



**TOWN OF MORAGA
REGULAR MEETING**

**September 9, 2020
MINUTES**

7:00 P.M. Regular Meeting

TELECONFERENCED MEETING LOCATION ONLY

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 SHELTER IN PLACE ORDERS OF THE HEALTH OFFICER OF CONTRA COSTA COUNTY, INCLUDING THE MOST RECENT ORDER DATED AUGUST 26, 2020 WHICH PERMITTED THE TOWN TO CONDUCT ESSENTIAL BUSINESS 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 Shelter in Place Orders including the most recent Order dated August 26, 2020, the September 9, 2020 meeting was not physically open to the public.

All Town Councilmembers and Town staff participated in this meeting via teleconference (Zoom webinar)

1. CALL TO ORDER

The regular meeting was called to order at 7:05 p.m. by **Mayor Kymberleigh Korpus**.

ROLL CALL

Councilmembers present: Mayor Kymberleigh 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

There were no special announcements.

4. PROCLAMATIONS AND PRESENTATIONS

- A.** Proclamation Honoring Margaret DePriester for her Service to the Town of Moraga

The Town Council read into the record the proclamation honoring Margaret DePriester for her service to the Town.

Mayor Korpus extended a special thank you and recognized former Mayor Dave Trotter who provided assistance in drafting the proclamation.

PUBLIC COMMENTS OPENED

Susan Freeman, Moraga, thanked the Town Council for its recognition of her mother's service to the Town of Moraga. She emphasized her mother's love and commitment to the Town and her activities as a community volunteer. She read into the record a quote from her mother from a 1975 newspaper article and again thanked the Town Council for honoring her mother.

Tim Freeman, Moraga, thanked the Town Council for the proclamation.

Mayor Korpus advised the family would be provided a signed copy of the proclamation.

PUBLIC COMMENTS CLOSED

Councilmember Wykle remembered Margaret DePriester fondly, thanked her for her words of encouragement, her family for sharing her with the community, her service to the Town of Moraga, and for making Moraga a better place.

Vice Mayor McCluer recognized Margaret DePriester as one of the great community leaders through the Town's incorporation, one of the first female Planning Commissioners, two-time Mayor and Councilmember, member of the Moraga Historical Society, and recognized her achievements and her family for sharing her with the community.

Councilmember Woehleke knew Margaret DePriester and her husband Coral for the past 15 years having worked with both on different endeavors, and he was well aware of her impacts and achievements in the community.

Councilmember Sos thanked Margaret DePriester's family for joining the Town Council meeting, and acknowledged she was privileged to have spent time with Margaret and commented on her warmth and how generous she was with her time and knowledge, emphasizing she would be missed and had left a wonderful imprint on the Town.

Mayor Korpus stated she had met Margaret DePriester in 2016 while campaigning for the Town Council and had appreciated the brief interaction. For the benefit of Margaret DePriester's family, present via teleconference, she reported that Margaret's passing had been announced during the latest Mayors' Conference.

Mayor Korpus noted that Margaret DePriester not only helped the Town of Moraga but had also been involved in the incorporation of the City of Orinda and been involved in many Orinda projects. Orinda Councilmember Inga Miller had provided her memories of Margaret DePriester during the Mayors' Conference where the meeting had been adjourned in her memory. She thanked Margaret's family for sharing her with the Town, acknowledged her legacy, and thanked her family for attending, wishing them the best.

B. Presentation on the Fiscal Year 2020/21 Budget at a Glance

Administrative Services Director Norm Veloso presented the staff report and stated that the second edition of the 2020/21 Budget at a Glance was scheduled to be distributed in the September 16, 2020 issue of the Lamorinda Weekly; was posted on the Town website; distributed

electronically to About Town subscribers; and posted on the Town's Facebook page and on Next Door. He expressed his appreciation to Town Manager Cynthia Battenberg, Parks and Recreation Director Breyana Brandt, and Recreation Coordinator Clinton Calkins for their creativity to ensure that this edition looked amazing.

