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SUMMARY KEYWORDS

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SPEAKERS

Planning Dir, Speaker 4, Dolan, Speaker 13, Thiel, Town Manager, Woehleke, Maglio, Speaker 9, SMC, Attorney, Speaker 2, Speaker 3, Speaker 1, Speaker 11, Speaker 7, Hillis, Speaker 8, Speaker 10, Speaker 12, Speaker 5, Speaker 6, Speaker 14, AdminSvc

S Speaker 1 00:05
All right, that means

S Speaker 1 00:40
18. And I think it's little rubber

H Hillis 01:09
comment, I'm going to call the roll. Oh, well, first I need to say sorry. It's my first council meeting town of Moraga. Town Council meeting for January 14, 2026, at 5:30pm, roll call Vice Mayor Dolan, present council member malio, Council Member Wallace, present council member teal here and I. Mayor Hillis am here, Pledge of Allegiance. Town Manager, Mitnick, would you mind, please,

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Town Manager 01:48

Mr. Mayor, Members of the Council, happy to do that. I think in all the years in the business, I've never been asked to do it. So I have some help. Okay, ready begin? I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under

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Hillis 02:10

God, indivisible with liberty and justice for all. Now we're on to presentations staff. Are there any presentations? Okay, and now we are on to public comment. This time is reserved for those in the audience who wish to address the town council on items which are not on the agenda. The council cannot discuss details or vote on items not on the agenda. Your concerns may be referred to the town manager for brief comment or for further review. Public input pertaining to a specific item on the agenda may be made during consideration of those items. All commenters tonight will have two minutes. If you haven't already done so, please fill out a comment card, and I understand from some of the commenters that are here that there is a specific order that they'd like to go in, so I have Roger first. Oh, and I'm sorry I'm gonna actually ask St Mary's College President Roger Thompson to speak first, as he's on a strict time crunch, if you all don't mind.

S

SMC 03:19

Thank you, Mr. Mayor, and I apologize to those also speaking that I'm I just wanted to take a moment to come to the council and first Congratulations, Mr. Mayor, I was here as you were about to probably become mayor. Or did I just want to take a moment to express my deep appreciation to the council. You all were have been incredible partners, and one of the things we've partnered on was bringing lights to our baseball stadium, and I want to compliment Scott and his team that have helped us move that through the county and other places it needed to go. We are on track to have those lights up in February, and I hope when that happens, that you all will come and join us. I envision families from Moraga coming to that stadium for a really nice evening of family entertainment. So thank you for that. Second thing I want to emphasize is I'm appreciative of the partnership that we have with all of you. I think, as St Mary's thrives, Moraga thrives, as Moraga thrives, St Mary's thrives. And I know I'm not going to talk about the presentation later tonight, because I don't know what it is, but any way that we can partner together to help our community is really important to us, as I know it is to you, and so I come simply with the new year to say wherever that takes us, wherever the future may be, I look forward to traveling the path together. So have a great meeting. And I'm sorry I have to dash to something else at six, but it's great to see all of you. Thank you. Thank you.

W

Woehleke 05:06

Pass that on to him.

H

Hillis 05:09

Another one. All right, so I think, as mentioning before, there is a particular order that the residents would like to speak in which would like to go first, okay, and please state your name.

S

Speaker 2 05:21

Of course, first, I just want to welcome you. We are so excited. Moraga is the benefactor of your incredible commitment. All of you your stewardship. We just can't thank you enough. We're very excited. We will not take a long time. My name is Catherine Brown. I've been a resident here for 10 years, and I'm going to try and read this as fast as I can, since it's very unbeknownst to you, I did arrive last month, but here we go. I would, I first want to express my colossal gratitude to the current and past boards for rejecting the Camino Pablo project that it was responsibly voted in or irresponsibly voted in. In October, we now have 700 signatures and growing from Moraga, Orinda, Lafayette, even Walnut Creek and Danville. Tonight, I come with a request and highlight and voice two concerns. Here are the dual, dual concerns that we would like to bring up. Number one, the county completely ignored and did not even acknowledge the current findings that an attorney about the monumental disruptions on infrastructure, safety, school, traffic, environmental, architectural, acoustic pollution and social new nuances. Instead, they look to leader Candace, who has developed a great relationship with the landowner as well as the developer for over the last 10 years, which truly does feel like a violation of CA law code, ci vs 207916, we would also like to really address, more importantly, the severe safety, fire safety and exit control the bay area right now. And I quote this the LA Times, The San Francisco Chronicle, cron news, two different professors at California, at Cal and Stanford, have expressed that the bay area right now is the Pacific Palisades most likely to be an urban Firestorm, and the exact property that is going to be developed is part of that acreage. So what we're asking for, with all due respect to each and every one of you. Is a public forum which we could have, a public forum at one of the high schools, that we can have, that we could address some of these concerns and hear more of a historical context, and also put this on the agenda appropriately to respect your time for the next meeting. Thank you for your time.

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Hillis 07:40

Thank you. I have some information here I will leave for you for distribution. Please provide it to the town clerk and the next speaker. And when you come up, please state your name for the record. Thank you.

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Speaker 3 07:56

Good evening. My name is Philip trengali, and I've owned the home at 2175, Sky View court for over 25 years. My comments tonight relate to the south Camino Pablo proposed development. First, I'd like to thank the town for establishing its sphere of influence that includes the area proposed for development. I'd like to thank to Tom for serving many years as the lead agency, and also for the many times the project was not approved. But as you know, the developer has now shifted oversight of the proposed plan, and forum shopped the project to the county at the expense of our community. Save Camino Pablo has been formed and retained both legal counsel and expert consultants. Their new and reconfirmed findings have been provided to you. They were submitted to the county prior to its vote. In their opinions relate to the legality of the lead agency, shift from the town to the county, inconsistencies with the general plan and unresolved adverse adverse impacts, including development proposed in a very high fire hazard severity zone, traffic and evaluation impacts on a dead end street already lined With homes and hundreds of students in two schools, harmful increases in cancer, risks that remain unresolved, irreparable harm to the environment and more. Given the county's record of favorable treatment to the developer without full consideration or acknowledgement of some of our local impacts the community needs your renewed help to protect our health, our safety in the environment. We respectfully request this topic be placed in your agenda at the earliest opportunity. Thank you very much.

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Hillis 09:56

Thank you and our next speaker. Think they somebody said there was four in order three, and please state your name for the record.

S

Speaker 4 10:13

Good evening. Thank you for allowing me this opportunity to speak. I want to echo the comments and the request from my neighbors, you know, that we get a public forum here to be able to talk about this and be formally on the agenda in in the next month. You know, there's several things that just struck me. I'm kind of a newcomer to this particular project. I thought it was dead five years ago, it was very transparent. At the time, there were signs posted right across the street from me. It was everybody was aware of it. It was visible. You could voice your concern. We thought it was dead. We have a serious health risk in my family where we would have sold our home and moved had we known this was going to go through? It's that serious. So, you know, I'm dead set against it. I'm strongly in favor of, you know, private property rights and the ability for somebody to develop but there's been some serious concerns raised about this that I think needs to be addressed publicly in an unbiased forum. So with that, I want to echo again the support of my colleagues and go from there. Thank you.

H

Hillis 11:31

Thank you, and now going to other comments. Jackie cabasso, one more. What was your name?

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Speaker 5 11:43

My name is Ralph osterling. Here you are okay. I live on Tharp, just across the street from the project. And again, as I mentioned when I came in, I want to thank you for your efforts and dedication to our town. I sat through a lot of meetings in Burlingame and that chair and this chair on the planning commission. And so I know that brevity is keen as far as what you want. We were not notified. And so I saw the sign out years ago, and it kind of fell apart, and then it disappeared. And we figured that the project died, and obviously it didn't. And I just wonder, is the representative from the developer here that says something. I just was going to ask him if he would want to have this in his front yard. As mentioned, we have two schools, over 200 students, and the main ingress and egress to the project areas along Camino, which goes in front of both schools. Interesting that just last week there was a wreck in front of one of the schools. So that tells me that there is a potential problem. Looking at the construction timing. It appears to me that it's being overly objective. I'm optimistic, excuse me, that it did not account for weather and other downtime regarding the existing fire situation right now, it's a it's a grazed pasture. The fuel is inches tall, and wildfire coming through, there would have embers of only, of use your thought, very light, embers close to the ground, not flowing over from the houses that are proposed and to have the high embers going over, jumping the road and coming into our neighborhood. I say no, thank you, and I say thank you to all of you. Thank you

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Hillis 14:17

for your comment. Now. Jackie cabasa, apologies if I didn't pronounce your name correctly.

S

Speaker 6 14:26

Thank you very much. My name is Jackie Cabasso. I live at 490 Tharp Drive, which is just two houses down from where the proposed Cow Hill development is, and as I said at the last Council meeting, I could not afford to buy a house in Moraga, but I was lucky enough to inherit a house from my parents, and in addition to supporting all of the important points that have been raised by my neighbors, I want to stress one thing again, which is that Moraga, the state of California and the United States of America do not need more mansions. We need more affordable housing, which affects the way planning is done in all kinds of different ways. And as I am becoming more acquainted with the environmental impacts of this project, my concerns about it grow even more so. And I want to note that the town of Moraga mission statement begins. The town of Moraga is dedicated to preserving our semi-rural character and conserve conserving open spaces. This project flies in the face of that we do not need more mansions. We need more affordable housing, which needs to be thought about in a different way, in an environmentally sustainable way, in a way that welcomes all the people who provide services for us in Moraga and who can't afford to live here. Thank you. Thank you.

H

Hillis 16:02

I can read the writing here. Ron Schumacher,

S

Speaker 7 16:12

Hello again. Ron Schumacher, I own Moraga Motors. This month is actually our 25th year of being here, about eight months ago, we were contacted about having RV and RV on our lot. We were told we could not have RVs on our lot. So after a few months, after that, we finally, we did pay to go have it stored. We actually own the property there as well. So it's not like a rental. It's actually ours. Other than that, we talked with Casa San Sonia, went over some of the Moraga municipal codes, found that we are unable to actually work on RVs as well. We've been doing it for 25 years. I don't know what changed. What brought this up to make this change all sudden over the last eight months where we've been doing it, I've had my fifth wheel there, or another RV there, which is not really seen very well from the road, for over 10 years. So I don't know what brought this up and about, but I'd asked if there is a possibility to amend that code, and I was told, not likely and don't even bother pretty much. It's kind of a bunch of bull to hear that. I contribute a lot to taxes here. I employ people here. I just don't know what step needs to be done to see about having this fixed, because I'm really kind of up to it, and I'm not leaving. So it's gonna I'm gonna keep being back. I've been to ton of your meetings. You guys have heard my voices many times, and we're not getting anywhere with it. So I appreciate if someone can reach out and we can kind of figure out something, an amendment to that would be nice that we amend stuff for developers, but not for people that actually are already here.

H

Hillis 18:17

Thank you. Thank you for your time. Congratulations. Thank you. Do we have any other comments? Town Manager? Can I refer to you the questions from that have been raised about the Camino Pablo development, what's that? And I close public comment,

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Town Manager 18:38

okay, Mr. Mayor, Members of the Council all respond to the public speakers. You have three, three subjects, first, from the college president on the town gown relationship. So lots of exciting endeavors taking place with the college. Very, very exciting. More, more to come. And you know, there'll be some related items on the agenda coming in the future. You had at least six or so speakers, five, six on the south Camino Pablo residential subdivision that went through the process with the county, and it's been approved by the county. So I did ask Sonia, or zua, our planning director, sitting right here, to leave you with her card so she can follow up this. There is a link that we can send to you, which has all of the there's a Frequently Asked Questions page that the county has established that addresses many of these issues. We have some documents we can send to you, the county staff reports and other related documents. So as mentioned, this project's on the agenda tonight, so I have to be very careful, there's no decision for the council to make. There's no action that you can take. But the applicant has come in front of the town council over the years for annexation, concurrent processing, and different councils said no, in summary, so the town has said no to. Annexation, no to the development project. The property owner then went to the county, because it's in the unincorporated area of the county, and it went through a process, a very detailed process, following all the rules and so on. We're not here to debate that. That's not on our agenda. The town did convey its concerns and issues with the project. It went through a process. It was ultimately approved by the Board of Supervisors, and there was a time frame noticing and all of that, and there was a time frame in which appeals could be done and legal challenges could be done. Those dates have come and gone again. It's not on our agenda. It's not for this council to decide. The county supervisor, Candace Anderson, represents this area. She's fully aware. She's happy to meet with any of you. She has a field rep, Jill Ray. Jill Ray's watching from home. She couldn't be here tonight, so we'll make sure she's aware of everybody who came here. You can certainly talk to her, but we will send you the material that we have that documents all this past activity. There's no role for the town of Moraga on this topic. There's no legal reason to have a public hearing, because there's nothing in front of us now, as the project goes forward, if the property owner and or developer is interested in annexation, they can come and approach us and talk to us about a process to do that. That's really all there is on this project Council, and we'll follow up with these individuals. I believe our town attorney is getting a little nervous because I'm talking more than I probably should on item, not on the agenda, right. Okay, okay, now she's gonna tell me I shouldn't have said that, but that's all we can say on this topic. Okay, Sonia will follow up.

H

Hillis 21:36

I We public comments already closed. I will say that I do have a brief update in my updates later on. It's not on this item, but I can later. So next we're on to

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Town Manager 21:50

Well, I have one more. We had an individual, the owner of Moraga motors, speak about a code compliance case and so on. And we're really not supposed to get into that here. So we can't reveal the details because we do have multiple residents that submit code compliance concerns to us on a variety of properties throughout the community. The individuals come up said his is one of them. So be it. We're going through the process to correct it and make sure that all property owners in Moraga have to comply with the conditions of approval and the the conditions associated with the building permit which allows the business to be there. So we're working with the property owner to make sure that his property is complying with the law in the rules, as far as doing things like working on RVs on the property, which is not permissible, we encourage all property owners to adhere to the law, and we do not do proactive, aggressive enforcement, where we as a municipality go out and look for things, we react to complaints that come in. The only time we do proactive enforcement is that the police department or code compliance staff see something that's an attractive nuisance or is an imminent danger to the community. But otherwise we do reactive enforcement, so people come to us with a complaint or concern, we have a legal obligation to research or review it and then work with the property owner, if applicable, to cure the non compliance. It's not a personal thing. It's just, this is the law. This is what we do, so, and if the individual is interested in having the code changed, the zoning change, or the code change, or the use change, or the permit altered, he can file a formal request application through the planning department, work with Sonia and go through the process if it has to go in front of the Planning Commission and or council. So be it. That's all I can say on that one. Thank you.

H

Hillis 23:40

Thank you, Town Manager. Now we're on to Item five, adoption of the meeting agenda. Do I have a motion to approve the agenda? So moved? Do I have a second? Second motion made by council member Wallace, seconded by council member malio. All in favor? Aye. Opposed. We've adopted the agenda now moving on to the consent calendar. Are there any requests to remove any items from the meeting agenda or from the consent calendar? Council member woolicky,

W

Woehleke 24:16

thank you, Mayor, removing. I propose we remove item 6.4 and 6.5

H

Hillis 24:28

would you mind making a motion for the remainder of the consent sure any other removals? Yes. Is there any public comment on any of the items in the consent agenda? Seeing none, I call for a motion.

W

Woehleke 24:43

I move that the town council approve consent item, agenda items, 6.1 6.2 6.3 and 6.6 as proposed.

S

Speaker 8 24:58

Is there a second? I. I second the motion,

H

Hillis 25:02

all in favor, aye, now we have item 6.4 council member willickie, did you want to direct your questions to staff?

W

Woehleke 25:15

I pulled that because members of the arts and public spaces committee or one or more are here, and I thought that we, since we're acting on this, we should ask them if they have any comments that they'd like to make on the on the application, are there any comments?

S

Speaker 9 25:40

Good evening. I'm Holly Hartz. I am the chair of art and public spaces here in Moraga, and thank you for the opportunity to speak. The answer to your question, Steve, is the application. There are two things tonight, the first for the cement lions, which have been donated to the town, and also for the mirror ball, which is also from the artist who has a sculpture in the West commons that has also been donated. So these are two wonderful opportunities that we're very excited about that were unanimously approved by the committee, and we're very excited to receive them.

H

Hillis 26:27

Thank you. And I think we are going to go to council member questions, unless there was anything else on the presentation, does it sound like it council or vice mayor?

D

Dolan 26:38

Dolan, yes. Thanks. I was just wondering if there was any discussion about the lions being put in a different location.

S

Speaker 9 26:48

We had, we had a lot of discussion about where the lions could go, and decided that we thought about somewhere at the hacienda, and decided that the library, the on the steps, on the risers to the steps, was kind of a neat place for them, because they're kind of adorable, the lions.

D

Dolan 27:16

Yeah, I What concerns me is that they're worn and they look the pictures that we were provided. They're, they're, you know, they've got, they've got a weathered look that actually is kind of attractive in the setting where the pictures were taken. But then, if you take that worn thing and put it on a polished pedestal, I don't know. It seemed a little incongruous to me, and it didn't seem to match the architecture of the of the library.

S

Speaker 9 27:50

They've been cleaned and I'm not sure if the picture that you saw was the clean picture they were. They were definitely cleaned up, and I don't know what picture you saw. I apologize.

D

Dolan 28:03

Was there any discussion about lions being mixed into mission, revival, architecture?

S

Speaker 9 28:12

No, there was not that specific discussion. No, it was more the lions in front of the museum in New York sitting up, and we could have our little lion sitting in front of our library. Okay?

D

Dolan 28:34

Thanks, yes. If, if no other council members have that concern, I'll let it I'll let it sit.

H

Hillis 28:40

Are there any other council questions? I

M

Maglio 28:43

don't have any questions. I just like to make a comment.

