



**TOWN OF MORAGA
SPECIAL MEETING**

**April 22, 2020
MINUTES**

5:00 P.M. Special Meeting

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

COVID-19 NOTICE

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20, WHICH SUSPENDED CERTAIN REQUIREMENTS OF THE BROWN ACT, AND PURSUANT TO THE MARCH 31, 2020 ORDER OF THE HEALTH OFFICER OF CONTRA COSTA COUNTY, WHICH PERMITTED THE TOWN TO CONDUCT ESSENTIAL BUSINESS PERMITTED UNDER THE ORDER AS AN ESSENTIAL GOVERNMENTAL FUNCTION

Consistent with Executive Orders Nos. N-25-20 and N-29-20 from Governor Gavin Newsom and the Contra Costa County Health Officer dated March 31, 2020 Shelter in Place Order, the April 22, 2020 meeting was not physically open to the public. Town Councilmembers and essential Town staff teleconferenced into the meeting.

All Town Councilmembers and Town staff participated in this meeting via teleconference.

1. CALL TO ORDER

The regular meeting was called to order at 5:28 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

Mayor Korpus led the Pledge of Allegiance.

3. SPECIAL ANNOUNCEMENTS

Mayor Korpus reported the Town Council had held a Closed Session on April 8, 2020 to discuss two items, at which time the Town Council had received a report, advice, and a conference from the Town Manager and Town Attorneys. The Town Council had provided direction to the Town Attorneys on both items.

4. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations.

5. PUBLIC COMMENTS AND SUGGESTIONS

Town Clerk Marty McInturf reported no comments from the public had been received.

6. ADOPTION OF CONSENT AGENDA

Town Clerk Marty McInturf reported no comments from the public had been received.

A. Approval of Consent Items

Consent Agenda Item 6.4 was removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

Town Clerk McInturf reported no comments from the public had been received.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (McCluer/Sos) to adopt Consent Agenda Items 6.1, 6.2, and 6.3. Roll Call Vote: 5-0.

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| 6.1 | <u>Accounts Payable</u> Claims for: 03/27/20 (\$241,396.95);
04/10/20 (\$303,742.32) | Approved |
| 6.2 | Approve <u>Minutes</u> for the Town Council Special Meeting on
February 25, 2020 | Approved |
| 6.3 | Approve <u>Minutes</u> for the Town Council Regular Meeting on
February 26, 2020 | Approved |
| 6.4 | <u>Moraga Street Lighting Assessment District</u>
<i>Consider Resolution 23-2020 Approving Engineer's Report for
the Town of Moraga Street Lighting Assessment District 1979-1
for Fiscal Year 2020/21; and Consider Resolution 24-2020
Declaring the Town of Moraga's Intention to Levy and Collect
Assessments Under Assessment District No. 1979-1, Town of
Moraga Street Lighting in Fiscal Year 2020/21 and Setting a
Public Hearing Date of June 10, 2020</i> | <i>Removed</i> |

B. Consideration of Consent Items Removed for Discussion

1. Moraga Street Lighting Assessment District
Consider Resolution 23-2020 Approving Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1 for Fiscal Year 2020/21; and Consider Resolution 24-2020 Declaring the Town of Moraga's Intention to Levy and Collect Assessments Under Assessment District No. 1979-1, Town of Moraga Street Lighting in Fiscal Year 2020/21 and Setting a Public Hearing Date of June 10, 2020

Councilmember Woehleke explained that he had removed the item because during a previous Town Council meeting, the Town Council had discussed a repurpose of the funds in Fund 140, and had decided to consider a certain amount of the surplus from that fund for other uses. Given the reserves in Moraga Street Lighting Assessment District Fund 500, he asked whether the Town Council wanted to consider the same opportunity.

Town Manager Cynthia Battenberg clarified that Moraga Street Lighting Assessment District 1979-1 was an assessment that had been voted in by the residents with the funds to be used specifically for street lighting. Fund 140 was a special pre-Proposition 13 property tax which had voided all of the previous assessments and was no longer a special tax. The funds in Moraga Street Lighting Assessment District 1979-1 were strictly to be used for street lighting and undergrounding in the District.