Town Manager Cynthia Battenberg noted the top of Page 3 of the document was missing a sentence in the budget overview which would be corrected prior to printing. The Town Council would be provided copies for distribution.

Vice Mayor McCluer stated the document was a great way to communicate all of the Town's efforts.

Councilmembers Woehleke and Sos also complimented staff on the document.

Mr. Veloso confirmed, when asked, that staff had received feedback from the public on the first edition of the document, which had been well received, with the public having found it to be informative and easy to read. It was the intent that the document would be distributed annually.

Mayor Korpus also found the document to be a great product that had been implemented. She loved the presentation, stated the document appeared to be sharp and compelling, and was pleased to learn of the positive comments from the public after the distribution of the first edition.

PUBLIC COMMENTS OPENED

Town Clerk Marty McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

5. PUBLIC COMMENTS AND SUGGESTIONS

Ms. McInturf reported no comments had been received for this item.

6. ADOPTION OF CONSENT AGENDA

A. Acceptance of Consent Items

Consent Agenda Items 6.3 and 6.5 were removed from the Consent Agenda.

PUBLIC COMMENTS OPENED

Ms. McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

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

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|-----|--|----------|
| 6.1 | Receive <u>Accounts Payable</u> Claims for: 08/28/2020 (\$827,262.69) | Approved |
| 6.2 | <u>Moraga Design Guidelines</u>
Consider Resolution 50-2020 Amending the Town of Moraga Design Guidelines to Delete Guideline CC3.11 in its Entirety in Order to Allow a New Master Sign Program for the Rheem Shopping Center as Recommended by the Planning Commission (CEQA) | Approved |

Determination: Exempt)

- 6.3 Plan Bay Area 2050 Housing Allocation Methodology *Removed*
Consider Resolution 52-2020 Supporting the Contra Costa County Jurisdictions' Support for the 'Plan Bay Area 2050' Housing Allocation Methodology that Matches Housing Assignments Proximate to Job Centers
- 6.4 Authorizing Agents for the FEMA Disaster Project *Approved*
Consider Resolution 51-2020 Authorizing the Town Manager, Public Works Director/Town Engineer, and Town Clerk to Serve as Agents on the Town's Behalf Working on FEMA Disaster Project No. DR4344-PJ0605 with the California Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA)
- 6.5 Continue Local Emergency Due to Coronavirus (COVID-19) *Removed*
Consider Resolution 53-2020 Renewing and Continuing the Local Emergency Relating to COVID-19 as Proclaimed by the Director of Emergency Services on March 17, 2020 and Ratified by Town Council on March 23, 2020, and Continued on May 13, 2020 and July 8, 2020

B. Consideration of Consent Items Removed for Discussion

1. Plan Bay Area 2050 Housing Allocation Methodology
Consider Resolution 52-2020 Supporting the Contra Costa County Jurisdiction's Support for the 'Plan Bay Area 2050' Housing Allocation Methodology that Matches Housing Assignments Proximate to Job Centers

Vice Mayor McCluer referenced the allocations from the Regional Housing Needs Allocation (RHNA) under the methodology for the year 2050 where the Town of Moraga had been assigned 680 to 800 units, whereas other jurisdictions such as the Town of Danville had been assigned a RHNA of 220 to 250 units. He had asked the Town Manager to briefly summarize how that had happened and whether it would be considered over the course of the process.

Planning Director Afshan Hamid reported she had spoken with representatives from the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) who were working on Plan Bay Area 2050, in particular the Housing Methodology Committee (HMC) staff who were leading the effort, about the numbers and variables. The current RHNA numbers for the Town of Moraga were outdated, and were actually between 810 to 1,100 units. Town of Danville was between 1,700 to 2,400 units; the City of Orinda between 850 to 1,200 units; and the City of Lafayette between 1,280 to 1,720 units. The focus of the methodology was whether they should look at Plan Bay Area 2050 versus the 2019 baseline method, with the numbers continuing to shift, to be refined as the HMC Committee continued to meet.