H

Hillis 28:48

I'm sorry. Can we do comments after questions? Because I do think councilman, Oh, should I have a I have a comment? Oh, I do have some questions. Okay, and I think they're actually for the park and recreation director, if she's still here, there she is. So I love the fact that we've been getting so many public art proposals before us, but I do have some questions which are sort of in the same spirit of those asked by the Vice Mayor. Is there a strategic plan on remaining locations that could would be suitable for art, or are these, is it more decide where it's going to go once we have a piece

S

Speaker 10 29:29

that's essentially been what is, what has been happening? But we have, I believe it was on the December agenda, and we created a subcommittee to put together a work plan for the next year, so an annual work plan. So that is upcoming, and I believe the subcommittee has already been doing that

H

Hillis 29:43

work, and that work plan will specifically look at all of the areas that are within either the public right of way or town property to that are suitable to host an artist. Yes, correct. Okay. The next question I have is I was speaking to representatives from Moraga community for. Foundation. The other day, they informed me that there still remains funds from the Moraga Commons enhancement program for the West Commons Park. This is specifically for irrigation and trees. And as anyone that's been to the west Commons Park would know, most of the vegetation there has died. So my question is, and this is what I've heard. Is it true that these funds have not been accepted by the town due in part to a conflict between an understanding, perhaps, from some of those on art in public spaces, and others on whether or not it's appropriate to have plantings or whether or not the location should be left open for sculptures.

S

Speaker 10 30:39

I believe, within the last 18 months, I had been communicating with the Community Foundation about these funds that were remaining. So we have expended a number of those funds St Mary's College with their community work day on May 11, 2024, planted, 20, I believe 21 trees. And those trees were actually paid for through the Community Foundation's funds, we also extended our irrigation around the South picnic area at Morocco Commons and around the new restrooms. And that landscaping was also paid for through the Community Foundation funds.

H

Hillis 31:15

I believe there still is about \$20,000 remaining. So I would encourage you to follow up, and I believe those were set aside for the West Commons. And I do have some additional comments along these lines after and but I wanted to just state that in the question now open,

S

Speaker 10 31:33

if I may, the plan that I had communicated, I believe, with the Community Foundation, is that we would draw down on those funds when we needed them for additional irrigation and planting needs. West commons, those 11 trees that were replaced in West Commons were due to them dying from and we replaced them specifically toward to based on the planting plan, the landscaping plan that was designed for that space and the rest of the plants there are in alignment with the planting plan that was agreed and approved.

H

Hillis 32:00

But as far as you know, there's no conflict between the plantings and sculpture or prospective sculpture locations. We know No Okay, thank you. That's the question I wanted to know, and now with that, I will open it up to you. Have question,

T

Thiel 32:16

just have a comment for perhaps benefit of vice mayor and council the comments. Okay, great.

H

Hillis 32:23

So, oh, first we have to ask for public comments. Seeing none. Please proceed. Gotcha.

T

Thiel 32:32

So as the liaison to art and public spaces subcommittee, just for the benefit of the Council, a lot of the discourse amongst the committee members is for the intent to leverage art in the community for generate a sense of whimsy and playfulness and interaction. And that's part of the intent of the lions, being that there are two that sit outside of the New York Public Library to bring that to some reference as far as the conditions of the lines, I did visibly inspect them some time ago. I believe maybe it was July last year, and when we first learned of their donation, in part to assess their condition and how we could potentially transport them and inform where they may go. So to the extent that we are looking at photographs of them in their existing condition before they've been removed and cleaned that's, in fact, the case. So if we need to obtain some cleaned up photos of the cleaned up lines and share that with the council, I'll ask our subcommittee members to do so.

H

Hillis 33:33

Yeah, thank you. I think we'll keep just going down this way. Council member malio,

M

Maglio 33:40

thank you, Graham, for elaborating on that. I would just like to say in general, I would like to thank the art and public spaces committee for all the tireless work they do in order to bring art, whimsy, culture and things to this community that not everybody thinks about it's difficult to sit here. Art is a very subjective medium entity, and it is difficult for us to sit here and micromanage that. I think that's why we have the committee. We have a representative of this council on the committee. And all I want to say is we appreciate the work that you do, and you as well. Mackenzie for for leading that group. Thank you.

H

Hillis 34:30

Thank you. Vice Mayor, Dolan council member willickie,

W

Woehleke 34:35

thank you, Mayor. I want to echo my appreciation to the committee and Holly. Thank you very, very much. You know, I'm really open to trying new things, and so if that's the if the entrance to the library is what you selected, go for it. Maybe retain the. Little bit of flexibility so that if it doesn't seem to work real well, you know, I can think I might suggest that right at the entryway to the pavilion at the hacienda, on both sides of that gate, at the bottom of the stairs, the lions would be far more compatible with the Greek style of the pavilion might be enhanced that, but up to you guys.

H

Hillis 35:30

Thank you. Thank you. I do have some comments here as well. And taste and art can be incredibly diverse. Anyone that sees a multi million dollar painting, which is essentially a banana duct tape, to a canvas, would say that can't be art. I can do it. And the answer is, No, you can't, because somebody did it first, and that's why it was art. So what my comment would be is not as much on these individual items. I do. It's more about placement, and I do appreciate the fact that the placement of these is spreading out so that it is not as focused only in a couple places. I love the fact that it's going along the right of ways and beautifying the areas. I would say just if I were to to just provide my own perspective the area leading up to St Mary's needs a lot of love and support. It's a beautiful campus. The area leading up to it, not so much. I other than the beautiful houses, of course, my comments beyond this are you've heard me say before that I feel strongly that Moraga is like a house that was bought a long time ago and nobody ever had the thought to actually hang any pictures on the walls. That is the great work that this committee is doing. So thank you so much for that. The said, I'd also like to ask that both our art and public spaces committee and the Parks Department consider recreation as a primary purpose for our parks, that on the go forward, we consider what recreational opportunities we are eliminating by the placement of some of these works, where, for example, the fishermen in the West Commons park could be seen as prohibiting youth sports activities that would otherwise be able to take place on that field. Where we don't currently have any municipally owned fields in the entire town of Moraga that are dedicated for that purpose. I like the piece of art. My children love the piece of art itself. I'm just wondering whether or not the placement is ideal, and I know that the park and recreation Master Plan speaks to part of that and for all of the people in this room, you should have, this week received your your survey as part of the park and recreation master plan. This is real. Please respond to it. Please encourage everyone you know to respond to it. This will inform our decisions on, for example, if we were to have funding to turn that field at the West Commons park into something and whether or not we would need to remove the fishermen to put it another place and make way for that type of use. Those are all of my comments on it. Do I have a motion? Should?

W

Woehleke 38:10

Should we do 6.5 first and then do them together? I think we can do them separately. Okay? I move for, I move approval of since I raised the issue. I move approve approval of 6.4 from the consent agenda as proposed,

H

Hillis 38:27

second happy to second, all in favor. Aye. Opposed. Measure carries and I was I forgot to say that thank you. Mayor, supposed to do this now we move on to item 6.5 council member willickie, would you like to begin your questioning? So 6.5

W

Woehleke 38:52

In summary, is adopting a resolution to conduct an organizational study for the town the town wide organizational assessment, so it's really mostly the town operations, and does not go beyond that. So in reviewing the materials, I have some questions, and I found some of the material to be not as specific as I would have expected, and could lead to misunderstandings, so I want to get that resolved here tonight, before we approve it. Okay.

H

Hillis 39:40

Would you like to ask staff if there's a any presentation or

W

Woehleke 39:44

No, I we can just go through it and number of questions, I'll highlight the what's what's causing me concern. And I want to start this off by saying that, you know, I totally support that periodically. Organization. Need to reassess. And you know, are they being as efficient as they can be? Are they adjusting as they need to adjust totally in favor of that? But one of the comments here, one of the actions will be to conduct a gap a gap analysis, to determine programs and services that the town is not able to deliver due to resource constraints. And when I see that,

H

Hillis 40:30

and I just want to be sure this is this is questions and not comments, would you mind directing the concern with that item to staff as a question? I will thank you.

W

Woehleke 40:41

But I gotta, I gotta frame it. Okay? I'd

H

Hillis 40:43

appreciate it if you'd actually get to a question first, then you can do some framing following that.

W

Woehleke 40:48

Thank you. So I'm, I'm asking for the question is to confirm how that will be handled. And my concern is that without definition, you know, it gives me no understanding of of, you know, not able to deliver due to resource constraints. Is that potentially broadening out what the staff is to do, you know, I'm used to seeing a design basis, or something that sets sort of what the expectations are. Are we trying to to model Danville, for example, or are there certain metrics that the consultant has that will they will use for measuring how miragas handles those particular activities or functions.

A

AdminSvcs 41:51

Katie, do you understand the Yes, I think I understand what you're asking

W

Woehleke 41:55

right now. Right now comes across to me as being very, very broad, and since we're, you know, going forward on this, and I want to set, you know, forgive me, Mayor, but I want to set an expectation or a rationale why I'm asking this, and that is, I have the experience in the past of raising the question on something that has been acted on by the town council, Council Member, and the council and

H

Hillis 42:20

council member, if you would allow staff to please answer the question, you can make your comments when we get to comments. Thank you.

A

AdminSvcs 42:28

Katie. Katie brenter, Administrative Services Director, so the organizational assessment, part of why the primary objectives are somewhat broad is because they are going to be interviewing staff across all levels of the organization. We are not looking to expand services. We're not looking to expand staffing, but it's having a good understanding of what we are providing. And then we are working with these consultants, because they have expertise in other cities of similar sizes across the state, to be able to write us examples of what works well, where we can find efficiencies, what how we might shift, or consider something that maybe is not in our awareness based on our current staff's experience. And so it's really to and to give us that interactive process between an interview to make sure that it is not just a plan that's been developed for another city within the state, but to make a plan that is actionable and with recommendations that we can put to place that will work for Moraga and for the the organization that we currently have.

W

Woehleke 43:38

Thank you so good. I'm glad that's now in the public record. The next the next question concerns the paragraph that starts off saying MRG is an experienced full service consulting firm dedicated to assisting public sector agencies in attaining their strategic goals. Are they going to be using the strategic goals that we create and update every year as those strategic goals, or are there going to be other strategic goals developed to that they're going to use for measurement

A

AdminSvcs 44:19

so our town council goals and priorities, which are set every, every year, every two years, as part of the budget process. That is a staff that's our guiding principle. And so we have to that is what we are working towards. And so they will make sure that they take that into consideration as they're working with us on developing that assessment, so it's not adding to it or providing, you know, other strategic goals outside of Council as policy makers, but to really make sure that we're working with an alignment to those and you know what, how we may be able to, as our organization set up, do. We Is there a resource gap, even if we maybe do not have the resource if we even if we're not looking to expand services or to expand resources, sometimes acknowledging that gap and finding creative ways to be able to achieve the goal is still a necessary conversation.

W

Woehleke 45:17

Thank you. Good to hear. The next question still related to that is, was consideration given to creating a set of long term strategic goals specific for the organization, as opposed to the strategic, strategic goals that we address on an annual basis or biannual basis? Which are, you know, broader,

A

AdminSvcs 45:43

I think your short term and your long term strategic planning goes hand in hand. And while the strategic goals and priorities of council may change, you know every every so often and are looking at more of a short term work plan. There are some foundational services that the town will continue to provide, even as those Council priorities shift it. You know, each each cycle that we develop the goals, and so I think they go again, go hand in hand and making sure that we're providing, that the town is providing the core services to the community that we're supposed to be in the most efficient and effective way, and then we can and that we're also working towards achieving the council goals and priorities.

W

Woehleke 46:28

Thank you. The next question, read it as follows, the proposed organizational assessment will provide the town's executive team with key data to strategically plan for the current and future needs. Help me understand that for future needs, why is that a lighted here?

A

AdminSvcs 46:52

Um, I can say, I've, I've, I'm reaching my two year anniversary with the town. And in my tenure, we've created, we have five Council, five broad goals and top 10 priorities. We have a balanced budget. We've created a 10 year financial strategic general plan, Strategic Plan forecast. We are aware of the challenges that are facing the town. And so this kind of phase of where we are is a great time for planning and and taking an assessment and a check of not only what do we need for the near future, but looking longer term, how can we continue to provide the services with the challenges that we are aware of, knowing that there may be Other challenges and opportunities that come up unexpectedly. So did I answer your question?

W

Woehleke 47:46

It's, it's, it's a, it's, it's helpful. Thank you. That same sentence really focuses on MRG communicating the results to the executive team. Is there consideration being given to also communicating those results to the town council,

A

AdminSvcs 48:07

absolutely, and that will definitely be a part of the process. But we also want to make sure that the recommendations and the plan for implementation and the prioritization is really established and worked through with the executive team to make sure that our executive team is alignment so then we can bring that forward for a realistic and actionable plan to the council.

W

Woehleke 48:29

And the last question concerns the last sentence of the next steps, which says, once the assessment and recommendations are finalized, staff will begin implementing the recommendations is that after the town council has a chance to look at it, yes. Okay, yes. Thank you. Right.

H

Hillis 48:48

Are there any other questions from Council? Any comments council member willickie

W

Woehleke 48:56

Giving background, which I would have liked to do at the beginning. The reason I I'm focusing on this, just so that you you know, is that at times I have in the past raised issues on activities that were previously approved by the town council. And the response is, well, that's already been approved by the town council. So I really wanted to try to address some of these loose ends that I consider to be loose ends prior to approval, get it in the record, so that we, we have a at least I have a comfort confidence in how it's going to be progressed. Thank you. My comments,

H

Hillis 49:38

and I, I will make some comments here as well. I just want to set the expectation that we will be following proper parliamentary procedure as long as I am mayor. And it has always been the case that we have council member questions, we have public comment and then we have council member comments. That will be the case on every item going forward. There have been other council members. Other than you tonight, where I've reminded them of the same and I will continue to do so. Thank you, Mr.

T

Town Manager 50:06

Mayor, Members of Council, I think it was good, good Q and A and staff appreciates opportunity to respond to the questions and provide clarity. Just a simple reminder, a reminder the council's sets direction right and you approve a budget, you give us a direction. Make decisions, we go implement them. So this is really helping us to make sure we're implementing your direction as efficiently as possible, your mission statements on the front page of the agenda packet, and your five broad goals and 10 top priorities, that's throughout our documents. We adhere to them, but I will share council that at times we have to do an internal review of how we deliver services. We're a very lean machine here, with 42 employees, right? We rely a lot on contract employees of others, other service providers, consultants and so on. We have some consultant items on the agenda for tonight, but we do need to make sure that we're not suffering from myopia and that we're not aware we're not being aware of what's going on elsewhere. Can some services be done more effectively? A different way? Should we reorganize, restructure and bringing in an outside expert who knows what's going on throughout California and in cities of our size and structure that that's really helpful to us, but I do want to make my commitment that I've made to each of you this is we're very transparent, very direct here. We're not trying to grow the organization. We're not trying to use this as a reason to raise salaries or Add Expense or do anything like that. It's truly Hey. Are we providing services the best way? One example is the way we deal with our facilities maintenance and our park landscaping and park facilities maintenance. It's a little bit different here, and we just want to know, is there a better way to do stuff like that? But it's a way to make us better, more of an internal look, and where we need Council authorization. If we were to come back and look at a restructuring we'd be at back in the chamber here with a recommendation. So that's why we're doing this.

H

Hillis 52:06

Thank you. I think we're ready for a motion. Yes. Public comment. Please. No public comment. I think we're ready for a motion.

W

Woehleke 52:15

I move that we adopt Consent Agenda Item 6.5

H

Hillis 52:21

as proposed. Second, happy second, all in favor, aye, and Motion carries, and now we are to announcement and report on activities. Let's start with council member woolky.

W

Woehleke 52:42

Thank you, Mayor. So completing here now we've had the quiet period for the town council holidays and the break. I have basically one thing to report on, and that is that on December 14, the first day of Hanukkah. I had the honor to attend the Hanukkah lighting first night in Lafayette, representing Moraga, along with the Mayors of Orinda and Lafayette. And that was a unusual event, a poignant event, because that was also the day of the massacre in Bandai Australia. Bandai, I just want to give a couple observations for everybody. One of them is that there, certainly there was a juxtaposition of people being concerned, and as evidenced by someone come coming up and asking, you know, what's the what's the drone doing up there, and are there police nearby? And the answer was, well, both were connected with the police, but also at the same time, an unwillingness to let evil take control of their lives. And so it was joyous, but at the same time, the rabbis talked about the fact that it was the Shabbat organization that that organized that lighting, and that's the same organization that arranged the Bandai first lighting. And the rabbi there at the Lafayette knew the rabbi in Bondi who died. And so there was an interesting, not interesting, but point of time my, my one recommendation is that it started at four o'clock in the afternoon, and when we lit the flames and the three mayors got to or the two mayors and me got to participate in that it was. Light, and that might be a learning for Moraga. End of End of report. Thank you.

H

Hillis 55:09

Let's go to council member teal, sure.

T

Thiel 55:12

Thank you. So one item I'll report on, and most of which was contained in our consent item agenda on December 16, attended art and public spaces subcommittee hearing when we discussed the donated sculptures and locations as we saw this evening. In addition, we talked about potential opportunities for historical photographs of the history of the town to be located in and around vestibule over at band shell, so something that will be forthcoming as it is developed within the subcommittee. And then we also have talked about the intent to develop something akin to a master plan identifying potential locations for future art in town Managed Property.

H

Hillis 55:58

Thank you, Councilmember, Molly. I have no report. Thank you. Vice Mayor Dolan, hi.

D

Dolan 56:06

I had the opportunity to attend the most recent SWAT meeting, which stands for Southwestern Area Transportation Committee. Mayor Hillis is the assigned council member but couldn't attend. It was a very light agenda. They basically just elected new officers. It's done on a rotational basis, and we recently cycled through as officers when Renata served on those boards, and we won't be back in that role for another couple of years. That's it.