PUBLIC COMMENTS OPENED

Town Clerk McInturf reported no comments from the public had been received.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Woehleke/McCluer) to adopt Resolution 23-2020 Approving Engineer's Report for the Town of Moraga Street Lighting Assessment District 1979-1 for Fiscal Year 2020/21; and Consider Resolution 24-2020 Declaring the Town of Moraga's Intention to Levy and Collect Assessments Under Assessment District No. 1979-1, Town of Moraga Street Lighting in Fiscal Year 2020/21 and Setting a Public Hearing Date of June 10, 2020. Roll Call Vote: 5-0.

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Town Clerk McInturf reported no comments from the public had been received.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Sos/McCluer) to adopt the Meeting Agenda, as shown. Roll Call Vote: 5-0.

8. REPORTS

A. Mayor's and Councilmembers' Reports

Mayor Korpus – Reported she had attended a League of California Cities webinar; Town Council Closed Session on April 8; and participated in countless briefings, webinars and conference calls related to COVID-19.

Vice Mayor McCluer – Reported he had attended the Town Council Session on April 8; participated in a number of COVID-19 phone calls and webinars; and participated in a telephone call with Samantha Caygill, Regional Public Affairs Manager, East Bay, League of California Cities, and briefed the Council on the discussions.

Councilmember Sos – Reported she had participated via teleconference at a RecycleSmart Board meeting; Special Meeting of the Lamorinda School Bus Transportation Agency (LSBTA), and briefed the Council on the discussions; Marin Clean Energy (MCE) Executive Committee meeting; and Town Council Closed Session on April 8.

Councilmember Woehleke – Reported he had observed the April 20 Town of Moraga Planning Commission meeting via Livestream.

Councilmember Wykle – Reported he had attended a RecycleSmart Finance Committee meeting, and briefed the Council on the discussions; and the Town Council Closed Session on April 8.

- B.** Town Manager Update – Town Manager Battenberg reported the Town continued to provide essential services throughout the community with over half of Town employees required to show up for essential work. Staff continued to review the Town budget scenarios, was considering multiple scenarios and impacts to this and next year's revenues, with an update to be presented to the Town Council at its May 13, 2020 meeting. Staff would also provide updates on some of the Town's service provisions and the status of community events, including Parks and Recreation Department services. The Park and Recreation Commission had recently decided not to move forward with the Summer Concert Series or the Fourth of July celebrations.

Chief of Police Jon King added that on April 22, 2020, the latest Health Officer Order required individuals to wear masks in public. The order had been posted on the Health Department website. He was aware of no issues in the Town as a result. Some restaurants had been ordered by the Health Department to start that requirement prior to April 22. In addition, the Health Department would be conducting drive-through testing at three locations in Contra Costa County for patients who had symptoms of COVID-19 and wanted to get tested, with more information to be posted on the Health Department website and on Nixle.

Chief King also reported the Town was in the process of working with the State Department of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA) to pursue reimbursement for direct expenses in response to COVID-19. He noted that the Police Department had been able to conduct its work related to COVID-19 without any overtime.

Public Works Director/Town Engineer Shawn Knapp reported on the status of the Mobile Moraga App since the start of COVID-19, completion of the Hacienda de las Flores boiler replacement, upgrade of electrical circuits, and some of the damaged doors at the Pavilion. Town Parks continued to be maintained and restrooms were being cleaned twice a day and weed abatement was being conducted. Playground structures had been fenced off due to COVID-19 and the Skatepark had also been closed. Maintenance staff continued to address fire abatement issues throughout the Town during this time. In the event the COVID-19 Shelter-in-Place Order continued, maintenance staff had a list of maintenance projects that could be completed internally.

Mr. Knapp also updated the Town Council on the status of the Canyon Road Bridge Project, with construction having commenced on April 20 and with numerous projects to be completed. The start of Phase 1 had been scheduled for April 23 with the drilling of piers in the next week. Currently, hours of operation would occur from 7:00 a.m. to 6:00 p.m., Monday through Friday and selected Saturdays, with possible closures at times required to allow for work with some of the larger equipment. Outreach and additional traffic signage would be provided to inform the public of the status of events as they moved forward on the project. Staff had worked overtime in an effort to get the project up and running and moving as efficiently as possible. Town staff also provided posts on Facebook and other venues to inform the public of the activities.

9. DISCUSSION ITEMS

There were no discussion items.

