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## Mt. Diablo Nursery & Garden closes

By Cathy Dausman



Owner Garth Jacober thinks he will miss the painted mural running the length of his nursery the most. Photo Cathy Dausman

The hurt comes through loud and clear in Garth Jacober's voice. "We opened for business March 1, 2007; we're closing Feb. 28, 2018 – one day short of our 11th anniversary."

Retirement, sickness or health has not forced Jacober to close his nursery, although you might argue that someone else's health, or lack of health, precipitated this decision.

A lot has happened since Jacober received a lawsuit in November accusing his business of denying access last August to someone with physical disabilities; he is still troubled by his decision to close, but says it was purely a matter of finances.

"I do the best I can," Jacober insists, explaining his nursery has accommodated those in wheelchairs and walkers over time. "My brother was in a wheelchair for 22 years," he says.

Jacober labeled the lawsuit a shakedown, saying it is not about advocating for people with disabilities as much as it is "abuse by attorney" – an abuse that disrupts communities and small businesses alike. "If there is something good to come of this (closure)," he says, it is raising awareness that something similar could happen to another business.

Jacober, a Lamorinda local, has been in the "green biz" since he first

mowed lawns as a boy. He worked at what was then called Harry's Nursery from 1976 to 1978, coming full circle to own the business in 2007.

His loyal customer base is evident even online, and for that Jacober is very grateful. "Charming and inviting," says one review; "enthusiastic customer service," another. "For a small place, a gem."

The nursery closes Feb. 28, but Jacober is honoring outstanding gift certificates and taking special orders. He says he will continue to serve the Lamorinda area as a landscape consultant.

While the nursery may be closing, the nurseryman plans to grow his business.

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## Orinda road plans

Porges urged the city to commission a survey of the condition of the private roads, which, he said, could be done by the city quite inexpensively while surveys of each private road by the residents would be prohibitively expensive.

Council Member Inga Miller asked Public Works Director Larry Theis to confirm that no funding was contingent upon approval of the plan, and when he did, the council agreed unanimously to defer the matter to a future agenda. Mayor Amy Worth also noted that staff is currently working on the private roads question, which is due to come back to the council

in March. The staff report, which contains the list of roads that will be repaired in 2019, is available on the city's website.

### Wayfinding moves forward

Another project that raised some public objection was the approval of the proposed Crossroads area and Bart wayfinding signs. The project, which has been some years in development, was undertaken in conjunction with Bart and was partially funded by a grant shared by the city and Bart. Nick Waranoff objected to the project, stating that it will cost the city \$76,000 out of its own pocket. Waranoff also believes that, given the current wide-

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spread use of cellphones for navigation, the signs are unnecessary to help pedestrians and bicyclists find their way around Orinda.

Theis, responding to questions from the council, explained that the additional funding is proposed to come from the Transportation Impact Fee Fund, which can be used for projects that help pedestrians and bicyclists and by encouraging the use of these alternative modes of transportation, reduce vehicular traffic. The council, after considering the comments, passed the matter unanimously, authorizing staff to immediately commence with bidding for the project.

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## Moraga's budget revision

At the Feb. 14 council meeting public works director Edric Kwan explained that about \$1 million is slated for reimbursement this fiscal year. The reimbursement will replenish the developer fee fund (Palos Colorado fund) that was used along with the town's reserves to repair the unexpected infrastructure damages.

Resident Brent Meyers discussed with council and staff the possibility to include in the town's financial statements the future reimbursements since they will certainly happen. The technical discussion hinges on the fact that these funds have not been appropriated at the federal level and the date they will trickle down to Moraga is not certain. The council decided to add the future amounts as footnotes in the town's financial statements.

That uncertainty of when the remaining reimbursement will come prevented the audit and fi-

nance committee from rescinding the fiscal emergency declaration. The committee is made of the town volunteer treasurer Bradley Ward, residents Robert Kennedy and Tim Freeman, Mayor David Trotter, Council Member Roger Wykle, the town manager and technical support from the town's accountant, Yuliya Elbo, the town's only current financial employee. The committee decided at its February meeting that it would discuss the lift of the fiscal emergency in April.

The committee recommended that the town council open two funds. The reopening of the Infrastructure Preservation and Improvement Fund will provide funding for maintaining the town's streets, storm drains, buildings and facilities. Over the past years, the town was able to collect a much larger than expected amount of property tax, and none of it was set aside to fund infrastructure maintenance or

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asset replacement. During the audit and finance committee meeting, Trotter asked that 25 percent of future surplus be set aside in the infrastructure fund. The rest would be used to replenish the town's reserve and be dedicated to other town asset replacement funds.

The council questioned the percentages recommended and it decided that the audit and finance committee would refine and finalize its recommendation on that topic at its April 24 meeting.

The council also approved the creation of a new Holidays fund. It will collect residents' donations for the Fourth of July fireworks and Holiday tree lights. The mayor wants additional money collected year-to-year to be left in the fund to support subsequent years' festivities. Previously, if more than needed amounts were raised for these events, the surplus was shifted to the general fund.

## Moraga Center Homes

He believes that granting permission to perform the grading and dirt hauling is unprecedented. He was very disappointed that no effort was made to inform the public before the process started.

The acting planning director Derek Farmer explains that the applicant has received a grading permit for the development, and that the grading ordinance allows for grading activities within the rainy season provided all erosion control measures are in place and the work does not pose a potentially significant geotechnical risk. He added that the town hosted a preconstruction meeting with the applicant's construction team on Feb. 5 to dis-

cuss the project schedule and all the requirements of the grading permit checklist prior to site grading.

The town updated its website on Feb. 7 to provide more information about the project and the construction schedule, including contact information for both the applicant and the town's engineering staff. Further updates can be found on the town's website at moraga.ca.us.

The approval of this development as part of the Moraga Center Specific Plan gave rise to protests from a large group of residents that collected the required number of signatures to subject the project to a referendum during the summer of 2015. The election never happened

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because the local court denied the validity of the legal challenge. Olsen was part of the group of residents opposing the project.

City Ventures went through the years of planning process to secure a permit to build the 36 attached family homes called Moraga Center Homes. KB Homes is now developing the site, according to the plans approved by the town. That company is a 60-year-old publicly traded corporation headquartered in Los Angeles. At this time KB Homes is building detached homes and condominiums in over 12 different locations in the Bay Area, including in Hayward, Fremont, Dublin and Brentwood.

**SPACE EXPLORATION:  
SEEKING A PLANNED  
SOLUTION**  
by resident Leon Volan

If we find another planet  
we can live on I must say  
We should move a million people  
to it every single day.  
My reason is quite logical  
here is what I think -  
The planet we are stuck on  
is surely on the blink.  
It trembles with earthquakes -  
it's drowning with its floods.  
It's parched and dry with deserts -  
sticky too with muds.  
Tornadoes often visit -  
hurricanes as well -  
Tsunamis doing damage  
might be described as hell.  
And most of all some leaders  
are nothing else but kooks -  
Absolute fanatics with  
world destroying nukes.  
And if they launch a couple  
the known world disappears  
Polluted and unlivable  
for a thousand years.  
So I say let's get outta here  
as quickly as we can.  
We should be seeking a solution  
and hope someone has a plan.

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