H

Hillis 56:45

Thank you. Do you have a few things to update us on see first, and I think some of them remain in the audience. I'm grateful to all of the Moraga residents who came out to my first coffee with the mayor this last week. I appreciated all of your comments and the engagement. I'm going to try to hold these every month throughout this year, alternating locations and also alternating both in person and virtual events. I really find that this is a fantastic way to really hear on the ground, what residents feel about the different things going on in our town? To the question that was raised by several of those still in attendance on a public forum for them to ask questions of their county supervisor. I did transmit that request to supervisor Candace Anderson and to her Moraga staffer, Jill Ray Jill was going to be here tonight, actually, to provide her contact information and answer some questions. Unfortunately, she wasn't able to make it, but our staff does have her contact and can provide that with you after the meeting, as was indicated. This is a county project. This is really where your efforts should be focused, but we are more than happy as your council to receive your comments as they come. At the last Council meeting, I also shared two particular gifts with my colleagues. They were books. One was abundance by a person who I actually knew as an intern with me on Howard Dean's presidential campaign as recline, and also another one by a consultant on large public infrastructure projects called how big things get done together, from my perspective, they helped to tell the story both about how our town got to where it is today, which I wouldn't say is especially healthy. It's pretty, but it definitely has issues, which we will talk about later. And also, well, actually, I have some more comments. It's pretty an isolated community with two dead strip malls. And also, the other book is providing advice in the pitfalls that can be avoided when you embark on really ambitious projects that everyone gets excited about. One of the things that from the data, they show that most projects look at California, high speed rail, come at come forward with very ambitious targets, a Pollyanna budget, they then get to the ground. They it takes far longer than it does to create what they originally had proposed. The proposal typically falls short, and it comes in way after people expected. And this isn't something that's just for California High Speed Rail. The data actually shows this is a how many things result in 90% of projects, and that goes from home remodels to building a bridge. And there's a variety of different reasons. I'm not going to give you the full book report. I'm hoping that my colleagues would look this over, because I do believe there are some good lessons for us to learn as we embark on really starting the next chapter of this town. I was both joyful and concerned for reasons that were raised by council member woollaki That on Moraga is first Hanukkah menorah lighting last month. I was glad that after years of effort to get that event here, that we were able to actually see it through. I thank Rabbi Perlman and temple Isaiah for putting it together and actually purchasing the menorah for our town. I also want to thank all of the residents, both Jewish and not who came to show their support at this event. It really meant a lot to my family, where we celebrate both Christmas and Hanukkah, and to my young children, who finally got to see the town menorah next to the Christmas tree over the holiday break, I was horrified to learn that the mayor of Richmond, Eduardo Martinez, while we were all

celebrating Hanukkah, chose to spread vile misinformation online regarding the murder of Jews celebrating Hanukkah In Australia, not to get too much into it, but specifically, he called it a false flag operation carried out by other Jews. He also said much worse, as a result, I helped to lead the circulation of a letter signed by over 80 current and former elected officials, largely in Contra Costa County, but also as far away as Marin and Napa County and Santa Clara County, recommending and calling, demanding that Mayor Martinez take specific actions enumerated in that letter as steps towards restorative justice for the multiple postings on this and other anti semitic comments that he has made in recent years, some calling for violence and even the death of certain individuals he didn't agree with. To that end, I also provided public comment at the Richmond City Council meeting earlier this month on an item that was raised by one of by their vice mayor, calling for the censure of Mayor Martinez. Unfortunately, that measure failed. It will come back up again at their next council meeting. If I am able, I will be there to speak for it, as my wife's family has lived in the city of Richmond for over four decades. My young family members live in the city of Richmond. They were afraid to come to the meeting, and if you watch the meeting, you can see why the same people that rightly call out ice for wearing face coverings were themselves wearing face coverings supporting the misinformation that was being spread by their mayor. That's enough on that comment. We will provide additional updates as we go now we will move on to public hearings.

H

Hillis 1:03:30

Staff, do you have a presentation for item eight? A good

P

Planning Dir 1:03:38

evening. Council members, SUNY as well playing director. Do not have a PowerPoint as this matter was presented to you on November 12, and this is a second public hearing. We are required to offer a public hearing for this item. This is the matter is to waive the second reading and adopt an ordinance repealing and replacing Moraga Municipal Code, Chapter 15.04 the which is the building code. Like the we have a brief stuff report in your packet. Nothing has changed since the first time that this item was before you, where we introduced the ordinance. I did want to just provide the update that, as the staff report includes Part seven of the wildlife, wildland urban interface code and part nine of the fire code are not part of this action item that is will come to your board after the Moraga or window fire board takes action on January 21 so we will have an item for your consideration at that point. But other than that, and nothing has changed since the first time that you saw this.

H

Hillis 1:04:42

Thank you. Are there any questions from Council on this item? And now I realize I should have done the double double gavel cap tap when I open the public hearing. I'm still learning opening the public hearing. Are there any public comments on this item? If you wouldn't. Mind if you do have a question, if you can come up to the podium and restate your name, please, I'm sorry.

S

Speaker 2 1:05:10

Katherine Brown, what did you comment on the wildfire?

P

Planning Dir 1:05:13

I'm sorry. Oh, no. No. Need to apologize. What I said was that the item before the council this evening does not include in the ratification of the wild wildland urban interface code, which will go before the Moraga or into fire board first, and the town will just ratify that.

S

Speaker 2 1:05:32

Thank you. Am I allowed to make a comment on something else

H

Hillis 1:05:35

you have two minutes? Great. No, on this item.

S

Speaker 2 1:05:39

Oh, on this item? Nope, it was on yours. Sorry, I wish I would have brought it up.

H

Hillis 1:05:45

Thank you. Any other questions from the public on this item? With that, I will close the public hearing. Is there? Do we have any comments from the comp the council looks like we have one from council member willieckie.

W

Woehleke 1:06:02

So just a little bit of history, and I've provided humor for staff in the past. This, this comes up periodically and historically. I've actually tried to go through the code, and I always found it disturbing that every area that is modified is justified based upon either extreme temperatures, extreme wind, extreme earthquakes, extreme rain. We live in a location according to the description here, of a very extreme place, and I understand they do that so that it can be justified, and no one can, you know, but you know, we also are in an environment where housing is exceedingly expensive, and this is part of the reason, and that's my comment.

H

Hillis 1:07:05

Thank you. Any other I hope I provided humor in the past, I gave up any other comments by council, if

T

Thiel 1:07:13

it's helpful. As someone who's gone to architecture school, has a degree in environmental design and has worked 20 years in the profession of Design and Construction Project Management, just speaking on behalf of code adoption and code changes as they do come up, the majority of them are for health, safety, habitability, energy efficiency and in general, the majority of what we're looking at is in that case. And yes, additional requirements do drive additional costs of construction. There's a good correlation to that, along with the efficiency in which that construction is performed. But overall, I think the intent is to provide a better quality of a housing and or commercial office product in the built environment.

H

Hillis 1:07:58

Thank you. Vice Mayor, Council Member Molyneux, no, okay, I think we're ready then for a motion.

W

Woehleke 1:08:08

Move approval of public hearing, Item eight, as proposed, second, happy to second. Thank you,

H

Hillis 1:08:19

all in favor, aye, aye. Aye Opposed measure passes, and now we are on to Item nine. Department reports first item item nine, a adopt a resolution allocating the FY, 2024, 2025, general purpose fund, unassigned fund balance staff. Do we have a report?

T

Town Manager 1:08:45

Administrative Services Director Katie Brent will give that report. I

A

AdminSvcs 1:09:00

you. Okay. Good evening, mayor and council members. Katie breuner, Administrative Services Director, this evening, I will provide a presentation on our recommended allocation and appropriation of the fiscal year, 2024 25 general purpose, unassigned fund balance. Before I get started, I'd like to note that this item was presented to the audit and finance committee for their feedback and comments on December 2, and the AFC committee supported the recommendations as presented this report and presentation is only on our general purpose Fund, which is the main town's main operating fund. It does not address any other funds or special revenue funds. So the town's general fund reserve policy was last updated in March 2025 we are. Are required to maintain a reserve of 50% of the adopted operating budget, and then it allows council to allocate funds in excess of that 50% reserve level to one time uses. And then we also made an accounting change to designate our reserve as a committed fund balance designation, which makes it easier to kind of find what the available fund balance is on on our audited financial statements. So our 50% reserve requirement is calculated based on our adopter, adopted operating budget. So you can see that in fiscal year 24 our 50% reserve requirement was \$6.4 million and that was based on an adopted operating budget of \$12.88 million of FISC, which was our fiscal year 25 operating budget our so at the end of fiscal year 25 which just ended June 30, 2025 our 50% reserve requirement was \$6.6 million based on our adopted fiscal year 26 operating budget. And then our 50% reserve requirement is known for the end of this fiscal year, which is \$6.8 million because we operate on a two year budget cycle. So for the fiscal year ending June 30, 2025 the general purpose funds, unassigned fund balance is \$367,873 during last fiscal year, we had revenues and transfers in totaled \$12.56 million and expenditures and transfers out totaled \$13.38 million the transfers out, I want to specifically call they were totaled one and a half million dollars, and that was a transfer of \$500,000 to the town's pension trust and then a million dollars to the asset replacement fund. And that one and a half million dollars represented the amount that we our fund balance exceeded our 50% reserve requirement at the end of your 24 the general fund reserves balance is \$6.8 million which is equal to 50% of the town's adopted fiscal year 27 budget. And we staff recommend funding the reserve using next year's operating budget, because the two year adopted budget revenues are equal are projected to equal expenditures, and so we're not projecting at this time, any additional funding to fund reserves at the end of this fiscal year. And then I'd also like to note that our general fund reserve does not include the town's pension trust that is held in a separate fund set aside for to offset future pension costs. So staff is recommending to allocate the \$367,000 of unassigned fund balance for one time purposes, as allowed by the Reserve policy. All of the recommendations are related to a town council goal or priority, which were adopted by council in February of 2025, and so staff's recommendations

are to allocate \$125,000 for a revenue study, which will help address the town Council's priority of completing a long term financial strategic plan in March 2025 both the audit and finance committee and Council were presented with a 10 year general fund financial forecast, which projects deficits in future fiscal years. And so while we're balanced revenues for this current budget cycle, revenues are projected to equal expenditures, and we are expecting that beyond fiscal year 27 reoccurring revenues will not be able to keep up with projected expenditures. So a revenue study will identify options for funding capital improvement projects and town operations to help mitigate future deficits, with a focus on the town's lighting district, the Paulos, Colorado's developer funds and then other potential revenue opportunities. Second Staff recommends transferring the balance, which is about \$108,000 to the town's asset replacement Fund, which supports the council's goal of maintaining town infrastructure. The asset replacement fund is used for equipment and vehicle replacement as well as improvements to the town buildings, parks and facilities. There's no ongoing, reoccurring revenue source for the asset replacement fund. So we typically have historically funded it through one time contributions at the end of the fiscal year. Then we are also recommending \$75,000 for an economic development and land use consultant for analysis and identification of infill and mixed development on. Opportunities, design and infrastructure funding options. This supports the council goal and priority to redevelop the ream shopping center, the Moraga center and other town commercial corridors. And there is an item for recommending an awarding of this contract later this evening. And then last is recommending \$60,000 for an assessment of the town's organizational structure, which I answered questions on early this evening to identify gaps and services and recommendations for improved operating efficiencies, resource allocation and service delivery methods. So the recommended action this evening is for your council to adopt a resolution approving the appropriation of the fiscal year, 2024 25 general purpose, unassigned fund balance that concludes my presentation, and I'm available for questions.

H

Hillis 1:15:48

Thank you. Are there any questions from my colleagues? I do have one seeing that no one else does. I was told that the town previously had done a revenue study in 2009 and actually had a special committee that was organized particularly, specifically to perform this. And I'm just wondering whether or not staff was at all aware of the work that was done there, and if that's at all, being utilized to inform the new study.

A

AdminSvcs 1:16:25

I am aware of a study being done. We are currently researching the information that we have available, and relevant information will definitely be taken into consideration.

H

Hillis 1:16:36

I think, from what I how it's been explained to me, many of the revenue options we're contemplating now were previously considered back with the last study as well. Thank you seeing no other questions, unless vice mayor, did you have a question? Okay, then I will open for public comments. Are there any public comments on this item? Me state your name again for the record.

S

Speaker 2 1:17:05

Katherine Brown, does this cover 9d No excuse me, 9c

H

Hillis 1:17:13

we're only on nine a for Okay? Thank

S

Speaker 2 1:17:15

you. No further comment.

H

Hillis 1:17:19

Any other public comment on this item? Seeing none. I will now open it up for council member questions. Comment. Do we have any comments? Do we have any comments? Yeah, Vice Mayor.

D

Dolan 1:17:32

So at first, when I looked at this item, I was concerned about what I read about under 90 and the improvements that we were going to have to make to comply with that new law about these meetings having basically zoom interaction with the public, and the unknown expense that that's going to require. But in speaking with the town manager, he's assured me that he believes that can be done without using these funds within the budget, and so I'm supportive of the proposal.

H

Hillis 1:18:12

Thank you council member willickie,

W

Woehleke 1:18:15

as part of the AFC committee from last year I endorsed this. Thank you.

H

Hillis 1:18:22

Any other comments? I just would like to thank staff for really finding ways to fund some of the council priorities that we've asked within our existing funds. It, of course, it's important that we remain fiscally responsible, as we also, as you indicated, will be facing some challenges in the future, but unlike many of our neighboring communities, we do not, this year have a deficit, and we will not be making cuts, and we are lucky for that reason, with that said, Do I have a motion? Council Member malio, I move

S

Speaker 8 1:19:01

under item nine A that we adopt a resolution allocating fiscal year 2024 25 general purpose fund.

D

Dolan 1:19:13

Is there a second? Second?

H

Hillis 1:19:15

All in favor. Aye Opposed Seeing none the measure passes. We now are on item 9b waiving the first reading and introduction by title only, an ordinance repealing and replacing chapter 3.04 purchasing, purchasing system of the Moraga Municipal Code relating to the town's purchasing services, supplies and equipment, adopt a resolution adopting the revised town of Moraga purchasing policy to be effective. March 1, 2026, and I think I've explained it enough. Staff. Is there a presentation? Yes.

A

AdminSvcs 1:19:56

Good evening, mayor and council members. Katie Brent. And and I will be providing an update on our recommended changes to the town's purchasing ordinance and a revised purchasing policy. So a little background. The town's purchasing system is set in Moraga Municipal Code,

MMC, chapter 3.04, the code was last updated in 2019 to increase the town manager's purchasing authority. And then the policy was updated in 2022 to incorporate state requirements for the purchasing of recycled paper products. And then staff is before you with this evening with recommended changes to both the ordinance and the purchasing policy. So to make any changes to our purchasing policy, it requires that we do the process before you who this evening to update the town's ordinance, which includes waiving the first reading of the ordinance and introducing it, which is what we're recommending this evening. And then we then have to waive the second reading and adopt the ordinance, which, if approved tonight, will take place on January 28 and then the adopted ordinance will be effective 30 days after adoption. So in this case, any recommended changes that are approved this evening will be the earliest they can be in effect is March 1, about 60 days. So because of that, staff is recommending that we simplify the ordinance and have the ordinance refer to the town's purchasing policy. If future changes to the purchasing policy are then required, staff can bring forward an updated policy to council for adoption, and then changes can be effective much sooner than 60 days. I'd also like to note staff is not recommending any changes to Chapter 3.06 of the Moraga Municipal Code, which outlines requirements under the California uniform public construction cost accounting Act, also known as coopka, which is set by California public contracting law for public projects. So the proposed purchasing ordinance still maintains the duties of the town manager or their designee as the town's purchasing agent. What it does? It removes current purchasing procedures and spending limits within the ordinance itself, and refers instead to a purchasing policy that is adopted by town council. And then it specifically adds that the purchasing policy, policy shall specify spending authority the purchasing procedures, and it clearly requires that Town Council adopts the purchasing policy by resolution, so we're not removing any authority from town council, per se, but we are rather simplifying the process by which staff can recommend changes if needed at a future date. As part of this process, staff also undertook a comprehensive update to the purchasing policy. The recommended policy increases purchases authority and competitive purchasing thresholds. It standardizes procedures and outlines all aspects of purchasing within the town. It reinforces, and I think clarifies the existing town values of ethics and transparency in purchasing, and then it continues to encourage fair and open competition among vendors. The policy was also updated to include recent changes in state law such as ab 339 which requires public agencies to give recognized employee organizations no less than 45 written days notice before issuing a request for proposal, quotes or renewing or extending contracts to perform services that are within the scope of job classifications. And it also makes allowance for single or sole source source purchasing, so exceptions to bidding requirements, and allows for the continued use of cooperative purchasing, which is a practice that the town follows today. So in the policy, staff is recommending to increase purchase limits. This is the limit the signature authority how much staff can or the town manager can purchase before bringing an item to Council for approval. So we are recommending that department directors purchasing authority increase from \$10,000 to \$30,000 that the town manager's purchase authority increase from \$25,000 to \$75,000 and then all purchases over \$75,000 shall be approved by town council. And the approver is actually a it's a multiple step approval process, so it requires all three levels of approval, with the highest level of approving being Town Council, we're recommending the increase of the purchasing authority to 75,000 to account for increases inflate in inflation and to maintain purchasing policy. Policy, the \$75,000 threshold also aligns with the informal bid threshold under the California uniform construction cost accounting Act, which allows public agencies who participate to directly negotiate and contract for public projects that cost up to \$75,000 anything above \$75,000 requires an informal or a formal bid process, and so that also streamlines efficiencies that allow staff to go out and get the bids and execute A contract in order to get the work done. We also surveyed other Contra Costa cities regarding their purchasing limits, which is detailed in the staff report and shown here. So of the 19 Contra

Costa cities that so that does not include ourselves, nine have purchasing authorities over \$60,000 and then seven or 37% have purchasing authorities greater than \$75,000 this information is based on information that's in other cities, municipal code or on a publicly available purchasing policy, and then based on an survey of recent city managers conducted by our town manager. There are many cities in Contra Costa County that are anticipating bringing forward increases to their purchasing limits in 2026 but they are not in effect yet.