10. PUBLIC HEARINGS

There were no public hearings.

11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Hacienda de las Flores Restaurant Opportunity Update

Receive an Update on the Response Received from the Hacienda de las Flores Restaurant Operator Request for Proposals and Provide Direction to Staff

Parks and Recreation Director Breyana Brandt presented the staff report and recommended the Town Council consider the options detailed in the staff report and direct staff to pursue discussions with both Hacienda Partners, LLC and Wedgewood regarding a public private partnership.

Responding to the Council, Assistant Town Attorney Denise Bazzano explained that although Wedgewood had not responded to the Request for Proposal (RFP) for a restaurant operator, she understood there had been no responses specifically in response to the RFP itself.

Ms. Brandt clarified the Town had received one response to the RFP but it had not met the essential criteria for a restaurant on the site for Phase 1. She confirmed the RFP was closed.

Ms. Bazzano commented that the options before the Town Council would be outside of the scope of the RFP with staff to determine the next options.

Responding to the Council, Ms. Brandt reported that staff had toured the Hacienda de las Flores with six to seven interested people who were considering collaboration with catering, a winery, and bringing some people together, as examples, but due to economic challenges with the Hacienda, those interested had not moved forward.

Ms. Battenberg commented that while there had been no responses to the restaurant request in the RFP, she noted that when Main Street Properties had been involved it had informed the Town the site was great for catering with a restaurant on the side. The entire facility with events and catering made sense. She found that many interested persons had the same challenges as the Town in terms of the investment necessary to make that happen. The possibility with Wedgewood or another event operator should be explored given that just a restaurant at the Hacienda may not be a viable option due to the limited foot traffic and the limited regional draw. She suggested the Town would have to be more creative with the event space, catering and how it was all put together.

Ms. Battenberg explained that currently the Town was adjusting to the impacts of COVID-19, what it meant to all of the Town's programs and events, and plans for the summer as to whether there would be any Town summer events at all.

Ms. Brandt reiterated that staff was not recommending Option 3, a re-release of the Hacienda Restaurant Operator RFP and Ms. Battenberg agreed that option would not work. It was likely it would have to be a catering space with a restaurant, or an event space with restaurant which staff would be looking to pursue. Staff was recommending Option 1, public private partnership and Option 2, explore partnership with an event operator at this time.

Ms. Brandt suggested that staff was ready to flush out potential details with the potential candidates, Hacienda Partners, LLC and Wedgewood, since neither of their concepts had been developed enough to postpone, although preliminary conversations could be pursued. As a result, a new RFP could be considered to ensure the Town was getting the best qualified candidate to partner with and formalizing the process would be ideal.

PUBLIC COMMENTS OPENED

Ms. Battenberg reported the Town Council had received copies of an e-mail from Moraga resident Wendy Scheck which was not read into the record but indicated that Ms. Scheck supported option 3.

PUBLIC COMMENTS CLOSED

Councilmember Wykle commended the Parks and Recreation Director and the Town Manager for the staff report. He also thanked Hacienda Partners, LLC and Wedgewood for their interest in the Hacienda. When asked, he was informed by Ms. Brandt she had met with a representative from Thomas Capital Investment Group to ask some questions about the proposal from Hacienda Partners, LLC. If the Town Council decided to pursue Options 1 and 2, she had clarified that while she would take the lead, the Town Manager would also be involved to discuss the numbers and logistic feasibilities.

Councilmember Woehleke also thanked Ms. Scheck for her input on the agenda item. He spoke to his history as a member of the Hacienda Foundation and to the creation of a Strategic Plan for the Hacienda, at which time a restaurant had been considered but had been ruled out absent viable access from Moraga Road. He recognized there continued to be a demand for lodging in Moraga and in the City of Orinda, which still might offer an opportunity for the Hacienda. He suggested that staff research how Shadelands in the City of Walnut Creek operated given that it was part of a private foundation, which offered many advantages.

Councilmember Woehleke suggested that feedback from potential bidders confirming the hypothesis as to why they had not moved forward with an interest in the Hacienda would also be helpful. He supported a staff review of the major decisions that had been made related to the Hacienda to see whether the landscape had changed and to confirm that the Town was pursuing the right path. He referenced past efforts of the Town Council, Town Council Subcommittee, Hacienda Foundation Board of Directors, and a former consultant along with the many challenges moving forward to reach a point in making decisions for the Hacienda. He suggested that more than staff might be necessary to participate in the discussions. He did not rule out Options 1 or 2 but suggested there should first be confirmation as to why bidders had not bid and what lessons could be learned, with staff to review the key decisions made.

