

SPEAKER CARDS: If you would like to speak during the public forum or on an item listed on the agenda, you are invited to submit a speaker card to the City Clerk. You will be permitted to speak even if you elect not to submit a speaker card or decline to provide information requested on the card. After the City Council has heard from everyone who submitted speaker cards, anyone electing not to submit a speaker card may form a line at the lectern. Public comment is generally limited to 3 minutes per speaker per agenda item.

ORINDA LIBRARY AUDITORIUM	 The logo for the City of Orinda, featuring a stylized mountain range in shades of gray above the word "ORINDA" in a bold, white, sans-serif font on a dark gray rectangular background.	26 ORINDA WAY ORINDA, CA 94563 (925) 253-4221
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**CITY COUNCIL
AGENDA
Tuesday, April 10, 2018**

**6:30 PM – SPECIAL MEETING
7:00 PM - REGULAR MEETING**

6:30 PM - SPECIAL SESSION - GARDEN ROOM, ORINDA LIBRARY

A. CLOSED SESSION

1. OPEN SESSION IDENTIFICATION of Closed Session Matters
2. PUBLIC COMMENTS of Closed Session Matters
3. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-- POTENTIAL LITIGATION.
Pursuant to Government Code Section 54956.9(d)(4) conference with legal counsel regarding one case of potential litigation

7:00 PM - REGULAR SESSION - LIBRARY AUDITORIUM

A. CALL TO ORDER / ROLL CALL

Councilmembers: Darlene Gee, Dean Orr, Eve Phillips
Vice Mayor Inga Miller, Mayor Amy Worth

B. PLEDGE OF ALLEGIANCE

C. CLOSED SESSION REPORT

D. ADOPTION OF AGENDA

The City Council may take action on any item listed on the agenda.

E. ITEMS FOR THE GOOD OF THE CITY

E.1. Proclamation Recognizing the 60th Anniversary of Las Trampas School, Inc.

F. PUBLIC FORUM

The public forum provides an opportunity for members of the public to speak on any item within the jurisdiction of the City Council that is not on the agenda. Additionally, a speaker has the option of addressing the Council on an item listed on the agenda, if the speaker will not be present when that agenda item is taken up. When an item is not listed on the agenda, State law prohibits Council discussion or action. Councilmembers may only “briefly respond” to statements made and questions posed. For example, State law allows Councilmembers to ask questions for clarification and provide a reference to staff or other resources for factual information. Additionally, consistent with the “Matters Initiated” rule contained in its Policies and Procedures Manual, the Council may also direct staff to report back and/or place a matter on a future agenda for discussion.

G. CONSENT CALENDAR

G.1. City Council Minutes

Recommendation:

Approve City Council Minutes of:

- a. March 20, 2018 6:55 p.m. Special Meeting
- b. March 20, 2018 7:00 p.m. Regular Meeting

G.2. Monthly Report of Receipts and Disbursements for the Period February 1, 2018 to February 28, 2018 and Summary With Fund Balances as for July 1, 2017 through February 28, 2018

Recommendation:

Staff recommends that the City Council receive and file this report of receipts, disbursements, and fund balances for the month of February 2018.

G.3. Adopt Resolution 19-18 to support Proposition 69 and oppose SB1 repeal

Recommendation:

Adopt Resolution No. 19-18, Prop 69 Support and Opposition to SB1 Repeal and authorize the City Manager to sign the Sign-up Sheet on behalf of the City.

G.4. Update of the Repairs and Reaffirming Proclamation of the existence of a Local State of Emergency with Respect to the Drainage Pipe Repair on Camino Pablo Generally in the Vicinity of Wagner Ranch Elementary School

Recommendation:

Staff recommends that the City Council review this staff report updating the current status of the repairs being made to the drainage pipe located on Camino Pablo near Wagner Ranch Elementary school, and adopt Resolution 21-18, Reaffirming Emergency Findings of March 20, 2018 that a local state of emergency exists.