A

AdminSvcs 1:26:39

So along with the increase in purchase authority, and in order to streamline processes, we're also recommending to increase informal and formal bid thresholds, and we're also recommending to have different bid thresholds based on the type of purchase that's being made. So if you're buying an item like a table or a lawn mower, we are still going to keep that informal bidding process at \$10,000 but increase that formal bidding threshold to \$75,000 or more. And some of these figures you'll notice, align with the recommended purchasing authority if we're recommending to go for services. So professional services, we're recommending an informal bid threshold of 75,000 and then a formal bidding and threshold, which would be a request for proposal or a request for qualifications at \$150,000 and then public projects are defined by California state law, the public construction contracting code. So right now they were last updated in January 2025, informal bid thresholds are for \$75,000 to \$220,000 any project above or projected to go above \$220,000 requires a formal process. And so this evening, staff has recommended recommending two actions, one, to waive the first reading and introduce by title only an ordinance repealing and replacing chapter 3.04 of the Moraga Municipal Code and adopt a resolution adopting the town of Moraga purchasing policy to be effective. March 1 2026, that concludes my presentation, and I'm available for questions. Available for questions.

H

Hillis 1:28:23

Thank you. Are there any questions from my colleagues, Council Member williekie?

W

Woehleke 1:28:31

Just me. Thank you very much for the presentation and pursuing this and from my history, you know, when I first joined the town council, the DOA, a delegation of authority for the town manager was about \$10,000 if I recall correctly, and we raised it to 25 After significant discussion. The question, that's right, we're in questions. So I see that the different cities have a wide range of doas. Did you have any ability to correlate why there was that broad range, and what characteristics of the cities determine the DOA that they provide or give.

A

AdminSvcs 1:29:27

There is no precise correlation. For example, Richmond, their municipal code points to a \$10,000 purchasing limit, and they're a larger city versus our neighbor in Lafayette, has a threshold of \$175,000 so it's across the board, from my perspective, when we tried to balance what would continue to come to what Council sees, and to make sure you guys have enough on your consent calendar agenda for purchases, also looking at stream. Mining efficiency, which is where the coop co limits come in. If the state says public projects can be, you know, just bid and bid and determined without a bid process, up to \$75,000 that helps streamline efficiency, especially if there's an emergency. And then the other thing that I'd like to point out is these are also not necessarily, while these are the limits, there are definitely instances where we as staff or your town manager might recommend that we continue to follow a formal bid process, even if it's not required, or bring items to council because they are still you know, need to have discussion and keep you informed. So it is a balancing act, and I think we tried to find that balance between alignment with other cities within the realm. The other thing, I think correlates the force work limit, the public works projects before it was updated, with \$60,000 and I think that is why some of those cities with \$60,000 have that currently as their limit, because it's not a nice round number, in my opinion, it's \$60,000 so we do think that other cities have inflators that are limits that increase every year with inflation, which I think, from my perspective, is hard, hard to track and manage of having it always changing. So trying to find that balance of what we think is a maintains transparency, maintains consistency, but still allows staff the efficiency to access the services and the products that they need to continuing.

W

Woehleke 1:31:48

So what, what is the checks check and balance on, in particular, the town manager, with regard to that authority to individually authorize expenditures up to 75,000 and the reason I asked that is, you know, we're going from 25 up to 75 and that's a significant increase, even if, on a grand scale, it's still small, but, but still,

A

AdminSvcs 1:32:16

well, to make any purchase, We still have to have sufficient appropriations. And appropriations are set by your council, and so if there is a if we have a need a staff that we think we we need a service, or we need an item, you know, vehicle, but we don't have the budget appropriation, we still have to come back to your council for authority on that increased budget appropriation. So that is one of the checks that it's the spending appropriation, our overall budget, and we bring forward a mid year budget update to your council. We often, you'll occasionally, you'll see, when we bring items for purchase authority that we if we need budget appropriation, we include that in the same item. So they, they go purchasing and budget go hand in hand, in my opinion, and they, they help you can't purchase if you don't have the budget, and if you do have the budget, you still need checks and balances on the purchase process and the authority.

W

Woehleke 1:33:23

Just one more clarification, if I can ask, but my understanding is that within a budget we can have multiple items. So again, I'm not sure we're going to get that checks and balance over all expenditures. Well, I will, you know, I'm playing devil's advocate, right?

A

AdminSvcs 1:33:43

I will say, as our, as your finance director, that we have very, very limited non personnel budgets in the town, and we do account for, I think, a great example, our vehicles. We do budget for anticipated vehicle replacement, but sometimes and equipment, but sometimes things break down, and we have to, or we, you know, I think with vehicles over the pandemic, the cost shot up astronomically more than we could have predicted. And that's when we would have to come back and say, We did our best estimate with the information we had, but we need additional funding. Or, you know, we need your authority, because the purchase exceeds the authority.

H

Hillis 1:34:30

Thank you. Are there other questions for my colleagues? Looks like the town manager has a follow up? Yeah.

T

Town Manager 1:34:37

Not, not to belabor this, Mr. Mayor, Members of Council, but for clarity, there are many. There's a series of checks and balances, no matter what the spending limits are, and that's what makes government so bureaucratic, cumbersome and slow, right? For example, on the agenda tonight is a replacement of a mower. Should be a routine thing, right? It's in the budget. Already have a mower has useful life. We need to replace it. But because the purchasing purchasing limit is low, we have to put on the agenda. That's a lot of staff work, prepare the report, etc, etc. So when the council so the checks and balances answer the council members question, initially, we come to the council with a proposed budget. Council reviews it. You approve it. So right there, you said, we're okay. We're spending X amount of money. You turn it over to your town manager to make sure we get the stuff done. Spend the money accordingly. I rely on the department heads. They rely on their their staff, etc. So that's your first first effort. Then if we're going to buy something, and there's bidding requirements, right, the departments don't get to act independently. They have stuff go through the process, as the CFO has articulated, there's a process they have to get bids under certain circumstances. So we have other staff that look at it. And if they're spending money, the accountants will look at it. Oh, is it the right fund? Is it the right account? So that's some internal checks right there. The attorneys will often look at this to make sure, are we doing it right and, etc, and then it's competitive bidding. There's a whole series of process there. Then once it's done, whether it comes to Council for approval or not, or we're done within our spending levels, we have the warrants. They're on your agenda every meeting, so you can see, how did we spend money? What do we spend money on? So we, and the taxpayers, count on you to look at those warrants make sure it makes sense. Makes sense. And today I was meeting with Councilman Wolke, and he was asking me about an expenditure with the Contra Costa County Leadership Academy, and I was able to explain what this is, what it's for. So I count on you guys to look at that. But we're not done. If it's capital projects, then there's a whole series of steps, and then we come to the Council for the acceptance of a final project. You can check there, but we're not done. When we go through our audit outside, auditors come in. They will do random samples to see how the process worked. So government's very bureaucratic, but by design to assure no abuses or theft and that type of thing. So in the department, as we talk every week, we have our weekly meaning. We look at things. So ultimately, you hold the town manager accountable. Something goes wrong and you're not happy with how the money is being spent. You just deal with the town manager so and your town attorney. So there are lots of checks and balances. So I appreciate the opportunity to spell it out, and we just want to get the stuff done for you. We want to use best management practices and be within the middle of the industry standard.

H

Hillis 1:37:21

Thank you. We'll now open this up for questions from the public. Is there any public comment on this item? Seeing none. I'll take it back to my colleagues for comments. Do we have any comments? Yes, Vice

D

Dolan 1:37:37

Mayor, thank you. Oh, I'm going to support this. I do think that getting it out of an ordinance and requiring all that rigmarole every time we want to change something is a good idea. It'll be a lot easier, and doing an ordinance is just a bloody waste of everybody's time. I support the increase in the spending limit. 25,000 was just not adequate. It just requires too much bureaucracy to get anything done. 75 is totally reasonable, I think, for a budget our size and a town our size. And one of the reasons why I think it is is because I know that 99% of the town manager city managers I've met have a strong sense of self preservation, and they know if they spend too much on something that's controversial, and they're not going to be working here. And oftentimes, I think what we'll see is, if there's anything, there'll be things that are below the limit that he'll still bring, or he or she in the future will still bring to us, because they have good judgment on on what's controversial and what isn't.

H

Hillis 1:38:58

And by way of background on your comments, I'll just highlight that our vice mayor was formerly our town manager and also the city manager of another community. So as a reason to know this, do we have any other comments from my colleagues, Council Member Wallace?

W

Woehleke 1:39:11

Thank you. And you know, I approach this to some degree that it's our responsibility represent the citizens, and I think we have to get the questions answered. You know, in my perfect world, I'd want to be able to correlate between different cities. You know what that Doa is? And you know, be it frequency of versus values or size of the total budget. Raising this to 75k will enable a streamlined approach. I absolutely agree to things like cars and, you know, police cars and things like the mower and so that's I value that, and I also value input from our former acting town manager. You're finding that right balance. I mean, there, there are negatives to going too high, and so I'm willing to go along with the 75k Thank you taking everything into account.

H

Hillis 1:40:14

Other comments,

T

Thiel 1:40:17

yeah, my only comment here is that we've got two items on today's agenda that currently would fall above the \$25,000 limit that, if we do approve this measure, would fall within the \$75,000 limit that just for us to be mindful of. I think there's a great benefit to having both of these items out in for public debate.

H

Hillis 1:40:40

Thank you. I agree council member Molly,

M

Maglio 1:40:43

and I would just like to state that I agree strongly with Vice Mayor Dolan's comments. And also I would like to compliment staff on providing us with a very reasoned approach to updating and streamlining the work that we do. And I'm very proud of our staff for doing that, and I thank you.

H

Hillis 1:41:03

And I'll end the comments with me. I'll just say that as a government relations manager for a large fortune 500 company, I see the workings of a lot of municipal governments. I when I heard of what the limit was, I asked, Why are you going so low, my typically am used to seeing things much more in line with where Lafayette is, if not higher, so I think this all the question comes down to on why the variability is, how much do you trust the people you hired? How much are you willing to do the work to actually read the documents that they provided to you? If you see a Jacuzzi in their office, maybe there's a problem. Short of that, I think that we need to trust our staff. That's why we hired them. I ask for my colleagues to support this measure, and with that, do we have a motion?

D

Dolan 1:41:55

I'll move staff's recommendation. Is

W

Woehleke 1:41:56

there a second? Second?

A

Attorney 1:41:59

This is an ordinance, so we need to actually read the title of the ordinance.

H Hillis 1:42:04
Can you read the title of the ordinance?

A Attorney 1:42:07
And there is a secret recommendation in the record. There is a sequel finding in the recommendation.

H Hillis 1:42:12
I came close to reading the whole thing myself. When I introduced this thing,

D Dolan 1:42:15
I lost my

H Hillis 1:42:22
run 9b i

D Dolan 1:42:22
All right, I move that we waive the first reading and introduce by title only an ordinance repealing and replacing chapter 3.0 of the Moraga Municipal Code relating to the town's purchases of services, supplies and equipment. Adopt a resolution adopting the revised town of Moraga purchasing policy to be effective March 120, 26 and find the ordinance and the updated purchasing policy exempt from CEQA pursuant to section 15061, b3, of the secret guidelines.

H Hillis 1:43:03
Is there a second?

S

Speaker 8 1:43:07

I'll second that motion. And does

H

Hillis 1:43:09

this require a roll call? Can I ask the town clerk to read the roll?

S

Speaker 9 1:43:15

Vice Mayor Dolan I, Council Member malio Aye, Mayor Hillis aye, Council Member Thiel aye, Council Member Wallace

H

Hillis 1:43:27

aye, motion passes. All right, we move now to item 9c regarding authorizing by minute order a services contract with cosmonaut companies town manager. Is there a presentation?

T

Town Manager 1:43:44

Mr. Mayor, Members of the Council? Yes, I will do the presentation. We have the consultant here for questions you may have before I get started. I would like to point out that this is an example of a contract, no matter what the dollar amount was, I would put on the agenda anyhow. So even with a \$75,000 limit, this would absolutely be on the agenda. The lawn mower item would not just wanted to point that out because the door was open, okay, council item number 9c It's a proposed professional services agreement with Cosmo companies for on call real estate and Economic Development Advisory Services. This item was actually a long time in the making, so I'd like to give you a little bit of background. How do we get here? What are we asking for and why? And in the audience, we have Larry Cosmo, the principal owner, CEO, President of the company, and we have Dean Isaacs, who works for Larry up here in northern California. Larry has a team up here, and Dean is based, I believe, in Foster City, and he'll be available as well. So let me we don't really have a PowerPoint, and we don't have a PowerPoint, so I have an outline I want to walk through for you. This is a. Um, pivotal moment in moraga's history, where this is with respect to land use economic development, we're shifting from the vision that the council Planning Commission has put in place over the last decade to how do we implement the vision in terms of land use economic development, five decades in the making, going back to we incorporated 1974 with the goal to preserve Moraga and deal with all the development that was happening in our part of the county. And there were a variety of land use struggles over the years. If you think back from like 1974 to about the year 2000 in there, right? Some of the subdivisions that were approved previously by the county, where they were going into place and other other issues started to started to surface, but the town's population never really grew during all this time. So in the post 2000 time frame, I just picked that looking back at what's taking place, the planning commission and council focused a lot on what is the

actual vision for us going forward? What does the general plan mean? Should have changed that type of thing. And there were a variety of zoning Revisions and Changes over the years. And just thinking through this is not an exhaustive list, but if you think about it, we had the Moraga specific plan when initially in 2010, some revisions. Since then, a lot of public meetings, a lot of vitriolic challenges and so on, fear of what it might be or might what it might not be. There were discussions and debates about the marine Valley shopping center over here, what that should be or not be, issues at the college and other parts of town, and then in the over the last few years, the council, planning commission council made changes to zoning in these areas, the Green Valley Center as well. The housing element went through an extensive process, 30 between the housing element and the General Plan update. You had at least 31 public meetings. We actually had to count them. There were 31 all over town. The housing element was adopted by the council, and it was certified by the state of California in September 2023 I believe we were one of the first ones in Contra Costa County, and one of the early batches in Northern California. So that that that is in place, and that allowed us to be able to comply with our random numbers, the regional needs, regional housing needs assessment. So we have to do is, I think it's 1120 something like that, 118 units, whatever that number is, and a certain percentage have to be for very low income, low income, moderate and upper income. Moraga doesn't produce that many houses on an annual basis. In some years we produce none, and if you and then other years a few ADUs. So we were challenged. So the council, after holding many, many public meetings, decided we're going to do some rezoning with the emphasis on infill development. So unlike a lot of other cities and towns in our county, this council decided we're not going to satisfy the arena numbers by sprawling out with new subdivisions going into what are open space areas or ridge lines or hillsides and that type of thing. You said you want to protect those you also said you want to maintain the integrity of the r1 neighborhoods. So you're going to do in fill. So we were going to achieve those numbers by having the development primarily in the Moraga center, Green Valley shopping center and some other commercial corridor sites. It took a lot of effort to get to that point. The state of California was very pleased with that, and they're not coming after us. So you have that certified housing element. The General Plan was updated in November 2024 I believe it went into effect about a year ago or so, and that's in place until 2024 in fact, we received awards from planning agencies and professional associations acknowledging this community's effort along the way. We also have approved housing opportunity sites at the Moraga Center and the Reem center, and we were does we were provided a pro housing designation. We also want to throw in receive a triple A credit rating by Standard and Poor's in the middle of all this. But we largely received not, not, not just because of our reserves, our physical prudence and so on, but because of how we were approaching land use and housing that came right out. Senator pores came out. So this rating is not just based on your financials, but it's also based on the future of Moraga and how you're embracing it. That's pretty cool. All right, so you did that, created the vision. Now we've heard some frustration from Planning Commission, council residents, others about, okay, you've done all this. Where's the infield development? Where are the nice restaurants, the nice stores? Where is the affordable housing? Or just, where is housing for people in general, right? Okay, so there have been a number of projects and so on that have been approved. We do a land use update for the council. It. If you go the latest one that was done a few months back, it's very interesting. If you look at the highlights, 345, Park Street, right across the street here, 49 units went through a process approved at the planning commission level, approved bike by Council. The funding has been achieved. That project was very hard and difficult to do. It will move forward when the property owner and developer are ready to go, but they have the entitlements and they have the funding, so eventually there'll be 49 units for seniors income restricted. So that's a step in the right direction. We still have a ways to go. We had 1600 School Street multifamily apartment building for a number of units. I can't remember the number of units, 5560, whatever that number was, 66 or 66 with five of

them or 10% would be affordable. That's in litigation. Eventually, something will happen there. The developer, property owner have legal rights to build there. Maybe it'll be more units, maybe less. But that meets the middle market and the affordable market. So in the state loves that project, by the way, we also had so there's some other housing projects working their way through. There's Paulos, Colorado, so that's been in the works since 1986 but they're out trying to get bids to build those single family homes. 120 plus homes. We have area 15, area 17, otherwise known as Moraga terrace, that's about 30 homes or so that's working there its way through the process. And there's some smaller ones. There's one that's going through grading and stuff right now that had filled the states, right? And actually, we have some applicants that are working with us on some other projects at ream center. They're talking with a really good developer to do some some work there, and then, then, and there are others that then there's other economic activity, in terms of the Grocery Outlet project, that'll be a really nice grocery store right next door under construction. CVS did some facade improvements. We have a couple restaurants coming on the Reem center. And I did mention the Reem center looking at housing. We're very excited, excited about that the ream center in this area supported evolving into the de facto downtown, and we actually have interest on properties on Reem Boulevard right now. So and exciting on 380 Moraga Road. I can't reveal much now because it's going through the process, but there's a high quality developer that that's looking at that. Another example of how the development is working on this side of town, St Mary's College, you have the college president come to speak to you at the beginning. You'll recall the public meetings that took place in here, at the planning commission level, the council level, for some of their projects. The rugby field house project to \$10 million dollar plus project lights on the sporting facilities for the baseball stadium, softball stadium, as well as the St Mary's stadium itself. The light fixtures are light poles, or, if they're not on campus now, they'll be there within the next few days, and those lights will be in place, hopefully by the first game of the season, if not early on in the season. There's a lot of other projects being contemplated at the college as well. It's really, really exciting. Those are just some of the examples, right? So, okay, that stuff is going but, but what about the rundown shopping centers, or this, that and the other thing, we get a lot of questions, and I was thinking about this the council and the planning commission hear from multiple parties the staff. We hear from the multiple parties. And if you think about it, we have the desire of the Commission and the council itself for the new zoning that you went through an extensive process for to be implemented, right? We have the desire of residents who come to you all the time. Mr.