Vice Mayor McCluer thanked Town staff for all of its hard work. He also recognized the input from Ms. Scheck, Kathe Nelson, Executive Director of the Moraga Chamber of Commerce, and Stefani Gray, a member of Hacienda Partners. Based on his conversations with those individuals, they were of the opinion that having more than just an event space was important for the Hacienda and that it be more of a community asset with events. He commented there had also been agreement that more work needed to be done on a potential public-private partnership. He reported his understanding that the Chamber of Commerce Board of Directors would be waiting a year in terms of its involvement but he recognized that Hacienda Partners was willing to continue to have conversations with Town staff on a public-private partnership.

Vice Mayor McCluer was not opposed to Options 1 and 2, but suggested that timing was important, particularly given the current Contra Costa County Health Officer directives with restaurants not to be open and with mass gatherings prohibited due to COVID-19. He

recommended waiting two to three months pending the status of COVID-19. He added that in his conversations with Ms. Gray, there was nothing to prevent Hacienda Partners from having discussions in the meantime and there could be some interest from investors, which he thought would be a good approach.

Councilmember Sos noted that the experience with the RFP reinforced the special uniqueness of the Hacienda property which had its own challenges. She agreed with the Town Manager that given the timing of the RFP, lack of response from a restaurant operator, the La Finestra experience, and the COVID-19 situation, the viability of a restaurant was questionable. She was intrigued by the Hacienda Partners response which was compelling given the broad range of experience the team offered including commercial real estate, restaurant operations and investment with local ties offering a proposal that was thorough and creative. She was pleased there was interest in continued conversations with Town staff.

Councilmember Sos supported continued discussions. She commended the Parks and Recreation Director for keeping things going while also recognizing her efforts to reactivate the Hacienda with events, rentals, and increased usage when COVID-19 had impacted the Town. She recognized the increase in the usage of the Hacienda property had occurred without involvement of a restaurant suggesting that something which allowed for the continued use of the Hacienda by people in the Town alongside greater commercial activity would be feasible and a guiding principle, whether a public or private partnership or something else.

Mayor Korpus expressed disappointment that the Town had not received a restaurant response to the RFP, but had not been surprised. She was intrigued by the Hacienda Partners and Wedgewood opportunities, and clarified with Ms. Brandt that both entities continued to express interest in the Hacienda as late as this week with future conversations contingent on the Shelter-in-Place order being lifted since Wedgewood would have to fly its team in to assess the property, and Hacienda Partners would like to set up a meeting. She agreed with the Town Manager and Councilmember Sos that some of what was being seen was reflective of the viability generally speaking of a restaurant at the Hacienda. At this point she did not want to rule out anything that would stop the Town from pursuing that in the future, but encouraged staff to explore Options 1 and 2 and see what other possibilities were available and what bigger plans or real commitments were possible. She supported the possibilities without making hard commitments at this time.

Mayor Korpus thought waiting two to three months would not do anything substantive in terms of making something more viable, and rather could impede momentum and be a deal killer. She was not interested in recommending staff wait to speak to Hacienda Partners and Wedgewood for two to three months as a result. As to the idea of looking back and seeing whether the parameters in the RFP or the idea of a restaurant was good at all, she understood that staff would be doing that work anyway. She supported allowing staff to move forward on Options 1 and 2, negotiate, explore, and not prioritize one over another but see what was available and come back to the Town Council.

Councilmember Wykle referenced the past conceptual proposal from Gould Evans and his questions to the consultants each time the Town Council had discussed the project as to whether Gould Evans was really sure people would be interested in the Hacienda property knowing all of its challenges. He pointed out that Homemade Kitchen had been a success at the Hacienda and had been popular, although that venture had not worked financially for the operator.

Councilmember Wykle suggested the formation of an LLC for Hacienda Partners told him they were serious and the partners had some history in the Town. He also agreed that if staff had the time they should research Shadelands in Walnut Creek and other event centers to see how

they operated. Given the time and money spent on the Hacienda, he preferred that staff (absent legal input at this point) continue discussions with Hacienda Partners and Wedgewood.

