



## Moraga Civic News

### Public Meetings

#### Town Council

Wednesday, Jan. 23, 7 p.m.  
Joaquin Moraga Intermediate School,  
1010 Camino Pablo

#### Planning Commission

Tuesday, Jan. 22, 7 p.m.  
Moraga Library, 1500 Saint Marys Rd.

#### Design Review

Monday, Jan. 28, 7 p.m.  
Moraga Library, 1500 Saint Marys Rd.

#### School Board Meeting

##### Moraga School District

Tuesday, Feb. 12, 7:30 p.m.  
Joaquin Moraga Intermediate  
School Auditorium  
1010 Camino Pablo, Moraga  
www.moraga.k12.ca.us  
See also AUHSD meeting page A2

Check online for agendas, meeting notes and announcements

#### Town of Moraga:

www.moraga.ca.us  
Phone: (925) 888-7022

#### Chamber of Commerce:

www.moragachamber.org

#### Moraga Citizens' Network:

www.moragacitizensnetwork.org



## Police Report

**Wrong way, 1/06/13** Perhaps it was driving on the wrong side of the street that was a heads up, but alert officers knew with a whiff that the driver and his friend had been smoking marijuana. The young men admitted to being in possession of less than one ounce of pot. The 17-year-old passenger was released to one of his parents at the scene and entered in the Juvenile Diversion Program. His pal the driver was 18 years old and was issued a citation for possession of pot.

**Suspicious foggy windows, 1/06/13** Cops spotted an older blue BMW with foggy windows parked on Natalie Drive at 4:30 p.m. When the occupants rolled down the window, a blast of pot smoke exited the vehicle. The person in the driver's seat received a citation—due to a prior infraction he wasn't eligible for the juvenile diversion program, but his friend was eligible and was entered into the program.

**Stolen car found, 1/06/13** At 4:30 a.m. officers spotted a brown Mercedes parked along the side of Canyon Road, about a mile north of Pinehurst Road, a rather unusual location to park. Turns out the car had been reported stolen the day before from Orinda. The car was towed after police were unable to contact the owner. Car thieves didn't get very far.

**Loud party, 1/06/13** Loud noise and music greeted officers as they checked out a Moraga Road party after midnight. Cops informed the homeowner that there had been a complaint. The party was officially over at that point and the neighborhood returned to its usual quiet punctuated by the occasional owl.

**Graffiti, 1/04/13** Staff from Joaquin Moraga Intermediate School called to report that an unknown suspect entered a storage room while it was unattended and used a black marking pen to write graffiti on the inside of the door and the cement floor.

**Auto burglary, 1/03/13** Not the entire car, just the stuff in the car. An Ascot Drive resident reported she parked and locked her Honda Accord in the carport around 4 p.m. When she went out the next day around 10 a.m. all the doors were unlocked and she was missing a large amount of nursing equipment that she needed for work.



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## Soliciting and Peddling to be Regulated in Moraga

By Sophie Braccini



It has been a common belief that the Town of Moraga has a permit requirement policy for peddlers and solicitors. But Chief of Police Robert Priebe could not find such a policy in the Municipal Code or elsewhere. On Jan. 9, he presented to the Council a text that defines the conditions under which individuals can engage in busi-

ness transactions door-to-door. Priebe's proposal includes a background check and payment of a fee for a one-year permit. Political campaigning (freedom of expression) and solicitors under age 15 are exempt. The council is expected to give final approval of the new regulation in a few weeks.

"We continue to receive complaints from residents about aggressive and sometimes scary individuals who go door-to-door selling their products," said Priebe. "Usually the complaints are about people coming from out of town, sometimes out-of-state." The new regulation states that it is unlawful to peddle or solicit without a permit. The permit is granted, or refused, by the police department after review of the information provided by the applicant, including any criminal record.

"If someone does not want anybody to come to their front door to sell something, they can display a 'no soliciting' sign," added the chief. "Even

with a permit, solicitors will not be authorized to engage the owners of that house."

Council members asked the amount of the fee to get a permit, but Priebe said he didn't know yet. He added that anyone peddling or soliciting in Moraga would have to present the permit and an identity card to homeowners or police officers asking for it.

"What will happen if you catch someone without permit?" asked Council Member Roger Wykle. "We will issue a citation," replied Priebe. The penalty is \$100 per person, but according to the chief the most likely outcome is that they will simply not come back to Moraga.