T

Town Manager 1:53:39

Wolocke, when you were doing your talks with the various groups, you heard over and over. I was at some of these meetings. When will the infield projects come? When will the rundown centers be turned around? When will we get nice restaurants? Right? I was there with you. We heard him, Council Member, Meyers. You were there too. All of you have your constituents who come at you all the time. I get it. There's people running out of patience. We have developers and businesses from the outside who would love to be here. They have frustration. Why can't we come in? We have businesses that are here. Why can't I do improvements to my property? So we have that. We also have St Mary's College, the High School District and the Moraga School District, they're frustrated with declining enrollment. The public schools rely on ADA funding, but if enrollments are declining, that hurts them, so they want to see the infill development take place so their financials will look better. We heard from a gentleman about code compliance. Residents come at you all the time, they file formal complaints with us about the rundown nature of some of the properties or code or code violations or potential code

violations. So we're trying to balance their interest. They want to see infill development. Then we have the issue of aging and failing public infrastructure, street, sidewalks, drainage, buildings, etc. We know we have. To deal with that measure. K has been a godsend, Godsend for our streets. But we have sidewalks that we have to deal with. We have facilities that we have to deal with. There are these pressures. The infield development will cure a lot of this. There's pressure by the state to produce more housing in general and affordable housing in particular. Okay, so we have our new housing element, that's great. They update a general plan. But if we don't produce the units, ultimately, at the end of this cycle, the 2023 to 2031 cycle for the random numbers, if we don't produce we're going to have to deal with that. And we have other pressures. In terms of you heard about fire safety, evacuations and all that, a lot of this infill development will cure those challenges. So I'm not offering opinions. These are just facts, as we have to deal with it so and we have to balance property owners of these centers, they have the right not to develop they have the right not to make money, they have the right not to monetize their asset. We understand that, but we're trying to balance it all. So, okay, what type of implementation tools can we have? Well, people talked about, well, let's do it. Deal with it through zoning. Let's deal with it through increased code enforcement, vacancy tax or outright subsidized development. Let's use some of our reserves to help pay for development or go to the state of California. Are there outside forces, OPM, other people's money, we could look at infrastructure financing districts, Korea's eminent domain for public benefit, that type of thing. We've heard about that. Okay, so, having said all this, in Moraga, we don't have in house economic development staff. Your economic development staff is Sonia and myself and some of our our staff. So we cities communities like or municipalities like Moraga, we rely on consultants to help us. So there are a variety of consultants that operate in this space. We've talked to a number of them, so we're recommending one firm that has a solid track record dealing with exactly these type of issues throughout California they have. The firm are recommending is the cosmonaut companies. They have extensive experience over decades of working in Northern and Southern California and other parts of California. So by bringing in an outside expert, we will be able to identify economic development tools that we might want for our toolbox. They have their fingers on the pulse of what's going on in California, what's working, what's not working, what are the best management practices? What do communities like Moraga do at this stage in its evolution and its history? So having said all that, Mr. Cosmont, Mr. Isaacs, are here in the audience. I'm done with my comments. Unless you have questions of your staff. But Mr. Cosma can come up here, he can answer your questions, or he can tell you a little bit about his firm. He's been here on more than one occasion, and he's, he's met with the college president, he's met with some others. He's met with Dave brezzoni, and I think he's had, I know he's had an interaction with Jake Kerner, of us Realty partners, and he knows about some of the other things going on in our region. So we can have him come up if you want to do Q and A with him about this fine, or he can just talk to you about his observations. So that's my that's my presentation. Thank you.

H

Hillis 1:58:18

Before we do, I'd like to ask my colleagues, did they have any questions the town manager before we ask Mr. Cosmont to come up and field some questions.

W Woehleke 1:58:29

I'm okay, but we've been at this for two hours.

H Hillis 1:58:35

I'm good. I think we're fine. So to that end, Mr. Cosmonaut, would you like to come up and speak to the Council? Mr.

S

Speaker 11 1:58:45

Mayor, Town Council. Thank you, Scott for the good overview and introduction. Our firm has been in business since 1986 I'm a former city manager. Had that affliction. Share it with a couple people in the room. I'm a finance and economics expert in public private transactions. Our firm was created in 86 as a result of the need to put together public financing, public capital stacks, with private capital stacks so that we can move communities forward. And that's the essence of our firms. We have three companies. One is an Economic Development Advisory company, the other is a real estate transaction firm, and the other firm is a public finance registered, or public finance advisory firm registered with the SEC. The reason we have those three companies is because, as we have found over the decades of doing this, there's just not one skill set that gets you delivery of a good result over a long period of time. You really need to understand under the economic development practice, what are the fundamental economics of a region of an area, what are the strengths. Thinks, what's the demand? I mean when Scott talks about all the potential rooftops, if you really look at the numbers, it's not a large delivery of rooftops over a long period of time. So when you have that kind of circumstance, you're looking at a market that's pretty stable. At some point, it becomes more comfortable for certain property owners to do nothing, because things are good enough so demand, understanding demand and understanding how you can push or manipulate demand becomes an important equation. Part of the equation the real estate company is there because at times, it makes sense for a public agency to acquire property or trade a property or leverage the property it owns, whether it's right of way or public use property, and commingle it, trade it, leverage it, to put assets into A transaction, add a dimension to a transaction that makes it physically palatable as well as economically palatable. So we we need that skill set. We need to understand real estate values. And then finally, what you find in larger or medium sized transactions, especially in today's world where land values are high, but rents not necessarily, and so you have a gap between return and cost going in. So the public finance firm can use sort of a very unique set of financial tools that are lower priced than the private marketplace, called tax exempt financing, and under certain circumstances, you can introduce the ability to cover a certain amount of debt structure in a deal that is priced lower than the private sector can underwrite it. And that gap filling motivates investment, can motivate investment. But here's here's the reality of it. These aren't easy things to do. There is no one way to do them. They're very circumstantial. They're very prescriptive, and they're somewhat nuanced, and they do take some time. And when I go through the community, and I went through gone through it with Scott, a number of times, it's clear to me that you have some stagnated investment here, and it's also clear to me that you have an affluent community. But it seems to me that based on the balance of rooftops, economics, rents and property conditions, that there isn't it doesn't seem to be a blazing desire to make that that investment and have sort of an overhaul, if you will, of some of the larger properties. One of the issues that we all have when we deal with the public sector, but haven't been a city manager a number of times and advising hundreds of public agencies, is that the transactional perspective of moving a property along more in the vision of a community

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Speaker 11 2:03:06

based and having to contend with the tension of a marketplace that may not want to move on its own, those are very specific real estate transactions, and the reality is, the way to work on those is to take each one of those properties, do some due diligence, figure out what those current economics are. I want to go back to that, because current economics is pretty multi

dimensional, by the way, and then figure out if there are any solutions that come through zoning or financing or public property and or recruiting tenants that hadn't looked at the community. There's a number of ways to get there. The thing is, is, though, is that you really are producing a strategy that needs to be conducted, in my view, more in a closed session with city council, because you are working with a series of property owners, and you are going to be transactional with them. So tonight, what I would suggest on the on the questions and the discussion, which I'm willing to have for as long as you would like. It would be good to know that ultimately, whatever due diligence we produce we find when we go through all the properties and we look at the market dynamics, which is exactly what we're going to do, we're going to do it on a property specific basis, with the context of what that overall community can support. The transactions are really going to be property by property, and they're probably going to require some pretty specific recommendations where we would ask you, through the city attorney in the town and the city manager, the town manager for negotiation instructions so that we could be authorized to approach some of the property owners and have truly productive discussions. That's really where we have to go. So having said that, I will say this, that in general, I brought you a couple of stats. So in there are two rhna Major rhna delivery that. Lines, and one of them is in Southern California. That's in 2029 and the other one, as Scott just said, is in 31 here, I think so. 96% of the cities in Southern California have not met their sixth cycle requirements. 96% 7% only 7% have met moderate housing requirement, and 48% of the cities have not built one single, very low housing unit. So we are in the state, quickly moving to a point where this, as you know, the state has created housing as an urgency matter, which I think is good policy, because I think the state's economic environment can't really work well unless people can live here and afford to right? I think none of us would dispute that, but they've approached housing in three different ways. They've said, we're going to give you a report card, right, and we're going to see how you do. Then we're going to add other requirements, density bonus legislation, surplus land act, and at the end of it, the third piece is we're going to enforce it when you don't do well. Well, no one is doing well. So we're getting to the point where the state's going to have to reconsider how it wants to move the agenda of housing forward, which I think gives us an opportunity to figure out if there's something in it for us as we change that that perspective. But in the meantime, we're two or three years ahead of that. We're in a economic environment where the capital on the private side is really pretty sideways. I mean, if you really are in the market of doing ground up development or significant rehabilitation, what you're going to find is that it's hard for most developers to get the kind of debt coverage and rate and rate levels that would produce a decision to make the investment. So that means, if you have stable or stagnant property owners, that perhaps you can create the conditions upon which their properties would be more attractive for outside investment. It still doesn't mean that in this marketplace that we can move the outside investment to meet the desire of the change characteristics that we implemented zoning, public improvements, whatever that is, tenant recruitment, the ability, for example, to find a tenant we all love and say that we'd be willing to split the prop, the sales tax they generate after occupancy for a certain period of time. It's called a site specific tax reimbursement deal. Things like that exist, but it doesn't mean, even though we could find that and set that up, it doesn't necessarily mean that we're going to be able to get that deal done in particular if the current property owner just doesn't see a need to move that property forward. So at the end of the day, these will be specific recommendations and strategies based on what we find. They will consider how to use housing mandates and by the way, so the interesting thing about Rena, the irony of rhna and this poor scorecard, is that the state making housing an urgency matter actually matches the demand of the private sector marketplace. If you really look at all the product types, hotel, retail, office, industrial, residential in general, in almost every case, residential has the highest land residual value. So it stands to reason that if we increase density and allow it through zoning that that would motivate investment, but it doesn't, and it doesn't because the specific

characteristics of certain areas, land price, exit, rents, cost of capital, debt coverage, availability of public facilities that support a high level of investment all can work to shift the likely reason for someone to make the investment and not make it at all. So we have to compensate for all those factors by one, first, understanding what they are on a project by project basis. And then two, formulate a strategy that we can bring to you on a property specific basis in closed session, because we would have to negotiate with that property owner and see what works. That's the assignment. It's not a simple one. It's not guaranteed. But without it, or not doing it, I think you're going to sort of accomplish what you're accomplishing now, which is really not moving forward. So I think it's worth a try. I just would, would not like to think that I'm standing here saying, Oh yes, all these things will definitely work. I say maybe. And I say it's worth a shot, and I'd stop there and just be free to ask me any questions. We look forward, if you approve us tonight, we look forward to working with you. We hope that our Discovery process comes up with a couple of approaches that might get some daylight, and we hope that you'd like them and say, You know what? That makes sense to us, let's do it. And we would hope we could get a result out of that. And the more you know, the more result we get on a deal by deal basis, that leads you know, one success can lead to another. And this is, you know, not a short term cycle. We have to start somewhere, so I'll stop there and open it up for questions.

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Hillis 2:10:27

Thank you. Are there any questions for my colleagues, for Mr. Cosmont council member woollake?

W

Woehleke 2:10:37

Good to see you. Yes. I I guess the question really is so I understand that probably not a firm answer. But have you microphone? Have you been involved in developments, towns, opportunities similar to Moraga, and been able to see success in or just, I know you're located down primarily in Southern California, so, you know, huge, yeah, we are this little town out over the hills with, you know, some impediments, such as limited access. And, yeah, you know, every situation is going to be different. But yeah, have you any any past experience that? Sure.

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Speaker 11 2:11:33

So we work with communities up and down the state, you know, Napa, Sausalito, lots of different places we're about to get started, I believe in Oakland, on the properties adjacent, you know, the Coliseum properties and so on. So they all have different conditions, right? Your your isolation condition is a challenge because volume is what generates a lot of investment. There's no doubt about it. And so the acquisition of rooftops here is important. You know, to the extent that you're willing to enable density, those new rooftops could change the equation in some cases, for some uses, and that would be, you know, I don't think that's going to be a huge game changer for us, because the condition of isolation here and the access issues are really prevalent, but you also have a healthy economic population and demographic. And again, if you could add some rooftops to that, and we could find a way, in some cases, to underwrite the

economics the early year economics of certain transactions that would trigger more investment, I think we could get through that. I really do. It's just we have to find the specific circumstances to do it. So back to your point. So the projects that we work on that seem stuck are really a variety of projects, but many of them are have one circumstances similar. They're retail centers in a world that just is not retail oriented, necessarily anymore. So they cut deals 20 years ago, 20 year leases with tenants that either are sideways now or gone or should be gone. And in in many cases, in many cases, in those centers, we can introduce residential but the reality is, we face other issues, like, for example, in many of these centers. I know, if you're aware, there's things called Korea's commercial reciprocal easement agreements. Wow. What is that? Well, when shopping centers got built in the 80s and 90s, the way they finance those is to commit to five to one parking. And they that's how they got loans. And they committed to five to one parking by writing a document that records that ratio as a requirement. And they gave everyone the major vendors, Macy's, JC Penney Sears absolute veto, right? This is a un structure where if one superpower says no, there is no yes, and so you can't change the zone unless you find a way through the reciprocal easement agreement. So Macy's is shutting stores. Guess what? Guess what gets to be the highest value for them, the value of their career versus the value of their real estate? Because they hold a deal hostage. I'm just letting you know. So we have circumstances like that all the time. So what we did is we went to the legislature finally, and said, Look, how about we passed a law, which we got done this year, that enables the city to declare reciprocal easement agreement as being in contradiction to the state priority of housing, so that if a Korea does not enable housing, it basically violates state policy. It. Not a condemnation, but allows you to record a challenge. The reciprocal easement agreement on record just became law. So I think what you'll find now is that we have a way to chip away at these centers that are underdeveloped and really need residential and less retail. Now that's less of an example for Moraga, but it gives you a sense of the things sometimes we have to do to figure out a way through the market conditions that were set up in a different generation for different things. And so we deal with these kinds of nuances all the time. That's what we're going to be looking for. Can we find a zoning provision? Can we find a public improvement? Can we find an overlay? Can we find something that either attacked, attracts a tenant, that changes the balance or attracts a buyer, coupled with, let's say, a financial incentive, the ability to lay let's say we want restaurants. Let's say we could convince, we could be convinced that a certain section of town would be attractive to restaurants for a variety of reasons. What have we basically said to the owner that if they bring in a sit down restaurant, you can use as part of your leasing program, a sales tax reimbursement, post occupancy, they have to open for a prescribed period of time. But for that concession, we need to both agree on what the what the retail lease rate would be, because why give them the owner of that property? Why give them the opportunity to market our subsidized dollars without them, marketing or rent that made sense in the marketplace, sense for them, sense for us. So that might be a specific scalpel type tool that would get some users that we want. Those are the kinds of things that we do. And again, there's no silver bullet here, but those are the kinds of things that could work. So we'll dissect it, we'll be talking to you, we'll see what we see, and then, you know, if it makes sense, we'll go forward. If it doesn't, you know next? I mean, you might say, You know what? Okay, we've had enough of you guys next. I you know that can happen. It sure, it sure can. I understand there's no absolute fix here. There's just a willingness to try. We'll bring our expertise. I can see that you're inclined to move this forward, and maybe we can make something happen. I'm hoping we can. Just gonna get some water over

W

Woehleke 2:17:29

here. No further questions.

H

Hillis 2:17:32

Any other questions for my colleagues? It looks like councilmember teal, yeah.

T

Thiel 2:17:41

So first, thank you. You've spoken obviously to your expertise in commercial property engagement. Could you provide us with some history of the level and extent of community engagement that you and your company have performed?

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Speaker 11 2:17:54

Yeah, so we, we're always in the middle of community engagement. It's just no way to really produce public private projects without community support, because it puts all of us out in the limit. It just makes no sense. So what we like to do is bring in another firm that really is responsible for the public dialog, and we support that with our baseline studies, the kinds of suggestions that we speak about here, you know, for us to be effective, for you, I think we're there as a subject matter or a transactional expert, not trying to teach anything really, just trying to explain how this circumstance might work. And then you really want a third party that is user friendly and articulate enough to say, let's have a conversation about it. But what we're very good at is in those breakout sessions, are folks like Dean and others know how to have that conversation. There will be, there's always heated moments, but we really understand that the whole point is to get people first to understand the concept and then to let them articulate the way that they'd like to, you know, have you know how they feel about these things, and it's ultimately your decision anyway, as you know. So, yeah, I think we're very comfortable with that, and we encourage it. You cannot. You can't have changes in zoning or significant shifts in public infrastructure investment, or decisions on overlays on property, or decision to acquire a property that's been on the public on the private marketplace, but you're buying it as a public agency to turn around and get involved in the deal without having a whole discussion with your constituent family makes no sense.

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Thiel 2:19:40

Thank you. Thank you. And second question, does cosmonaut or any of your three companies have any letters of intent or memorandums of understanding or non disclosure agreements with any of the property owners in the town of Moraga?

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Speaker 11 2:19:56

Not that I know of. We know some of the property owners, but. I don't, and we would do a full check before we can sign anything or and if we do, we would disclose it. And then you would decide if that disclosure really impedes our ability to move forward or not. And by the way, we really like to disclose early and fully, because the only way I can do this for 40 years is when people know exactly where we've been and where we have a relationship with and after doing this a long time, inevitably, we are going to know some tenants, some lenders, some investors, some developers. We already do here. And so knowing them is one thing, having been engaged by them over the years is another, and being currently engaged by them now somewhere else, let's say is also another level of disclosure. We'll look at all of those.

T

Thiel 2:20:45

Thank you for the transparency. And just in parallel to that conversation, cosmonaut doesn't have any investments currently in town of Moraga, right?