Mayor Korpus summarized the general consensus of the Town Council that it was fine for Town staff to explore Options 1 and 2 with no commitments and reevaluate as necessary. There was not a majority support to delay at this point, and there was consensus that no legal expenses be incurred, with the effort kept in-house exploring and brainstorming.

Ms. Bazzano commented in response to whether a new RFP would be required that looking at the Moraga Municipal Code (MMC) under Special Services Sole Source Contracts, Section 3.04.060, this matter could qualify as special services depending on what the Town Council wanted and it could be an option with benefits to go out with an RFP. The Town Council was not bound to getting an RFP if the services were specialized services.

Ms. Battenberg noted the RFP included information regarding options and encouraging people to submit alternatives. She added the vision and the conceptual plan from Gould Evans for the Hacienda had been shared with all interested parties who had toured the Hacienda facility.

Councilmember Woehleke commented on the sensitivity in the community with sole sourcing and encouraged caution when taking that too far absent a good reason and public buy-in.

Mayor Korpus declared a recess at 6:43 p.m. The Town Council reconvened at 6:48 p.m. with all Councilmembers and staff present via initial teleconference locations.

B. Pavement Management Staff Report

Review and Accept the 2020 Pavement Management Staff Report and Provide Direction to Staff on the Recommendations to Incorporate New Pavement Management Strategies

Town Manager Battenberg acknowledged the foresight of the Town Council when it had directed staff to explore the idea of deviating from the path the Town Council had followed in the past with respect to the StreetSaver Program methodology to increase the Pavement Condition Index (PCI) higher and consider a Worst Streets First approach. She reported that the Public Works Director/Town Engineer had done quite a bit of work and the Town was in an enviable position since it did not have many "Poor" and "Very Poor" Streets and could take this effort to successfully remediate the "Very Poor Streets" in Town. Staff would be providing ten years of data should the Town Council decide to pursue the strategy outlined by staff.

Ms. Battenberg explained that the Town Council was not being asked what it wanted to do for the next ten or twelve years since the Town had a three-year program to address the Worst Streets First; the question before the Town Council was whether that was what the Council wanted to do for the next three to four years. At that time, the Town Council could make another decision on what it wanted to do with the remaining years of the Pavement Management Program (PMP) and Measure K funding.

Ms. Battenberg added that staff had also included assumptions in the three scenarios detailed in the staff report that the Town-owned parking lots, pathways and asphalt trails had been included in the PMP given the increase in claims regarding those areas and they were part of the Town's pavement management.

Public Works Director/Town Engineer Knapp presented a PowerPoint presentation of the 2020 Pavement Management Report Update which detailed the Town's pavement management history, pavement management approach, existing pavement conditions, Town Goals for 2020, and 2021 projects, pavement treatment scenario comparisons (StreetSaver Best vs. Worst

First), and the staff recommendations. He provided a detailed overview of the proposed scenarios identified as Scenario 1, Continue current pavement management approaches; Scenario 2, "Worst First" Poor/Very Poor Streets; and Scenario 3, "Worst First" Very Poor/Poor Streets.

Mr. Knapp recommended the Town Council adopt the three-year Worst Streets First Full Depth Reclamation (FDR) scenario as the first option, Worst-First (Heavy Overlay First) as the second option, and the StreetSaver (Best-First) as the third option. Also, that the Town Council include Town-owned parking lots, pathways and asphalt trails in the budgeting as part of the project moving forward due to the number of trip and fall claims.

Responding to the Council, Mr. Knapp outlined the differences between Scenarios 2 and 3; reiterated how staff had reached the conclusions for its recommendations based on the different scenarios; answered questions related to the FDR and StreetSaver Program recommendations and approaches; described how staff had come up with the different scenarios and strategies; explained that Town Public Works staff was working out in the field using safe social distancing and complying with other health requirements as part of essential projects; and it was hoped as they moved forward and COVID-19 restrictions eased things would go back to a different normal and staff would continue to follow normal practices to proceed with the project.

In terms of the utilities, Mr. Knapp advised that the utilities were using the public right-of-way (ROW) as part of their use, and if the Town had a project, the utility would be required to relocate to allow the Town to proceed with its project subject to coordination with the Town. As to the budget figures proposed up to year 2024, he noted that staff would schedule groupings of Very Poor and Poor Streets based on utility relocation work completed.