Ms. Hamid reported the Mayors' Conference had discussed the item in early August and had received regular updates from the HMC. Everyone was aware the numbers would involve a 135 percent increase for all jurisdictions in the nine county Bay Area since the methodology was trying to reduce long commutes, and Greenhouse Gas Emissions (GHGs), with a focus on jobs balance with housing and housing with proximity to transit.

Ms. Hamid again identified the 2050 RHNA range with the 2019 RHNA range, which would possibly be higher, and emphasized the focus was on achieving more equity. The HMC was of

the opinion the factors they were reviewing, as had been outlined in the September 9, 2020 staff report, could be most supported for what the State of California had projected as future growth.

PUBLIC COMMENTS OPENED

Ms. McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

Vice Mayor McCluer commented he had attended the August Mayors' Conference, and all Mayors present had supported the use of the Plan Bay Area 2050 Housing Allocation Methodology, although the significant RHNA increase for the Town of Moraga was much higher than what had been discussed during ABAG conferences.

Mayor Korpus reported on a discussion she had with Orinda Vice Mayor Amy Worth and an exchange she had with City of Clayton Mayor Julie Pierce, representatives to ABAG and the MTC. Given the support for the Plan Bay Area 2050 plan, which was an environmentally focused plan to locate jobs where people were living, although with resistance from some to take on more units because of impact issues, she understood that a final decision on the methodology would be made prior to the next Town Council meeting. She urged the Town Council to make a decision on the item and suggested the idea of the Plan Bay Area 2050 standards were most appropriate for the Town of Moraga.

ACTION: It was M/S (McCluer/Sos) to adopt Resolution 52-2020 Supporting the Contra Costa County Jurisdiction's Support for the 'Plan Bay Area 2050' Housing Allocation Methodology that Matches Housing Assignments Proximate to Job Centers. Roll Call Vote: 5-0.

2. Continue Local Emergency Due to Coronavirus (COVID-19)
Consider Resolution 53-2020 Renewing and Continuing the Local Emergency Relating to COVID-19 as Proclaimed by the Director of Emergency Services on March 17, 2020 and Ratified by Town Council on March 23, 2020, and Continued on May 13, 2020 and July 8, 2020

Councilmember Woehleke explained that he had removed the item given that it related to the duties of the Emergency Services Director as set forth in the resolution. As he had indicated during the August 26, 2020 Town Council meeting, small businesses were facing very difficult challenges, they were unaware how long the restricted period would last, and the recovery period was unknown. His objective was to ensure that the Town Council take action appropriately, proactively and quickly to support the small business community. He had been in communication with staff and legal counsel who mentioned the Emergency Services Director had some ability to change fees, as an example, which he would like to see be refined. He stated if something were to arise in the future where a quicker decision could be deemed necessary by the Emergency Services Director, a Special Town Council meeting should be called.

Since it had not been included in the resolution and the resolution had not addressed the plight of small businesses, **Councilmember Woehleke** stated he would endorse decisions made by the Emergency Services Director and he pledged his commitment to attend all Special Town Council meetings that might be scheduled to address those actions that needed to be taken.

Mayor Korpus declared a recess at 7:45 p.m. The Town Council meeting reconvened at 7:50 p.m. with all Councilmembers and staff present via teleconference.

PUBLIC COMMENTS OPENED

Kendall Langan, Moraga, suggested the reason for limited public participation might be technical difficulties with the links to participate in the discussion via Zoom webinar.

PUBLIC COMMENTS CLOSED

Mayor Korpus spoke to Councilmember Woehleke's comments prior to the recess and noted the agenda item was a question of whether or not to continue the local emergency as agendized. The issue raised by Councilmember Woehleke would not be discussed since it was a non-agendized item.