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Speaker 11 2:20:54

Great. Cosmonaut, as a company, makes no investments in any community. I as an individual and the owner at the company can and do make investments over the years when I've done that, always, always have done it as a minority investor, so I can still disclose it to the city attorney and to my bosses, but being a minority investor means I really don't have any decision making authority.

T

Thiel 2:21:16

Anyway, understood. So that's how I structured it. Great. Thank you.

H

Hillis 2:21:20

Any other questions for my colleagues? Seeing none. We'll open up the public comment period. And I do have one public comment that was submitted. Ben Rojas, sure, yeah.

S

Speaker 12 2:21:38

Hello, you guys hear me. Yes. Hi. My name is Ben Rojas. I'm a local resident and the owner of La Chamba ta Korea. There you go. And I think it's great. So came here say, read about the the potential for hiring on the consultant. And I think all I've had many conversations with many of the council members and prior mayors about my opinion, I come from a real estate background. I do think there is a need for some development in Moraga. I think the town's little stale. We have limited population owning the business and running the business for two years now. It's an interesting little town. We have huge fluctuations in sales based on seasonality of the schools, and it's going to take someone to really understand the market to be able to make informed decisions and be able to help the town grow. That being said, I did take a look at Mr. Cause, months company and a couple of the projects that they have highlighted on their website. And it appears to me as a lot of it's primarily formula retail. There's nothing wrong with that. I think it works in many, many cases. And just from the conversations that sound like sound like to me, that there's some horse trading to be done with the existing property owners and maybe the town, or some assets that the town may own that we're all hopefully going to improve from. But being a small business and having, after two years, finally getting this business to a place where it's profitable. My landlord rewarded me with opening a Chipotle across the street. And so I ask that in this horse trading and in this development that we just you know, don't lose the jockey. So thank you.

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Hillis 2:23:37

Thank you. Any other public comment? All right. Oh, and I did have one more card, so I saw a couple hands. All right. Well, I'll take Kathy brown first, then Bill will take you next.

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Speaker 2 2:23:54

Hi, Kathy Brown, a couple of things I want to bring to the attention of the council, just questions that I have. First of all, I think that, after looking at his site, their site, they do deal with a lot of Southern California projects. And you know, Moraga is a very unique city. I think the closest thing I can think of was Mount Shasta that they worked in. But that was the purpose. Was an entirely different purpose. So my question here is, \$60,000 is a lot of money to be spending on, basically consulting. I would definitely move to bring it out to the public. I also did not hear one thing about, you know, fire exit strategy, all that kind of stuff, which if you're building new structures. And I didn't know if we were able to get any question about if they have, if you have thought about using a local company, like, you know, Urban Land Institute, or at least looking at, you know, competitors that we can bring to the table. And I know that you were the CEO of this. Company. So I didn't, I mean not the CEO, but you worked for this company for a year down at El Segundo. So with that in mind, I really would love to see other people bring their consulting to the table and be able to bid it. Thank you.

H

Hillis 2:25:14

Thank you, Bill.

S

Speaker 13 2:25:21

Thank you. Bill Snyder, I own Moraga hardwood lumber, the a store and across the way, two retail stores in the Moraga center. Also 31 year resident in Moraga. I live on crossbred drive in Moraga, when I saw this on the agenda tonight, and I am all for bringing retail, you know, building retail and everything else. And you will probably know I've owned rock hard and lumber I planned when I bought it back in 2000 I plan on owning it for three years. I'm going on my 26th year. And so the thing is, I would have loved to own my own building and bought it from the rezonings and bought the farmers, the former ranch Foreman's house on the corner of School Street and Moraga way and everything else. And you know, they they don't sell their land. I had a great relationship with Russ, who died in June of 2001 he's been gone 25 years. Is that I too? Question possibly Southern California consultant, and maybe it should be somebody more local. \$60,000 is a lot of money, and I have seen Mayor after Mayor and town council after town council, and not a lot has changed in the last few years. So I'm asking you tonight that if we're going to go down this road that for \$60,000 instead of any closed door meetings and little consulting things like that, that maybe we'd be very transparent. And I haven't heard anything about the Chamber of Commerce in Moraga Katie here, our executive director is here tonight, and I would like to have some consideration for the local chamber that was somewhat decimated during covid, and we're back on track, we're trying to build it up. So I would like the Chamber consideration included in some conversations. Thank you, and I'm sorry my hair doesn't look very good. I wear a stocking cap all day. You guys look a lot better.

H

Hillis 2:27:08

Are there any other public comments? All right, seeing none, then I'm going to take it back to the council. Do any of my colleagues have any comments they wish to make? Town Manager, yes, town manager,

T

Town Manager 2:27:28

Mr. Mayor, Members of the Council, some very good comments. I wanted to point some couple things out here. I think it's mentioned in the staff report, but the firm has a really good track record of helping communities turn around. And there are many, many examples. I think Mr. Causemont was trying to be very polite here, but the firm has been very successful dealing with communities like this that have had challenges. I can think of many of them, and well known throughout Northern California, Central California and Southern California. So there are many, many examples, or examples you can go look at, will he guarantee turn this around? No, but what we he will guarantee is we'll understand what's going on throughout the state, what tools have been successful, and examples where they have not been successful. At the end of the day, it's all about property owners rights. If they don't want to redevelop their property, that is their right. We can't force them, but we can work on, how do we create incentives where

maybe they'll reconsider? Okay? So also on the outreach part, the Chamber president or chamber director and individuals are here because we made them aware. I sent out direct communications to Katie to make sure that the Chamber knew the rezoning family. They know us Realty partners. Made sure that they knew the college, other developers and other businesses. We did our very best to get the word out, not just relying on, oh, well, we did a public agenda. We put it out there. No, we do. We do a lot of outreach. They will all be part of this process. Mr. Cosmon, his team, will sit down with these representatives. Anybody wants to talk about it and get their input. That's part of the process. To be transparent and as inclusive as possible. We're not trying to exclude anybody. Again. We want to know what works for towns like Moraga, what doesn't work, and I believe strongly we would be negligent. You would be negligent as a governing board if we don't go down this path. If you don't like this company and you want to go with another company, fine. That's your call. That's my recommendation. I stand behind it because their track record also it's not just about retail, retail, and part of this redevelopment effort is a small part of it. Housing is the new driver in California. Mr. Cosmond articulated why. That's what the value is. So now these properties that were exclusively retail, industrial, office, etc. Of didn't have housing now have it. So there's a ton of value that's been provided to these property owners, millions, if not 10s of millions, of dollars in value. The challenge is they don't know how to do it. It's not just unique to hear it. There are a lot of examples, but there are examples of where the property owners figured out, and they figured out the state of California has created incredible financial mechanisms for these property owners to monetize their asset and make a lot of money. This is not about making money, though. It's about building a community. Because Morag is failing. The schools are hurting. Our infrastructure is hurting. Measure K is the one thing that's really helped us here. So we can't rely on the residents to step up and pay more and more tax. Taxes are high here the school just the school districts keep coming out the tax the taxpayers for more and more because the economy is not doing it. So this is really a critical time, and if you're not comfortable with this, no problem. The downward spiral can continue. But if you want to do something to implement and make change, this is it. I do. I want to, I wanted to provide an anecdote. So last night, I was in San Francisco to watch St Mary's men's basketball play the University of San Francisco. It was another great game, but before the game started, I was in the queue to get a hot dog and something to drink. So a fan on the other side from San Francisco came up to me because I was wearing my St Mary's garb, and we're starting to talk about the players on the team, right, as you normally do. And then he looked at me, and I wrote this down, but he said, Hey, how is it that such a small college like St Mary's, based in a small town like Moraga has such a great division one basketball team year after year? I looked at him, and I thought, Wow, what a great question. And I responded with, because St Mary's hired a coach that is able to develop a vision and implement it, I just said that council, that's what's facing you now. Here you this body you've implemented. You passed a great vision with the zoning and all the changes and all the public meetings and all the input. But now, now you have to figure out, how do you implement it. This firm will help us figure out how to go forward. No guarantee. St Mary's hired a great basketball coach 25 years ago. It paid off. Well, it's time we start thinking that way and figuring out how do you implement this stuff. I thought it was very timely. I thought about that short conversation over and over. That's the Moraga story. That's where we're at.

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Hillis 2:32:29

Thank you comments from my colleagues when we start at this end, Council Member willickie,

W

Woehleke 2:32:38

thank you, Mayor. First of all, I want to recognize the input from our local citizens. I guess I bring to the table here experience in this business specific to Moraga since about 1990 and that includes seven or eight years on the Design Review Board, and 10 plus years on the planning commission, and now seven years on the town council, plus Hacienda Foundation Board of Directors. And you know, during this whole period we've we've been struggling, you know, 1990 92 type timeframe, just a couple years into my services on the DRB, we were trying to figure out what to do with with the degrading Green Center shopping center and and the hang up then was that there were six different owners of it, and how do you, how do you coordinate them? But we, even back then, we knew and articulated the challenge that the answer was Multi Purpose zoning, retail and residential, you know, to with regard to the issue of so I think we need to do something. This is something new, something different. I've had, you know, some interactions with the cosmonaut company. They have certainly impressed me with the breadth and depth of the knowledge that they have in this subject, you know, the question of local versus someone out of SoCal. You know, at least since 1990 there hasn't been a local solution. So I'm I'm in favor of moving forward with this, as recommended by staff.

S

Speaker 13 2:34:35

Thank you, Vice Mayor.

D

Dolan 2:34:38

So when I decided to run for town council, the primary driver that got me out of my very comfortable, relaxing retirement was the opportunity to help get our our two commercial centers improved so. I've been here 24 and a half years, and, you know, I can't think of a single thing that's happened on either one of them, other than a bank over at Moraga Center, which is like the deadest space. I've never seen a human go in or out. And then I guess we had some pads built in ream, one of them, which remains empty, although I did it did host the Kiwanis sees candy. And so I'm really interested in this topic. If we don't move forward with something like this, we're going to get more of the same, which is nothing. And I've been in the local government, city planning, city management business for almost 40 years. Despite his youthful look, Larry cosmont has been doing this stuff almost that long or longer, and he's highly regarded in the industry, regardless of where his office is. I had some interaction with him 20 some years ago in Vallejo, when they were trying to figure out what to do with a failing fairgrounds. Should have hired him in in Pleasanton when we were trying to get our Costco deal done, and we floundered around on ourself and by ourself and made some mistakes. We probably could have used his advice. And so he's he's very qualified. We can't just do nothing, or we're going to get nothing. And I totally invite current tenants and the chamber to participate in this process. You know, when we get something that we're ready to present, we definitely want to hear those opinions, but I'm going to support this contract

H

Hillis 2:37:04

from this side of the table.

M

Maglio 2:37:11

Like councilmember wallocky, I have had a long history in this town and a very similar history on serving on the same boards and commissions. And that history goes back more than 30 years from the moment I set foot in this town, the first thing, one of the first things I did was join the Design Review Board, the planning commission, and I moved on from there. I've seen nothing in this town happen since that time. Frankly, it has been very frustrating for me to be able to be in this wonderful community with fantastic educated people who desire something more, and we've not, as a town, been able to give them more. One of the reasons that I wanted to sit on this council, and I feel so blessed to be able to be here on this council is because, as our town manager said, it is a pivotal moment. Now we are at a point where, as our town manager likes to say, the table has been set. We have done everything as a town that we are supposed to do, that we can do, and that we should do in order to bring about additional housing as well as economic development and vitality. But what we do lack at this point is expertise and staff in economic development. Because we're a small town, we just are. Are not unable to have that staff, nor are we able to have that expertise. This town will never move forward if we don't at least try. And we have a responsibility to try our best with the best people we know, the best consultants we know, the best groups we know, to be able to move forward so that we can continue to not only survive which but and the local businesses to survive, but to begin to thrive. And that's what I'd like to see. And I see light at the end of the tunnel, and I'm hopeful, and I really think that based on the cosmonaut company's expertise and track record, I think we have a responsibility to move forward with that. Thank you. Council member field,

T

Thiel 2:39:34

okay, well, as we all know, in our town, there are commercial property owners, be it ream center, Moraga center, periphery vacant lots or underperforming commercial properties who've yet to demonstrate through intent or application their future vision for Responsible redevelopment for the town of Moraga that's in alignment with, as we mentioned, our general plan housing element, zone. Zoning design guidelines. My hope is that through initiating a scope of service as detailed in this proposal here, is that this will help our commercial property owners see the possibilities that this town has created for them, equally of the few applications that have come through planning commission and recommended a Town Council for approval, some have recently met community opposition. And so my hope, equally as I mentioned in my question on community engagement, is that the scope of service will also include opportunities to engage community, educate community members, understand their future vision for their community, so that we can take a holistic approach to bring the future vision of our town For our current and our future residents.

H

Hillis 2:41:01

Thank you. Well, I will close out the comments, and I'm going to go, I've written these down just because I've been thinking about the direction that we're going almost since I first moved here. I want to start out by just saying I love Moraga. My family is currently in our second home here since 2017 this wasn't accidental. Neither of us were from here. We decided to live here, and then several years later, reaffirm that decision by getting us ourselves an even bigger

mortgage to stay here. We are committed to this town now, some tough love, some things that some of the folks in this room may not like, but I'm going to say it anyway, because it's how I feel, and is based on my expertise, what I see here and for my colleagues, a heads up, this is Meyers prerogative. I will not be brief, but I did honestly cut a lot of things out. So I tried my intent here is to be clear on the depth of the hole that we find ourselves in, so that our staff and our prospective new consultants will know exactly how much rope we need them to throw us. When Moraga was founded more than 50 years ago, the goal of many of those at the founding was to clearly stop nearly all development, and they succeeded. While I don't know if stop everything, isolate ourselves. Was there explicit goal? The results, as we look back on 50 years of our history, are clear, multiple highways or boulevards connecting us to our neighbors were blocked. Some of that is to our benefit. Some of it is to not as the comments raised about wildfire risk have certainly highlighted redevelopment agencies when that was a thing. Yeah, we weren't interested. Lafayette was and guess what? They built our downtown while we sat in our hands. Lawsuits fly over nearly every development in our town, they're abundant. I care for a different type of abundance ties with our regional neighbors. We cut them unless they all serve to maintain our isolation in our hermit kingdom. To be clear, I do not see all of these accidents as necessarily or actions as necessarily bad, though some like the lack of a redevelopment agency is idiotic, for better or worse, they created the Moraga we live in today, a scenic and uniquely isolated cul de sac community with eye popping property values and fantastic schools, yet with no downtown, few recreation amenities, other than largely unimproved open spaces and decaying relics of another age's idea for commercial districts. Through it all, we have largely ignored the one asset that Moraga has that no one else in our county can claim, the only traditional four year university in all of Contra Costa County, St Mary's College, a small school with one of the best college sports programs in the United States. More on this later on, the point of a downtown due to a combination of the above factors, coupled with landowners who seem to lack a profit motive entirely in an area we've always talked about having. A downtown the Moraga center. It's completely covered in blighted, decaying buildings, including myriad abandoned banks, rusting and broken signage, illegally constructed facilities, rotting farm equipment, an illegal RV encampment where multiple people live and multiple people have died, gas stations with wrecking yards of vehicles surrounding them along our scenic corridors, mostly vacant storefronts that aren't even available to rent as the landowner is using them to store decades worth of accumulated, who knows what, and acres and acres of land that has never been developed in human history, and I'm not overstating that if we do nothing, that will all likely remain exactly as it is now. When we hired our town manager in 2023 we tasked him to do whatever he could to improve the town's relationship with the owners of the Moraga center. And just so you know, for anyone commenting on next door on Facebook saying, Oh, this is the town that killed this. Oh, this is the town that's the reason for the road to nowhere over at the country club. No, it's not you know them. You've seen them, it's not the town. We also up zoned their entire property, potentially increasing the value of that property by many 10s of millions of dollars, potentially hundreds of millions of dollars. Yet they're still mad at us. Three years later, despite nearly daily efforts on the part of our town manager to engage with this family, despite increasing their property values exponentially, we have almost nothing to show for it, other than the family telling us they like the attention. In a perfect world, should moraga's downtown be at Moraga center? Absolutely yes. But frankly, we are all tired of beating our heads against the wall and begging the owners to participate in capitalism and making multiple futuration future generations of their family extravagantly wealthy. That is not our job. That said, it's condition as of a West Virginia s hellscape will not be allowed to continue by this council. Meanwhile, on the other side of town, we have another similarly decaying, outmoded strip mall at this location, however, we have two primary property owners, us, Realty partners and St Mary's College. We have them on speed dial. They are eager to work with us and heeding our call to

help bring better options to our town. To emphasize this point, one needs look no further than the new frontage you can see on CVS. That was the town. CVS, by the way, is the town's only pharmacy. More on why that's important later, and now a new construction site where a new grocery store will soon arrive. At ream theater. We also have a historic movie theater at ream Center. I'm sorry we have historic movie theater, our only post office, our only municipal buildings, town council chambers, a substantial fire station, two private gyms. Oh, and it's also a hop skip and a jump away from our nationally renowned High School, and yes, it is nationally renowned. I'm not saying that Reem center should be our town. I'm saying it is, and for us not to recognize that is counterproductive, and harping on a dream from another generation long gone by, but beyond, creating a downtown for our residents with better amenities and a town center for us all to shop, congregate and thrive, and I emphasize the town center part and the town square, we also need to hone our efforts to make the entirety of Moraga, not just the Part over by the country club, look like a place that merits our \$2 million property values, and to that end, we must double down on vigorous code enforcement to compel errant landowners and business owners. From treating to not treat our scenic corridors as their private junk heaps or a place to illegally store an RV encampment, which, as I've already pointed out, is a public health threat. As a council, we must be crystal clear to all corners of our community that this is no longer allowed, or what was allowed in the past will not be tolerated anymore Period. End of story. We must identify all public uses on property that has remained dormant for decades. I believe that tonight's vote on this item is the most important vote that I have taken since I joined the Council in 2022 or since I became a planning commissioner in 2019

H

Hillis 2:51:03

I will be supporting, proudly, the hiring of causemont. I'm very active with the California League of Cities, which, for those that don't know, is an association of 1000s of elected officials from every city in California. And before I interviewed Larry at Mr. Cosmond, I'm sorry, at the California League of Cities conference last fall, I asked everyone that I know, and I know a lot of people, I'm on the Bay Area Council Board of Directors. I'm also on the board of directors for the LA business Federation. I asked everyone that I know, everyone when I said, So, how did you get this done? Oh, have you ever heard of this company called cosmot? So, yeah, they are the people that can help us get this done.