Ms. Battenberg responded to concerns with the Town paying out on claims due to Poor Streets and clarified she had been in contact with Town staff to review the claims, which were complicated because the more claims the Town's insurance company paid, the higher the future premiums would be. The Town's claims were growing based on trips and falls as well as issues with streets whether damages to vehicles or bicycle accidents, which was one of the reasons all of the Town's asphalt assets had been included in the program. She suggested there would be a benefit to the Town taking the three-year Worst-First FDR approach which would address some of the potentially problematic streets.

Ms. Bazzano cautioned the Town Council to focus on the agenda item itself and not go beyond the parameters of the discussion. At this time, the Town Council was to discuss in general terms claims-related pavement without getting into specific details about the claims. She noted there were many reasons why the Town's insurance carrier would decide to pay a claim or reject a claim, which may not be a good indicator of pavement management practices.

In response to concerns with action the Town Council had taken on this matter previously to stay the course in terms of pavement management, Ms. Battenberg advised that staff was of the belief and recommendation that the asphalt assets of the Town including the parking lots, trails and pathways used by the public should be included in the PMP, although the Town Council could direct staff not to do that.

Staff had also carved out a portion of the funding for the next three years, based on direction from the Town Council, looking at using Measure K for storm drains. This carve out of a portion for storm drains for the O&M for the next three years, as well as funding one of the major Capital Improvement Projects (CIP), was consistent with what had been discussed by the Town Council.

As staff had indicated in the past, Measure K was a general purpose revenue that could be used for whatever purpose, although the Town had always followed the policy of investing the funds in the Town's PMP, which occurred prior to the money received for Senate Bill (SB) 1, roughly \$300,000 a year as well as the Garbage/Vehicle Impact fees increasing by \$550,000 and Measure K revenue being significantly more than projected. That was a Town Council policy decision the Town Council may take on in the future. Staff had followed the direction given by the Town Council to explore the possibility of using some of the Measure K funds for storm drains for the next couple of years, and in this case due to COVID-19, it provided a little bit of a cushion ensuring the Town could continue with the PMP as projected without impact, although there may not be funds for the storm drains.

Ms. Battenberg also clarified the intent of the footnote as shown on Page 10 of the staff report, which stated the Town may not have the identified funds for storm drains depending on what happened with COVID-19 and the impacts to Measure K and other revenue, such as gas taxes. She advised that could be considered a cushion. Staff was very comfortable that the budget in the staff report for the next three years was reflective of the amount that could be assumed would be invested in the PMP unless things really changed drastically.

Ms. Battenberg described this as a fluid decision being discussed annually by the Town Council and whatever the Town Council decided now could be implemented for the next couple of years. The staff recommendation would be for the Town Council to consider reevaluation at that time. Staff had discussed a neighborhood-by-neighborhood approach with possibly two treatments in a neighborhood, and decisions could be made in the future on the best approach.

Mr. Knapp further clarified the segments that had been completed in Town and reported that 60 percent of the Town's streets had been improved since 2012, as noted in the staff report. He also clarified the benefits of slurry seal treatment as opposed to an overlay which had a longer life span. Slurry seals had been applied on a regular basis to protect some streets. He confirmed that staff had discussed a possible neighborhood-by-neighborhood approach that would slurry seal every street in a neighborhood. If streets were at a point where everyone was in a High condition, the Town could concentrate on a neighborhood-by-neighborhood approach each year and keep the condition High when moving around the various neighborhoods.

Mr. Knapp understood there were some neighborhoods in Town where slurry seal treatment had been done a couple of times. Over time, the Town had touched the "Poor" and "Very Poor" streets a bit, but had not tackled the issue as had been proposed at this point. As noted in the staff report, in 2011 six percent of the Town's streets were in "Very Poor" condition, and in 2020 it was at three percent. "Very Poor" streets required reconstruction and it would be a very long time before those streets came back around for attention.