ACTION: It was M/S (Woehleke/Wykle) to adopt Resolution 53-2020 Renewing and Continuing the Local Emergency Relating to COVID-19 as Proclaimed by the Director of Emergency Services on March 17, 2020 and Ratified by Town Council on March 23, 2020, and Continued on May 13, 2020 and July 8, 2020. Roll Call Vote: 5-0.

7. ADOPTION OF MEETING AGENDA

PUBLIC COMMENTS OPENED

Ms. McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

ACTION: It was M/S (Wykle/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 meeting; participated in a wildfire statewide update call and briefed the Council on the discussions and updates provided on the status of current wildfires in California; participated in the Town Hall Community Meeting regarding the Moraga Center Specific Plan Implementation Project (MCSP-IP) where she had provided a brief introduction; and Mayors' Conference and briefed the Council on a presentation from the Contra Costa Public Managers' Association (PMA).

Vice Mayor McCluer – Reported he had listened in on the Town Hall Community Meeting regarding the MCSP-IP and thanked staff for the presentation; attended the Mayors' Conference; and had spoken to a resident regarding the Camino Pablo Estates development.

Councilmember Sos – Reported she had participated in an orientation session held by Town staff for all five Town Council candidates and she thanked staff for the presentation and information provided. She had also listened to the Town Hall Community Meeting regarding the MCSP-IP and thanked staff for hosting the discussion.

Councilmember Woehleke – Reported a Moraga-Orinda Joint Fire Prevention Subcommittee meeting had been scheduled for September 17. He apologized for some of the confusion related to the links for the public to participate in the Zoom webinar meeting; and commented as it related to the discussion of Consent

Agenda Item 6.5 that pursuant to advice from legal counsel, he had understood his comments would be permitted.

Councilmember Wykle – Reported he had a couple of conversations over the last week with the Moraga Chamber of Commerce Executive Director to discuss items of interest, briefed the Council on the discussions, with information on Chamber activities available on the Chamber of Commerce website.

- B.** **Town Manager Update** – Town Manager Battenberg reported she had been asked about the impacts from fire efforts on the Town's budget and advised the Public Works Director/Town Engineer had provided an update. For this budget year, the Town had spent \$40,000 on fire prevention and still had more work to do on sites requiring clearing. Money had been added to last year's budget, which had rolled over, but the amount for that work was increasing each year. The Town had submitted its third reimbursement request for the Canyon Road Bridge Repair in the amount of \$716,000, and staff was doing a great job submitting the reimbursement requests in a timely manner.

Staff was also looking to close out the Rheem Sinkhole Federal Emergency Management Agency (FEMA) project having billed the last \$246,000 for the project. In addition, as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Town had received two applications from small businesses in the community, both for Personal Protection Equipment (PPE), in the amount of \$800 each. The Town Hall Community Meeting regarding the MCSP-IP involved 26 participants, and the Planning Commission would hold a meeting on September 21, 2020 to continue its discussion of the MCSP-IP Design Guidelines with a recommendation already provided on the zoning code modifications.

The Town Council would consider the recommendations from the Planning Commission on the MCSP-IP during a meeting scheduled for October 14, 2020. In addition, the full-time recreation program for children of essential workers would be expanded; and smaller events were being held at the Hacienda de las Flores, with services to be adjusted pursuant to the Contra Costa County Health Order requirements related to COVID-19.

9. DISCUSSION ITEMS

There were no discussion items.

10. PUBLIC HEARINGS

There were no public hearings.

11. ORDINANCES, RESOLUTIONS AND REQUESTS FOR ACTION

A. Uniform Construction Cost Accounting Ordinance

Consider Waiving the First Reading and Introducing an Ordinance Amending Chapter 3.04, "Purchasing System" and Chapter 3.06, "Uniform Construction Cost Accounting Procedures" Within Title 3 of the Town of Moraga Municipal Code to Conform to the California Public Contract Code and Other Amendments

Mayor Korpus advised the Town Clerk had reported a redline version of the staff report for the item had been provided to the Town Council and was available to the public on the Town website.