## The Return of the Battle of the Land

By Sophie Braccini

An unusually large number of people defied the frigid cold the morning of Jan. 12 and crowded the La Sala Pavilion at the Hacienda de las Flores to participate in the elaboration of the town's goals for 2013. What attracted most of them was an announcement by Mayor Dave Trotter expressing his personal desire to amend the land use rules of the town's General Plan and put a moratorium on existing projects until revisions have been incorporated.

This immediately revived what property owner Dave Bruzzone called a "very dividing battle," the confrontation between those who want to maximize open space and those who defend the legal rights of property owners. No decision was made at the goal-setting meeting other than to bring the issue of revising the General Plan back to the council for discussion.

Trotter believes that the relatively recent approval of the Ran-

cho Laguna II development along Rheem Boulevard demonstrates a weakness in the implementation rules of Moraga's open space ordinance (MOSO) that allows homes to be approved for development on a ridgeline on MOSO land.

About a half dozen people spoke in favor of revising the General Plan and supported the idea of a moratorium on existing projects. Almost as many speakers were opposed. Among them was Mark Armstrong, representing the developer of the Rancho Laguna II. "If that happens (a moratorium), we will have no other choice but to defend the approvals and our property rights in court," he said.

Other opposition came from Council Member Ken Chew, who said he believes staff has no time to spend revising the General Plan. At different times during the meeting it was clearly stated that the town, and particularly the Planning Department, is under-

staffed. Moraga, being a minimal government town, offers salary and retirement packages that are at the lowest level in the Bay Area according to Town Manager Jill Keimach.

Additionally, Moraga's staff-to-population ratio is also at the lowest level, even when full. At this time, the Planning Department is comprised of the director, Shawna Brekke-Read, and one administrative assistant. Brekke-Read indicated that the large number of new development projects coming to Moraga has forced her to stop working on other issues such as winery regulations, and that taking on a revision of the General Plan was not something she could envision with her current budget.

Since Trotter was supported by council members Roger Wykle and Phil Arth, Keimach said she would present the council with options for clarifying the implementation of land use—after she talks to the town's attor-

ney about what a moratorium could involve and what the risks would be for the town. The council can then decide how it wants to proceed. Trotter indicated he would like to see this happen soon.

The other objectives for 2013 were more consensual. Issues that emerged as priorities include an aggressive road improvement plan, a balanced budget and the recruitment of staff to replace vacant positions since burnout is a high risk.

A new objective was added to the list: the preservation of the Rheem Theatre (see article page B1). "This is the most important matter... it has to be a high priority," said Arth. It is unclear what shape support from the town could take, and Town Manager Jill Keimach said that she would like to conduct a large community outreach effort before formulating options. The theater will be on the council's agenda Jan. 23.

## Council Plans for Measure K Oversight

By Sophie Braccini

As required under the ballot measure, the Moraga Town Council recently defined the attributes of the new Measure K Citizens' Oversight Committee that will make sure that the money the town receives from its newly passed sales tax will go toward road repairs for the next 20 years.

The committee will start its work in April when the 1 percent Moraga sales tax takes effect. The Council agreed that it should be a seven-member

body with a quorum of four. The committee will meet two to four times per year, the frequency being determined by either the committee itself or by the town council.

This group will review a yearly report provided by the Administrative Services Director presenting the status and performance of the programs and services funded wholly or partially with proceeds from the tax. It will also have access to the audited fi-

ancial statements for all of the town's financial activities where the auditor will include an accounting of the revenue received from the tax and the matching expenditures. In turn, the oversight committee will present a report to the council once a year.

The oversight committee is not to conduct outreach about their work or recommend any specific road repairs; its responsibility is just to make sure that the sales tax goes to the roads.

But, as Town Manager Jill Keimach pointed out, there are some gray areas. "Would a parking lot like the one we are constructing by the skatepark be a good Measure K project? How about storm drain and sidewalk repairs? Could ADA improvements or staff time be part of it?" she asked.

Council members did not want to leave these decision to the new committee and told the town manager that projects would be reviewed by the council and this type of political decision would be taken at the political level—by the council itself.

Resident Seth Freeman came to the council to make some suggestions as to the modus operandi of the committee and also to express an interest in being nominated. Keimach said that she had already received numerous inquiries from residents interested in overseeing the tax money usage.

The council decided to interview all of the potential committee members at a public meeting in February. The qualifications they deemed necessary included finance and accounting, pavement management, public sector capital project management, public affairs and communications. They decided that no council member will hold a seat on the oversight committee, although a member of the Audit and Finance Committee will join the group as a liaison without voting rights.

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