Mr. Knapp also clarified that the span of a segment of road varied since the streets varied in length. The segment of road south of St. Mary's Road across the new Christmas tree farm was one of the targeted streets where the Worst-First approach had been recommended. The Town had a limited number of arterial streets including Moraga Way, Moraga Road, St. Mary's Road, and Canyon Road, and staff had attempted to obtain federal funds for those streets since they were the only streets that would qualify for federal funding. The streets were the most costly given their length and associated costs. As part of the staff recommended approach, those streets, such as Moraga Road, would be addressed in a couple of years.

Mr. Knapp commented, when asked, that if \$300,000 was removed from the street budget from the year 2024 on, it would take longer to get to the same point. As to the staff recommendation for a neighborhood-by-neighborhood approach, he commented that every neighborhood was different, had been reviewed pursuant to the maps, and the ideal was that the majority of the streets be brought up to a condition where a neighborhood approach could be taken as

opposed to the scattered approach of the past where streets had been chosen all over Town resulting in a less cost-effective program.

Ms. Battenberg clarified her earlier comments in terms of the number of incidents in Town parking lots, pathways and asphalt trails, noting that three to four years ago there had been no incidents. Multiple incidents had been reported so far in 2020, with only one incident in 2019, all of which impacted future insurance rates. The issue was not purely financial but an issue of people using the Town's parks and paths and getting hurt.

PUBLIC COMMENTS OPENED

Ms. Battenberg reported no comments from the public had been received.

PUBLIC COMMENTS CLOSED

Councilmember Wykle commended staff on the staff report and analysis provided. He suggested that the increase in claims on Town-owned parking lots, pathways and asphalt trails and future insurability was a concern. He was not opposed to the staff recommendation to include Town-owned parking lots, pathways and asphalt trails in the PMP, but recommended that staff reach out to the Local Sales Tax Oversight Committee (LSTOC) to determine whether any changes needed to be made to its charter since he understood the Committee had been split on whether funds should be spent on storm drains or not, and there could be differing opinions on the staff recommendation.

Councilmember Wykle fully supported the staff recommendation; emphasized the need to eliminate the "Very Poor" and "Poor" condition streets; supported the staff recommendation to consider a three-year Worst-First FDR scenario as the first option including Town-owned parking lots, pathways and asphalt trails, with the caveat that there be outreach with the LSTOC and a review of its charter to ensure the Committee was on board with this recommendation.

Vice Mayor McCluer thanked Town staff, particularly the Public Works Director/Town Engineer for all of his work on many Town projects. He also thanked the Town Manager and the Public Works Director/Town Engineer for including excess funds he hoped would potentially be used for storm drains. He added his thanks to Councilmember Wykle for his past recommendation to review the Town's worst roads prior to the use of any funds.

Vice Mayor McCluer supported the staff recommendation and would be comfortable extending the budget period from three to four years. He supported the Worst-First FDR scenario as the first option, with the fallback scenarios as identified by staff, and the budget for the next four years averaging less than what had been approved the last time. As to the staff recommendation to include Town-owned parking lots, pathways and asphalt trails, he had understood that Measure K funds had been restricted to roads but now understood there were no restrictions. He was surprised since the Town Council had previously and unanimously opposed the use of those funds for anything but roads. He could go either way, using the funds for roads or asset replacement. He understood the Town Council was not being asked to approve an increased 10-year budget or PCI that would be targeting a PCI of 80 in 2029. He supported the staff recommendation at this time.

Councilmember Woehleke commended staff for the report. He stated that once the Lamorinda Weekly resumed publication, he wanted to see an explanation of the strategy to residents who would likely be supportive of the staff recommended approach. He too supported the staff recommended approach, Worst-First FDR scenario as the first option and the inclusion of Town-owned parking lots, pathways and asphalt trails, although he noted that the list of paths had not included the Lafayette-Moraga Regional Trail, portions of which were in poor condition.

Mayor Korpus noted the Lafayette-Moraga Regional Trail was under the purview of the East Bay Regional Park District (EBRPD), and **Councilmember Sos** reported the EBRPD would be doing some work on that trail segment in 2021.

Councilmember Sos also thanked staff for the comprehensive staff report which guided the discussion and the context provided by Town staff. She agreed with the staff recommendation for the Worst-First FDR scenario as the first option and the inclusion of Town-owned parking lots, pathways and asphalt trails. She commended the Town Manager and the Public Works Director/Town Engineer for implementing the request and expressed her hope that the StreetSaver Program would help the Town with some scenarios and consider ways to make progress differently than business as usual. In the future, she suggested the question would be the optimal PCI and whether the Town would want to eliminate the “Poor” condition roads as well at the expense of reducing the percentage of the “Excellent” condition roads.