Public Works Director/Town Engineer Shawn Knapp provided a PowerPoint presentation on the California Uniform Public Construction Cost Accounting Act (CUPCCAA), a faster method for awarding public construction contracts, which the Town of Moraga had been using since 2004. The goals and background of the CUPCCAA, clarification of the Town Manager's delegation authority for purchasing, and the amendments to Chapter 3.04, "Purchasing System" and Chapter 3.06, "Uniform Construction Cost Accounting Procedures" within Title 3 of the Town of Moraga Municipal Code (MMC), to conform with State UPCCAA Code were all highlighted.

Mr. Knapp asked the Town Council to waive the first reading and introduce an ordinance amending Chapter 3.04, "Purchasing System" and Chapter 3.06, "Uniform Construction Cost Accounting Procedures" within Title 3 of the MMC to conform to the California Public Contract Code and other amendments.

Responding to the Council, Mr. Knapp and Ms. Battenberg confirmed that informal procedures still involved competitive bidding with three bids, and if not possible, or if the project was too small, the project could be awarded via a single bid. There had been some challenges receiving bids through the information bidding process, and if one or two bids received were too high, staff would wait, as it had for the Electric Vehicle (EV) Charging Stations project.

PUBLIC COMMENTS OPENED

Ms. McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

Councilmember Woehleke thanked staff for issuing the redline revisions which had addressed all of his issues.

Councilmember Sos stated the changes made sense since by automatically incorporating the ever-changing thresholds in State law, rather than having to come back to the Town Council on a piecemeal basis, it offered a more efficient way to operate. She supported the item.

Mayor Korpus agreed with the comments offered by Councilmembers Sos and Woehleke.

Councilmember Woehleke offered a motion to move the item, **Councilmember Wykle** seconded the item but offered a modification to waive the first reading, and introduce by title, an Ordinance Amending Chapter 3.04, "Purchasing System" and Chapter 3.06, "Uniform Construction Cost Accounting Procedures" Within Title 3 of the Town of Moraga Municipal Code to Conform to the California Public Contract Code and Other Amendments, in the form presented by staff in the redline version.

Councilmember Woehleke accepted the motion as amended.

Assistant Town Attorney Denise Bazzano advised the title of the ordinance must be read into the record.

ACTION: It was M/S (Korpus/Wykle) to Waive the First Reading and Introduce an Ordinance Amending Chapter 3.04, "Purchasing System" and Chapter 3.06, "Uniform Construction Cost Accounting Procedures" Within Title 3 of the Town of Moraga Municipal Code to Conform to the California Public Contract Code and Other Amendments, and adopted as proposed by staff in the redline version. Roll Call Vote: 5-0.

- B. Insourcing Engineering Services**
Review and Accept Update on Insourcing Engineering Services

Ms. Battenberg presented the staff report and commended the effort of the Public Works Director/Town Engineer for taking on this challenge. She asked the Town Council to review and accept the report on insourcing engineering services.

Mr. Knapp explained that he and the Town Manager were working with the engineering group to create a career ladder for people to stay and be engaged in engineering in the Town including employee retention.

PUBLIC COMMENTS OPENED

Ms. McInturf reported no comments had been received for this item.

PUBLIC COMMENTS CLOSED

Vice Mayor McCluer thanked staff for the report and the review of the past year. He commented that insourcing or outsourcing had been discussed by the Town Council as best practices, and he found the process had worked out well, and there had been economic and operational efficiencies and improved services by insourcing engineering services. He stated that insourcing engineering services had been a good decision but he was open to in- or outsourcing on a case-by-case basis.

Vice Mayor McCluer asked whether or not there had been any discussion with other City Managers to share one insource position and have all Lamorinda jurisdictions save money and improve services, and Ms. Battenberg confirmed that had been discussed during the time a Geographic Information System (GIS) Technician had come on board, although that individual had left after nine months. In that case, the City of Lafayette had hired the GIS Technician but Lafayette was currently under a hiring freeze and the position could not be re-filled at this time. However, there were over 10,000 hours of consultant time and there was a belief another person could be brought on board, with the question of the right level and what ongoing services would continue regardless of the status of the economy.