H

Hillis 2:52:01

In addition to helping us to to develop carrots to encourage, encourage the development of the community that we want, we need hammers like a vacant storefront tax. These are necessary to force actors that have no interest in acting at all in my lifetime to clean up their act. Our common asset, St Mary's. I also look forward to hearing from our consultant what more we can do to aid the college as they carry out their own \$100 million plus redevelopment, which includes a 15 to \$20 million Aquatic Center. They're currently using the camp a lingo soda center. They intend to build a state of the art world class aquatic center that they have publicly stated they intend to be used by all members of our community. Here they are members of our community. They give back to our community. They live in our community. It's time for us to show up for St Mary's the way they show up for us. And by the way, improving our downtown will also help increase their enrollment. It will help increase the enrollment of our school districts who believe that the only op The only thing they have to do to bring in more revenue is to raise taxes. I believe the thing that we can do to increase revenue is community and economic development, to develop affordable housing, affordable housing for teachers, for others, as long as we are doing it smartly, as long as we are focused on doing it safely and in the places where it should happen, we will all benefit. Together. With the aid of cosmont, we will finally have the safe, beautiful and engaging community we all want Stay tuned. We're only getting started to that point. And to ensure we do not lose any of our current momentum, which you need look no further than the construction equipment across the street, I am requesting the town manager that we add a monthly item to our agenda for him to provide a public update on our economic development initiative to the comment of being transparent. I think the folks who are in this room who participated in my coffee with the mayor, I leave nothing secret. You will never question where I'm coming from, you will never question what my thoughts are. I have no fear in telling you, and I also don't think that we should have any fear if you don't like the direction we're taking things. I'm up for re election this November. I am willing to put it all on the line for this, for this town, and all on the line for my family. My oldest just turned eight. I don't want her to grow up with boraga, as all of the kids here call it. It's time for a change. In closing, I firmly believe that once a community's residents can no longer imagine their children living in a place that community is dead. It's time for us to breathe more life into Moraga. She's been on life support for far too long, and we're here to help. Thank you. Is there a motion to approve this item?

W

Woehleke 2:55:44

So moved as proposed?

D

Dolan 2:55:46

Is there a second? Second,

A

Attorney 2:55:49

Mr. Mayor, before the vote is taken, I just want to clarify you had asked. You had indicated that you would like to have the town manager bring back a monthly item. Yes, that's not included in the motion. So did you want to ask for a friendly amendment to the maker of the motion?

H

Hillis 2:56:07

Can I ask for a friendly amendment to the maker of the motion that we add to our agenda once monthly and economic development update from our town manager.

W

Woehleke 2:56:22

I think we should get input from the town manager before I do that. Yeah, Mr.

T

Town Manager 2:56:29

Mayor, Members of the Council. We could do that, I would suggest perhaps quarterly or semi annual, because we do provide regular updates to you and what's going on. We have a land use quarterly update document, or were quarterly at semiannual, we can move to be quarterly. I don't mind doing that. Do verbally, but every I become redundant, right?

W

Woehleke 2:56:55

I amend that motion to be for the town manager to update the town council on a quarterly basis about the economic development within Moraga, at his discretion, in terms of what the content is of that

H

Hillis 2:57:15

update, and is the seconder of the emotion okay with that change, I Think

D

Dolan 2:57:20

I don't remember who that was. I was. Yes, I am.

H Hillis 2:57:23
Thank you. Do we need to take a roll call on this? Okay? All in favor say, aye, aye. Aye.
Opposed. None The measure passes now we are, oh, town manager would like to make a
comment

T Town Manager 2:57:39
before we go on. Maybe we should take a break.

W Woehleke 2:57:45
People need a break. What about the public?

H Hillis 2:57:48
Public Need a break. All right, let's take five minutes. Let's come back here at 835, you.

S Speaker 5 3:05:41
Yeah, we'll see you soon.

H Hillis 3:05:50
We're at time, all right, I call us back into back to order, and we're going to resume our agenda
with item 9e. Item 9e do we need to wait for the town manager? Okay? D, do we have a staff
recommendation

A

Attorney 3:06:14

or a staff that's me? Okay, go for it. Thank you, Mr. Mayor. Members of Council, Denise bazano, your assistant town attorney. So the there is a staff report in the package that provides a pretty detailed description of some of SB 707. Changes. This was a monumental bill that made significant overhaul to the Brown Act, which was passed, I think, in 1953 if I recall correctly, thank you. Three Yes. So it's a big change, a lot to digest. I'm going to cover some of the highlights in the PowerPoint, but again, there is a more detailed staff report in the package. There's also many publications online. Our firm has a number of publications online, if you want to learn more. So let's get started. So the bill was signed into law by Governor Newsom, and on October 3, 2025 it has two effective dates. Most of the provisions become effective on January 1, 2026 but provisions relating to eligible legislative bodies, and we'll talk about those in a minute, become effective on July 1, 2026 has a sunset date of January 1, 2030 but of course, those sunset dates can be extended by subsequent legislation, so we'll see what happens. The intent was to sort of build upon the ability to access public meetings remotely that were allowed during covid And so the general intent of the bill is to continue to improve public access to meetings, to allow the public to attend remotely, but also to allow officials to attend more meetings remotely in different ways. The three main revisions to as to the Brown Act made by SB 707 that I think are of interest to you tonight is that first, it requires eligible legislative bodies to allow the public to participate remotely, and we'll talk about what eligible legislative bodies are. And the second major revision is that it changes the way officials can participate in a meeting remotely using the just cause circumstance. So as you may recall, during covid, there were changes the way officials could attend remotely, and there were just cause circumstances and then emergency circumstances that could be used to allow officials to participate in the meeting, even if they had to stay home. So SB 707, changes that requirement and molds it into one just cause circumstance, instead of having two different ways to participate. And then third, it creates a new category for eligible subsidiary bodies to participate completely remotely. So if you fall, if your body falls into the eligible subsidiary body category, you can have the whole body meet remotely to conduct the meeting. And this, I think, was allowed to allow advisory bodies that don't make decisions to convene more easily to give some flexibility to those committees. Commissions that are small may have difficulty finding a quorum to meet regularly. This may allow for more people to participate on that body by allowing them to participate remotely. So.

A

Attorney 3:10:05

Okay, so first we're going to talk about eligible legislative bodies. So an eligible legislative body is basically it's a city with a population of at least 30,000 people, or a city, no matter what size that is located in a county with a population of at least 600,000 people. There's also requirements for special districts, but we're not going to talk about that. So the town of Moraga is an eligible legislative body, and so these rules apply to the town council only. It doesn't apply to the planning commission or any other committees only the town council of Moraga. And so for eligible legislative bodies, they have to meet certain requirements by July 1 2026 and the foremost requirement is that you must allow remote participation via two way telephone or two way audio visual platform. Those definite those terms are loaded. Two way audio visual is a platform that provides participants with the ability to participate in a meeting via both an interactive video conference, so zoom, but you also have to have a telephone line that they can call into, or you can allow a telephone two way telephone service, but that's also a loaded term. It's two way telephone service and a webcast so that they can see what's going on in addition to calling in. So those are challenging. You have to have the technology to allow one or the other, to allow the public to participate, to see what's going on in the meeting, and hear what's going on the meeting and then participate with public comment when appropriate. If the town elects to allow two way audio visual platform, there's requirements for real time captioning, so that must be activated and motivated, the town must also reasonably assist members of the public who wish to translate a public meeting or receive interpretation by another member of the public. So if somebody comes and they want help with translation services, the town must provide reasonable assistance to them to find a way to translate. Now we don't have to pay for it, but if they have somebody that can assist them with translation, we have to facilitate that in some way. We have to act reasonably to do that. The town also has to adopt a policy regarding telephonic internet disruption. So what happens when that service, that audio visual platform, or the telephonic service, what happens when it's disabled, the connectivity is lost? You have to have a policy in place that provides procedures for recessing, reconvening if telephone Internet services is disrupted, and specifies that efforts. The policy has to specify efforts to restore the service. And the policy has to specify that if there is a disruption, a good faith attempt will be made to restore the service and will reconvene when the service is restored, or after one hour. And if it if you wait an hour, and it still doesn't come back, then there are certain findings that the council has to make to continue to meet, to conduct the meeting while the connectivity is down. So it's a lot more robust procedures in place to ensure that that connectivity is there, to allow the public to participate.

A

Attorney 3:14:07

So for we're continuing to talk about eligible legislative bodies. Again, this is the town council only. So by July 1, 2026 there is a requirement that the agenda be translated into any languages spoken by essentially 20% of people who do not speak English, a 20% of English who don't speak English very well, no, 20% of languages if they if there's 20% that speak English less than very Well, then you have to provide translation of the agenda. Town of Moraga doesn't meet those requirements. So we don't have to meet that requirement. We also must provide a web page dedicated to public meetings that include or provide link to general explanation of the public meeting process. So giving the public. More details about how they can participate, how they can provide written comments, etc, and must make reasonable efforts to invite groups that do not traditionally participate in public meetings. It's not clear what the legislature meant by all of this. There's no Definitions for these terms. But you know, we have to make a reasonable effort, I think, to figure out what groups are traditionally not participating in public meetings, and conduct outreach to to encourage them to come, or at least make them aware of the meetings that are being conducted in the town. I

A

Attorney 3:15:46

So, so we've looked at these requirements myself and town staff to figure out what are the next steps that the town has to take to meet these requirements for the town council meetings by July 1. So we have identified some of them. You know, of course, foremost is identifying and evaluating staffing and technology needs, because the that is going to be a big component of it, this council chambers will need to be fixed so that we can have zoom meetings, and people can see you folks, and they can you can see them, and they can participate remotely. And then, along with that technology, you'll need somebody to staff and monitor the zoom and moderate who gets to speak and when, and lining up all the public comments. So developing a plan for outreach also needs to be done. How are we going to encourage that public participation, evaluating what upgrades are necessary for the town's web pages, developing that disruption policy. What are we going to do when the connectivity dies? And then training, what types of training are we going to need for council, staff, etc, to handle the technology, handle the public comments and all of the other requirements. Okay, so the other major revision, that's one of the three, is participating under the just cause circumstances. So this one allows members of legislative bodies. And remember that the Brown Act defines legislative bodies very broadly. It includes the elected officials, that's you folks, but it also includes any committees or commissions that are appointed by you by a formal action. So that could be the planning commission, but it can also be any advisory committees or commissions decision making or not. If they, if you as a body, appoint the committee or commission, then it is a legislative body under the Brown Act we often call them Brown Act bodies. But they could also take advantage of the just cause circumstances to participate in a meeting remotely, if the technology is there. So we'll talk about that. So SB, 707 made changes to the just cause circumstances. So teleconferencing official must use both audio and video. So again, you have to have the ability to use Zoom to participate just cause circumstances. So I mentioned before that they morphed together the just cause circumstances with the emergency circumstances. So this is the list that we now have. It includes caregiving, child care, contagious illness, travel on official government business. It doesn't apply to to regular business only government business care for I mean, you mean immuno compromised family members, physical or family medical emergency. And new is military service obligations, so participating remotely under the just cause circumstances has certain requirements. One of them is that there be a quorum of

the body in the physical meeting location. Another requirement is that. Another requirement is that all votes be by roll call when you're participating under this rule. And another requirement is that you have to identify all people over the age of 18 in the room with you before the body takes any action. Yeah, it's very strange, but I think the idea is, when you're using these just cause circumstances, you don't have to identify your location on the agenda so you can participate in an undisclosed location. So I think the legislature believed that then the people should. Have the right to know who's in the room with you when you're making decisions. And so that's why that requirement that discloses, that you disclose who over 18 is in the room with you, came to be so for this, for this just cause circumstance, we thought about potential direction that the Council could give tonight, and it's basically understanding whether you want to provide direction to staff on investigating or seeking out whether or not the technology should be authorized for these types of ability to meet for other bodies besides yourself. So if you want to allow the Planning Commission to use this technology, or the Parks and Rec commission, if they want to take advantage of this, then we would need to think about what sort of staffing needs and technology needs to be available for those bodies to use this technology to appear remotely during those meetings. Okay, so the third major revision under SB 707 is this optional teleconferencing for eligible subsidiary bodies. This is a new category. We're still in the they're still legislative bodies, but this is a new category of eligible subsidiary bodies within the legislative body category that are only advisory bodies, so bodies that do not take final action on legislation, regulations, permits, contracts, licenses, and they cannot have primary subject matter jurisdiction over elections, budgets, police oversight, privacy, restricting access to library materials. That's a strange one, taxes or related spending proposals. And again, the idea is that these are bodies that are advisory, and so they could attend their meeting completely remotely, to sort of aid them in their ability to convene if they're having difficulty making a quorum. This might be a great option for an eligible subsidiary body. So

A

Attorney 3:22:24

So, as I mentioned before, they can attend a meeting remotely, but you have to authorize it as the town council. And if you authorize it, then you have to renew that authorization every six months, and you have to make specific findings the teleconferencing officials must use both audio and video, so they have to be on camera at all times, and there has to be a physical meeting location open to the public with at least one staff member present. So even if the whole body is on Zoom, you're going to have to have the council chambers open. You're going to have to have to have a staff member in the chambers in case somebody comes to the chambers to make public comment. And I mentioned that they have to make findings every six months. So on this, the potential direction is, you know, considering that you could create these eligible subsidiary bodies for Moraga, we thought about which ones, which committees, commissions would be considered eligible subsidiary bodies. It's the art and public spaces committee, the Parks Rec, Parks and Recreation Commission, and the Youth Advisory Committee. Those are the three that would qualify as eligible subsidiary bodies. SB, 707, made other changes to the Brown Act that are more general. They created another category that allows teleconferencing for multi jurisdictional bodies, and that's those are bodies that are representatives that are from one county, city or city and county or special district that make up a separate legislative body, or a JPA. So oftentimes, there are cities that participate with other cities to form a joint powers authority, which is its own separate legislative bodies, its own separate agency. So those types of multi jurisdictional bodies have special teleconferencing rules that they can follow. It extended the emergency teleconferencing to local emergencies before only legislative bodies could only teleconference during emergencies that were proclaimed by the state. Now they can teleconference when there is a local emergency. It extends the prohibition on officials communicating on. Social media platform. So this is sort of an existing prohibition where you can't communicate with each other on a public facing social media platform. You can't even hit the like button if a fellow council member comments on a social media platform. This SB, 707. Extends the sunset provision on this requirement. It also prohibits disruptions for teleconference meetings. The Brown Act was amended a couple years ago to clarify the disruption requirements so when somebody is disrupting a meeting and how the chair can give them a warning and then exclude them from the meeting if they continue to disrupt So SB 707, specifies that that those provisions regarding disruptions apply to teleconference meetings as well. It extends the requirements of for oral reports of compensation or benefits to department heads. This used to only apply to city managers. Now it applies to department heads, and it requires distribution of copies of the Brown Act and list of meeting locations to all officials which the town clerk has complied with. So she's already ahead of the game, and that's it. For our presentation. I'm happy to answer any questions you might have about this very complex bill. I hope I've given you a little taste of it, but I'm happy to answer any questions,

H

Hillis 3:26:32

any questions for my colleagues. Yes, why don't we go one at a time? I keep going from this side first. Let's go from this side. Sure.

T Thiel 3:26:40

I'll ask what might just be the obvious. Do we have an early understanding of cost and staffing implications to implement,

T Town Manager 3:26:51

Mr. Mayor members of the council? Not exactly, but it may not be cheap. This is another example of an unfunded state mandate, right? There's some upside, though it's the technology in this room is somewhat dated and challenged. The beginning part of this meeting wasn't being broadcast correctly due to the technology. So that would be one upside. It could be upwards of \$100,000 I don't know, but if we have to go forward, we're giving you the update. We will do the due diligence, we'll figure it out, figure what has to be done, and then we'll come up with a game plan. We have no, no other choice, what will be as frugal as we can to make it to make it work. But I'm sorry your staff is not generating this. We're not recommending we comply with the law, because that's what we have to do. We'll figure it out.

S Speaker 14 3:27:42

Okay, thanks, Councilmember Molly.

M Maglio 3:27:47

Have you had any conversations with any neighboring or other jurisdictions as to how they may implement this question number one, Mr.

T Town Manager 3:27:59

Mayor, Members of Council. So last week's monthly city managers meeting, city managers and county executive we talked about this topic. And Moraga is one the last ones to not do this. So many of the other cities, of the other 19 cities, bless you, have already done it or versions of it, and perhaps are going to have to have to make some more tweaks, but it's an expensive endeavor. That's part of democracy. We just have to figure it out.

M

Maglio 3:28:26

And the second question is, and maybe this is jumping ahead of the game because it is still new, my guess is this is, I see an opportunity for a private service to jump in here and help with these services. Is there any private service that you know that could help do this? Or will this have to be done in house or in consultation with other services?

T

Town Manager 3:28:53

All right? I mean, it's like a homeowner. Do you want to do your own electrical wiring? Or do you bring in the professionals? We'll bring in the professionals we don't have in house, IT staff. We have a contract with the firm. Are they able to do it sufficiently? Maybe, maybe not. We might have to bring in somebody else, but we the good thing is, we don't have to reinvent the wheel here. This is happening throughout the state. So we'll find economies of scale. We'll get the necessary bids and all of that. But look, it's a reality. We have to do it.

D

Dolan 3:29:21

Vice Mayor, are you anticipating that you're going to have to add a staff person at meetings to manage the queue, or is Melissa going to be able to do that?