Councilmember Sos agreed with Councilmember Wykle that the Town verify whether the LSTOC Charter was appropriate in that the recommendation would have to be subsumed into its purview. She appreciated staff’s creative thinking on this issue.

Mayor Korpus agreed with the comments and with the staff recommendation. She understood what the Town had been doing for a while was what needed to be done, but understood there was enough of a buffer to use some of that to address the Poorest streets. She suggested that many people who had been unhappy would be happy once their streets had been addressed. She was excited to move forward.

Mayor Korpus offered a motion, seconded by **Councilmember Sos** to receive and accept the 2020 Pavement Management staff report and provide direction to staff to pursue Option 3, Worst-First FDR scenario and use Option 2 as a fallback.

On the motion, **Vice Mayor McCluer** offered an amendment to receive and accept the 2020 Pavement Management staff report and provide direction to staff to pursue Option 3, Worst-First FDR scenario and use Option 2 as a fallback for the next four years.

Mayor Korpus opposed the amendment since it was implied, although **Vice Mayor McCluer** argued the staff report had referenced ten years and it had not been implicit that it would be four years which he felt should be clarified.

Councilmember Woehleke suggested the ten-year plan would be adjusted over time, and the requested clarification was unnecessary.

Councilmember Wykle noted the motion had been to review and accept, not approve the 2020 Pavement Management staff report and it was understood that it was a four-year plan.

ACTION: It was M/S (Korpus/Sos) to Receive and Accept the 2020 Pavement Management Staff Report and Provide Direction to Staff to go with Option 3, Worst-First FDR scenario and use Option 2 as a fallback. Roll Call Vote: 5-0.

Ms. Battenberg reported that a written public comment had been received at 6:59 p.m. dated April 22, 2020, regarding the Hacienda de las Flores from Moraga resident Lynda Deschambault. She read the comments into the record at this time.

Hacienda. As part of the Master Plan for trails, please ensure this property has pedestrian access to this neighborhood park and that the trails are maintained. Thank you for the new trail marker post in the botanical garden and Cindy Waxman Trail area. As part of the Master Plan

of Parks and one that uses funding intended for parks maintenance and park improvements only, please ensure any consideration for a commercial restaurant, hotel, event, business or conference center of any kind (especially one run by an outside for-profit company) be superseded by full public notification and hold a meeting and hearing that reviews and receives public input on a potential change in use and commercial designation to be considered. The Town shall not enter into any agreement or RFP until the community is notified and consensus is reached that this land use should be changed from park use to commercial designated use. Given the trails and public access to this park are used daily, please confirm full public engagement and posted signs will be used to solicit input. Myself and many of the neighbors' request it remain zoned as a public park, public access and not allow commercial use and not approve any such thing without a full hearing and notification when we are not in lockdown. If the Town wants to extend its services and return to the days when staff had a robust and profitable events program please hire another qualified in-house staff person for the job. Past retired staff personnel live in the Moraga area and can attest to the ease of having a profitable community center program. I'm also in favor of continuing the After School Program. This gets kids outdoors educated in using/loving our parks. Further, it's very successful in neighboring cities like Lafayette and can be very profitable. In summary, please put a moratorium on commercial considerations. All commercial uses should take a back seat to the Town's highest priority. This is one of only three public parks that uses public funds and grants and is for public connecting trails and access.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no Council requests for future agenda items.

13. COMMUNICATIONS

There were no communications.

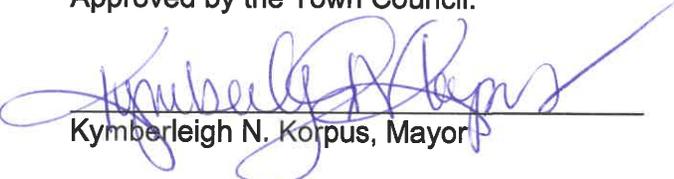
14. ADJOURNMENT

ACTION: It was M/S (McCluer/Woehleke) to adjourn the meeting at 8:14 P.M. Roll Call Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Kimberleigh N. Korpus, Mayor