Ms. Battenberg confirmed that insourcing engineering services had worked out better for the Town.

Councilmember Woehleke commented that Associate Engineer Mark Summers had been a great asset to the team and he was receptive to additional consideration of insourcing, but wished the staff report had included another tool that he had spoken to staff about in 2019 when the request for authorization for this item was being considered. He referenced a workload management tool that engineering companies had issued allowing the capability to look at the demand of the entire group, which was important given that many tasks could be shifted among people, could identify the demand over time, and allow for resource load, while identifying optimal staffing and when to use contractors for peak loading.

Councilmember Woehleke commented that in 2019 when the Town Council had discussed hiring the Associate Engineer position, the agreement was that he would support that position but when the department was fully staffed, management would begin tracking utilization of staff again, and he had not heard that had begun. Whether staffing with more insourcing or outsourcing, he recognized the Town was financially challenged and when the Town brought someone on, he expected it would be a long-term commitment. He emphasized it was important to have confidence in the decision making associated with that.

Mayor Korpus recalled that there had not been an agreement that the workload management tool would be resumed if the Town insourced, but it had been a request made by Councilmember Woehleke.

Ms. Battenberg understood that the Public Works Director was using a tool which had been used before but which had not been brought to the Town Council.

Councilmember Woehleke commented it had been an informal agreement and he would have been more comfortable had he known that.

Councilmember Sos was pleased the Public Works Director/Town Engineer was creating a career ladder in the Engineering Department given that it was often difficult to capture the cost of the loss of continuity and knowledge and bring new people up to speed, particularly given the budget for some of the larger projects and their length of time.

Councilmember Wykle commended the Town Manager and the Public Works Director/Town Engineer for the update, although he had concerns with the agreement (whether formal or informal) and wanted assurance the management tools being used were helpful to staff.

Mr. Knapp confirmed that the management tools were being used by staff and had been helpful.

Mayor Korpus was pleased with the figures in the staff report and was hopeful that staff would find more opportunities to streamline and insource.

Ms. Battenberg added that certain maintenance tasks had been able to be outsourced and staff always looked at the best way to provide quality services.

ACTION: It was M/S (McCluer/Korpus) to accept Update on Insourcing Engineering Services. Roll Call Vote: 5-0.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Woehleke offered a motion to request a future agenda item to invite Sustainable Contra Costa to the next Town Council meeting to present the Cleaner Contra Costa Challenge tool as related to the Climate Action Plan (CAC) of 2014, which included 39 actions, 17 of which involved outreach by the Town. The tool was a platform to connect families, groups, and organizations to establish a carbon footprint and provide projects to address many issues in the CAC, with few requirements from Town staff.

Councilmember Sos seconded the motion.

Vice Mayor McCluer questioned Councilmember Woehleke whether there would be any cost for the presentation, any staff work for the presentation, and whether it would relate to the Town Council's goal regarding the CAC.

Councilmember Wykle clarified with Councilmember Woehleke that Sustainable Contra Costa was an entity that focused on the entire County.

Ms. Bazzano read into the record Section 6.12 of the Town Council Protocols as it related to the process for requests for future agenda items.

ACTION: It was M/S (Woehleke/Sos) to request a future agenda item to invite Sustainable Contra Costa to the next Town Council meeting to make a presentation of the Cleaner Contra Costa Challenge Tool. Roll Vote: 5-0.

13. COMMUNICATIONS

There were no communications.

14. ADJOURNMENT

ACTION: It was M/S (Wykle/Korpus) to adjourn the meeting at 9:02 P.M. In Memory of Margaret DePriester. Roll Call Vote: 5-0.

Respectfully submitted by:


Marty C. McInturf, Town Clerk

Approved by the Town Council:


Kimberleigh N. Korpus, Mayor