T

Town Manager 3:29:36

Mr. Mayor members question. Good question. I'm sorry, Mr. Mayor, Members of the Council, we may have another staff member who's here. I'm not going to grow the organization. We'll have to figure out how we do it. So there's going to be the one time cost in terms of putting in the technology. There'll be a recurring cost in terms of staffing, perhaps the overtime and or whatever. But we will figure it out as your staff will just have to figure

D

Dolan 3:30:03

it out. One other minor question, if we authorize some of these other boards to do it, and we have to reauthorize them, I mean, that can just be a consent item. Can't it?

A

Attorney 3:30:15

Actually it cannot be a consent as I recall it. I think it has to be on. I think it specifies that it cannot be on consent, but it that only applies to the eligible subsidiary bodies. So if the council doesn't want to do that, or if the council just wants to wait, get get through July 1, after the council is established with and meeting the requirements of the eligible legislative body requirements, then the council can always revisit expanding opportunities for other committees and commissions.

D

Dolan 3:30:49

Last question, let's say it's a little bit harder to get set up than we thought, and we're not done by July one. Does that mean we can't meet

T

Town Manager 3:31:03

Sure, to some extent, there may be a similarity complying with the reign of numbers. We're going to make our good faith best effort. We'll do what we can to be ready. We hope we will be. If we're not, we'll just we'll deal with it and wherever we will be at that time, I'm fairly very confident we won't be alone. So our goal is to comply and be ready by July one. If we can't be, we'll make a compelling case as to why. I would imagine if we tell the state of the California here's where we're at, here's what we're doing, I think

D

Dolan 3:31:38

we'll be fine. But say somebody challenged an action we took, yeah, because we weren't in compliance, and I didn't get to talk.

T

Town Manager 3:31:45

And so this will be, I imagine, at next week's Mayor council member Academy in Sacramento. I imagine this is going to be a hot topic. I haven't looked in detail at the the program, but they're probably one or two or more sessions on this topic. So when we go there, and we're going to be going to meet with our lobbyists there, and we're going to meet with our assembly member and state senator while we're there, so we can ask these questions, eyeball to eyeball while we're in Sacramento. Great questions.

A

Attorney 3:32:13

Yeah, that is a great question. But I do imagine that there will be other cities struggling. You know, May, June, July, to meet these compliance deadlines if they don't already have zoom in, or even if they do allow zoom during their meetings, or some other type of audio visual technology, there's still other requirements that they have to come up to speed with, like, you know, if maybe they have to do translation services now, and so the agenda needs to be translated in multiple languages. So it is a very complex law, but also challenging on the fiscal responsibility side of it as well.

T

Town Manager 3:32:58

Interesting irony, all these new rules and all this requirements and zoom and all it does not apply to the state of California.

H

Hillis 3:33:05

Of course, it doesn't. Council member will look at

W

Woehleke 3:33:10

two two questions, Sir, one of those you mentioned that you know one or more decisions are going to have to be made by the town council. Anything need to be any decisions need to be made tonight? Or is this really

A

Attorney 3:33:22

more you could give direction if you'd like, but if you don't want to do that tonight, that's fine as well.

W

Woehleke 3:33:27

Okay, I have my opinion on that. And secondly, Councilor, could you comment briefly on the continuing role of the League of California Cities guidelines on application of the Brown Act and how this affects that.

A

Attorney 3:33:46

Yeah, so the California League of Cities, or Cal cities, which is known as now, is, I think, a really wonderful tool for cities to use to educate themselves, but also share information and guidance about various topics, including the Brown Act. And Cal cities has a publication that is updated regularly with different people. We have a number of people in our firm that serve on different committees for Cal cities, including the publication that they have for the Brown Act, which is called Open in public, and it's on their website, you can download it and keep it. It's a very useful and practical tool to explain how meetings are conducted and sort of translate the Brown Act into real world explanations and examples. So that's a great tool that is available to you and everybody, anybody in the public who wants to use it, but it will also need to be updated to reflect SB 707 and the changes to to the Brown Act as a result of SB 707 so.

H

Hillis 3:35:00

Any other questions from Council? I just have some general questions. So most jurisdictions in the Bay Area have actually eliminated virtual public comment due to racist anti semitic zoom bombing, primarily coming from outside of California. What provisions in this bill or in this new law are afforded to protect staff from the creation of a hostile work environment?

A

Attorney 3:35:33

Well, as I mentioned, there is the the expansion of the disruption requirement. So it does expand the definition of disruption and the ability of the chair to exclude somebody who's actually disrupting the meeting, if they're teleconferencing, if the meeting is being teleconferenced,

H

Hillis 3:35:52

how is disruption or disrupting defined in law?

A

Attorney 3:35:56

I'd have to actually look it up, but it's

H

Hillis 3:36:01

assume it can't be coughing. It has to be something,

A

Attorney 3:36:03

no, it has to be an actual disruption. If you give me a second, I can find the i

A

Attorney 3:36:43

Okay, well, why don't, why don't you keep asking your questions, and I'll keep looking for

H

Hillis 3:36:47

the definition. That's my my primary question you can follow up later. The secondary piece to that is, will the town attorney be creating very clear like I have here a very clear thing to tell me what remember of my mic protocol is, yes, I'm not even joking. I think that this should be here for the meeting officiant to say, specifically, when somebody has crossed the line that the you basically say cut the mic, because I've heard how vile and like it's, it gets really bad. I think Orinda is one of the only municipalities in Contra Costa County that still has virtual public comment. Yeah.

A

Attorney 3:37:31

So we have a few public agencies that we serve. I'm the assistant city attorney for a few cities, and three of them still do their meetings via zoom. And so we, I have a script that I have at the ready to talk about what, you know, what is allowed in a limited public forum, which is what these council meetings are. And basically, you know, the council is allowed to establish rules on how they conduct those meetings, and if somebody doesn't adhere to the rules of the proceedings, then we're required to give them a warning under the Brown Act. You know, Sir, Ma'am, you know you're speaking on a topic that's not agendized, or you're speaking on an item that's not within the subject matter jurisdiction of the body. I'm going to warn you that you need to come back to speak within the parameters of public comment. If you don't, then I'm going to cut the mic off and ask you to stop speaking. Something like that. We can prepare and have at the ready in case there is an event that disrupts the meeting. Thank you. Or if somebody doesn't comply with the procedures the council,

H

Hillis 3:38:51

thank you. Those are my questions. We open the matter for public comment, seeing none, we move to comment. So let's start over on this side this time either of you have comments,

W

Woehleke 3:39:04

my comment is, I prefer we we not make decisions on this until we really have it well defined, scoped out, defined, and really understand what we're facing both Both in terms of equipment and procedures and additional resources. And otherwise we are. We are where we are, and I just just, so you all know, well, over probably 10 years ago, I got endorsement of the validity of the Cal cities reference on the Brown Act as being a reference that the various commissions and council can use in Moraga,

M

Maglio 3:39:59

I agree that. We should perhaps gather a little more information before we make decisions. But the one thing that stands out to me is we might very well be wise to consider starting with this legislative body and not moving to the eligible subsidiary bodies until we have things down. And I think everyone, even tonight, would probably agree to that, but I'm not asking that anyone agree, but that strikes me as being wise understood.

H

Hillis 3:40:33

My comment is this, is this bill to in my perspective, is perfect evidence of why we need a part time legislature, the I reached out to the author's office prior to this, asking questions about whether or not they were making any allowances for what was actively going on in the Bay Area while they were contemplating this idea. They never responded. I don't think they ever even registered my opposition. So my personal perspective is we are incredibly accessible. We are incredibly transparent. We I have my personal cell phone number on my business cards. Our email addresses are on the web. Website, it goes directly to my phone. You can stream our meetings. You can attend our meetings in person. We bend over backwards to try to be sure that people know about our meetings. I honestly believe that if you're going to come and speak to your government, we are required to be here, that people should also take it upon themselves in their civic duty to show up here too, that all being already decided as an unfunded mandate, which, by the way, we were speaking before about, as I mentioned, the most important vote that I think I've taken in my entire time on the council, \$60,000 we're hearing from the town manager. This thing that we don't even want to do. We're gonna have to burn \$100,000 it might even have to repurpose a staffer that's doing something else, which I imagine will have to pay overtime for. So this is something which also shows why I'm thankful that my colleagues agreed to a legislative platform, because now we have a we have muscle where when something idiotic like this comes up again, we can have our town manager ask Townsend to speak for us, and when Townsend needs somebody to testify, I have absolutely no problem of going and telling them how dumb The idea is. This is having seen staff cry and leave the room having seen council members who are driven to the point where they turn their back or they have to leave the room themselves. Given how vile these comments are, shows that this author likely didn't serve in local government and has absolutely no regard for the potential damage that they are causing on the people that they're asking this to go forward to. And so for that reason, again, I would just request that the rules for how we cut the people off when they call and they will call are clear so that we can immediately stop the hate as soon as it starts spewing,

A

Attorney 3:43:21

yeah, thank you, Mayor for that. I do. I do have the definition of disrupt disrupting before me. But I also do want to add that it is very complex to decide when to cut somebody off and when not to cut somebody off, because there are first amendment rights associated with the public comment that they're giving, even hate speech has protections under the First Amendment. So you have to balance that with the requirements of the Brown Act. So let me get to the requirements of the Brown Act. Disrupting means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting, and includes, but is not limited to one of the following, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to section 549, five, 4.3 or any other law or be engaging in behavior That constitutes use of force or true threat of force. So if those two things occur, that constitutes disrupting and you can take steps to remove that person or cut them off from public comment. So

A

Attorney 3:44:52

yes, I and I think a majority of you, there was consensus that no direction would be given tonight. I.

H

Hillis 3:45:07

Them all got turned up moving to 9e. Is there a report,

T

Town Manager 3:45:16

Mr. Mayor, Members of Council, this is time for the annual review of committees, commissions and boards, and it's a tradition in miragas for the mayor to do that. So the mayor has done his work. It's on the agenda. I'll turn it over to the mayor,

H

Hillis 3:45:32

all right, so I'll give a quick little chat. I first want to just apologize to all of you my I had every intention of meeting with all of you face to face during the holiday break. Unfortunately, Eduardo Martinez in Richmond took over all of my free time trying to help gather together support on that and that messed up my intention, but I did have an opportunity to meet directly with the Vice Mayor, I met by happenstance with council member malio. Was able to text with council member teal, and I got feedback on the some of the guidelines for what count council member will keep. Was interested in the question that I would have well before I get there, I just, this is a presentation, I guess, the one comment that I would make and the request that I make. And we've been somewhat good at this, but even I haven't been that great. And so I'm going to make two requests. Irrespective of what happens with these recommendations, we all have busy schedules, and it's impossible for any of us to keep track to all of the things going on in these many of us have cross interests. I know the vice mayor is interested in transportation recommending he is on some of the transportation committees, but I'm also on some of them. Is just an example, if we don't get an update from each other here about some of the salient ideas and things that came up. We have no idea, and it may end up being something that comes up on Swat, that impacts me, on county connection. So I would just ask, in the past, there have been requests to keep our updates brief. I'm making the opposite request that these. I'm asking that our updates be you are a project manager who has an assignment, come back to your cross functional team and report what the outcome is from your assignment, so that we know on the go forward, the things that are impacting also, so that we know things like what I learned from the text message from MCE that there have been an insurrection, it sounds like from some of the folks in Marin who are soundingly upset because they're losing some power that's now creating some issues. So that is my first request. Please keep us updated. Don't just give us a list of what you did. Tell us what you did and what you heard, and then the other one again, because we are very busy. If you have a backup on any of your assignments, that backup is there for a reason, please. We have a lot of very important votes coming up in all of our respective assignments this year. Use your backup. If your backup and you are not available for the meeting, tell either the town manager or myself, and we will see whether or not another council member can attend your stead. This just allows Moraga to again remove itself from its current hermit status. I'm longing for the day when people are no longer surprised that Moraga has a point on something. So that is my viewpoint. Does anyone have any questions on the assignments? We'll open the matter up for public comment. Seeing none. I've already made my comments in the presentation. Do you all have any comments you'd like to share? Hearing none. Is there a motion to approve this item. It's my recommendation. So I can make a motion to approve Mr.

A

Attorney 3:49:09

Meyers. The recommendation says, Well, I think it will be brought back at the next meeting, on consent agenda at the next town council meeting for formal acceptance.

H

Hillis 3:49:21

Do we have to make a motion in order to get that to happen? Or this is just the first Brent No.

A

Attorney 3:49:25

So if, if there's, if there's no edits to the submitted list, then it can proceed, and we'll come back to

H

Hillis 3:49:32

this will come back before us at the meeting on the 28th that's the next meeting. Correct? Perfect. Okay. And I also just wanted to thank staff for their efforts. I made a request that we were able to get this done immediately at the beginning of the year, and we were able to do that. And I think if we can just get on this cadence for the future, we won't have things where folks are waiting for a vote, especially when we get new members on the body. So with that said, we're now on. On to item number 10. Council member requests for future agenda items. Do I have any requests? Council Member malio,

M

Maglio 3:50:07

I have one I would like to have a discussion as a future agenda item, or some special in some special meeting, or in some way, to discuss the possibility of municipal branding, and that may go part and parcel with our discussion earlier, with how we are going to move forward with economic development. But when I say municipal branding, I'm not using it as a marketing, marketing campaign, but rather as a tool for being able to coalesce our values, our history, our vision, fostering civic pride and even providing clear communication across departments. I think it's a powerful tool that can be used for economic development and community building, and I think it's time for us to have a good discussion on that.

H

Hillis 3:51:06

And just as a reminder, we can't discuss the amongst ourselves whether or not we think it's a good idea, but I will offer to be a second on that under our protocols, is or two enough? Or do we need three

T Town Manager 3:51:27
Mayor members of council? We knew we would need a majority of you to concur that this should be brought back as an item,

H Hillis 3:51:33
all right, so we have two of us, and sounds like council member Teal is a third, so just put

W Woehleke 3:51:39
it up for a vote. Okay? It was a it was a motion. You seconded it.

H Hillis 3:51:44
I seconded All in favor. Aye. There we go. Thank you.

T Town Manager 3:51:50
So that all right, so that we'll bring that back at a future council meeting. Perfect. Are there and then with, here's how you could do it. Are you interested?

H Hillis 3:52:00
Are there any informational or first, are there any other future agenda items? No, okay. Informational items. Item 11, none. Town Manager. Town Manager, follow up and updates, Mr.

T

Town Manager 3:52:17

Mayor and members of the council. So I have a few items we will follow up Sonia or zua. Our planning director will make sure to follow up with the people that were here speaking and pass on information. I think you've already done it to some of them about the contacts at the county and have access to the record and frequently asked questions and all that. With respect to the south Camino Pablo residential subdivision project. So we'll follow up on that. We'll follow up with the what you also follow up with the resident, the business owner, about interested in getting the code amended in the process to go through the planning commission and so on. On the the economic development contract, a couple things, good discussion. We got the direction. Appreciate that. As I shared with you, there was an effort to reach out to different business owners and so on to be here, and the Chamber was here, and I mentioned that the bersoni family was contacted. I forgot to mention, I did get an email from Mr. De bersoni. He couldn't make it, but he is supportive of the effort, and he wanted to pass along compliments that we are we are doing this so, and he is familiar with the firm, okay, so I should have been a little bit more more clear about that. Also, there was a comment and was wrestling with it about my former employment before coming here, I have fully disclosed. It's been very transparent. I did work for that firm. I was a senior vice president. I was a dually licensed municipal financial advisor, and had a fiduciary role. And my main work was financial advisory, type work and economic development and land use consulting to both private sector developers, business owners and municipalities and special districts and that type of thing. I did that for a year. It is there. I do not receive any financial compensation anyway, directly or indirectly from the firm. There are also a number of municipalities in this county that use that firm. They have, you can look at their list of clients. They have a ton of clients up here. Livermore is one example. Pittsburgh is another example. Berkeley, Oakland, big contract helping the redevelopment of the Oakland Coliseum and the surrounding properties. They work for colleges and all kinds of things. So I just wanted to throw that out there on the record in case anybody were to say anything, and I'm happy to talk to anybody about it. So I am guilty of knowing the firm. I know what they can do, and I know who their clients are here, up here. So I just wanted to put that out on the record. I did have some stuff that the some of the staff wanted me to share. I know it's late hour, but. A reminder, we do have vacancies and openings on our boards, commissions and committees, so the folks can go, whether it's planning commission vacancies, park and rec, we are encouraging people to apply, so just go to the website, find out what's available. Get your name in there please.

H

Hillis 3:55:15

I may have posted something about this on social media, so remember, you're not allowed to like it.

T

Town Manager 3:55:22

You Yeah, we have that. And the Parks Recreation open space Master Plan process is still moving along. It's like three quarters of the way done. So a plug for that, for anybody who has questions or concerns or like to weigh in about recreational opportunities and how we acquire and manage open space and all that. Just contact Mackenzie Brady, our parks and rec director, go on the website. We're happy to get input. We welcome input. I had a bunch of other stuff that one staff wanted me to say, but I'm gonna leave it at that. With respect to the calendar looking up with the town's offices will be closed on Monday for Martin Luther King Jr Day, that's next, next Monday next week. A reference was made to the mayor's and council members Academy. Three of you are going with your town manager. So it'll be January 21 through the 23rd we do have appointments with our assembly member in her office in Sacramento, and her staff, and then the staff from Senator Grayson's office. We're trying to see the senators available. You also get to see the towns and offices and maybe some other things while we're up there. So it'll be a very productive time when we're there. We'll get clarity in this SP 707, and how we pay for all this stuff and how it will work. We'll also hear a lot about housing and related issues. It's gonna be a great conference, Academy. The next council meeting will be on January 28 two items of note. Staff will be reporting back to council on the town facilities, energy generation project with an update on that. And then the 26 sorry, 2026 legislative platform for Moraga and La Miranda cities. That'll be I'm hopeful, finally, to get that in front of you, a reference was made to that earlier, and that's it for the town manager update and follow up. Thank you. We're adjourned.

S

Speaker 1 3:57:20

I had to do Sorry. You.