountant" Classification in the Compensation Package for Mid-Management/Professional Employees, Effective February 1, 2022. Roll Call Vote: 4-1. Noes: McCluer.**

#### 11. DISCUSSION ITEMS

There were no Discussion Items.

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

There were no Council requests for future agenda items.

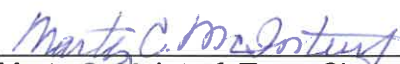
#### 13. COMMUNICATIONS

**Councilmember Onoda** wished everyone a Happy Chinese New Year.

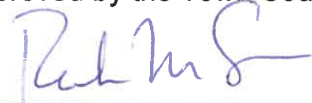
#### 14. ADJOURNMENT

**ACTION: It was M/S (McCluer/Woehleke) to adjourn the meeting at 10:10 p.m. Roll Call Vote: 5-0.**

Respectfully submitted by:

  
Marty C. McInturf, Town Clerk

Approved by the Town Council:

  
Renata M. Sos, Mayor