G.5. Ordering the Preparation and Filing of a Report for the Fiscal Year Ending 2019 Assessments for the Orinda Street Lighting and Landscaping Assessment District No. 1986-1

Recommendation:

Adopt Resolution No. 16-18, Ordering the Preparation and Filing of Report for Levy of Annual Assessments for Fiscal Year Ending 2019 for Orinda Street Lighting and Landscaping Assessment District No. 1986-1.

G.6. Project Acceptance of the BART – Downtown Access Ramp & Lighting Project No. 4096, Authorizing the City Clerk to sign and file the Certificate of Completion with the Contra Costa County Clerk-Recorder, and authorize Contract Amendment No. 1 (between City of Orinda and Park Engineering, Inc.) for Construction Management Services.

Recommendation:

Staff recommends that the City Council adopt Resolution No. 05-18 Acceptance of Work for the BART - Downtown Access Ramp & Lighting Project No. 4096, authorize the City Clerk to sign and file the Notice of Completion with the Contra Costa County Clerk-Recorder, review Contract Amendment No. 1 (between City of Orinda and Park Engineering, Inc.) for additional construction management services, and authorize the City Manager and City Clerk to execute the contract amendment on behalf of the City, subject to approval as to form by the City Attorney.

G.7. Additional Expenses for Wilder Art and Garden and Surrounding Park Space

Recommendation:

Staff recommends the City Council 1) Receive the report outlining the details of the additional expenses related to the construction of the Art and Garden center and adjacent park space; 2) Appropriate funds in the amount of \$112,100 from the Community Facility Maintenance Endowment Fund #340; and 3) Authorize City Manager to enter into an agreement not to exceed \$112,100 with the Developer to provide for the payment for additional project expenditures as described in this report

H. PUBLIC HEARING

H.1. Ordinance No. 18-06 Animal Control

Recommendation:

Consider adoption Ordinance No. 18-06, waiving second reading, repealing Orinda Municipal Code Title 6 - Animals and Adopting by Reference Contra Costa County Ordinance Code Division 416 - Animals

I. POLICY MATTERS

I.1. Public Information Regarding Upcoming EBMUD Trench Soil Removal from San Pablo Reservoir area with Truck Hauling Route along Camino Pablo and Bear Creek Road

Recommendation:

Staff is informing the City Council, the Orinda residents, and general public regarding the upcoming EBMUD Trench Soil Removal project and its potential impacts to the pavement surface and local traffic congestion/safety along Bear Creek Road and Camino Pablo. Staff recommends the City Council provide feedback and questions to be forwarded to EBMUD prior to their April 17th project presentation before the City Council.

I.2. Discussion regarding Private Roads in Orinda, Relevant Maintenance Responsibilities, the City's Policy for Acceptance of Private Streets for City Maintenance, and Potential Options for Responding to Requests by Members of the Public for City Assistance with Private Road Maintenance

Recommendation:

City Council will receive a report and presentation from City staff on 1) Factors that contributed to current conditions, 2) Types of private roads, 3) Risk factors the City needs to consider, 4) Fiscal concerns, 5) Options for private property owners to finance their street maintenance, 6) Other Items. Staff does not recommend any modifications to the City's existing Private Road Acceptance Policy. This recommendation is based on substantial research and findings that there is currently no viable option under State Law to effectively accept private streets without increasing financial liability and exposure to claims and lawsuits to the City which could significantly impact the City's limited finances.

I.3. Mid-Year Budget Adjustments Including 2nd Quarter General Fund Report Fiscal Year 2017-18 (July 2017 - December 2017)

Recommendation:

Receive the report and authorize Staff to record the Budget adjustments as described.

J. COUNCILMEMBERS' REPORTS

K. CITY MANAGER'S REPORT

L. MATTERS INITIATED

M. ADJOURNMENT

The next Regular Meeting of the Orinda City Council will be held on Tuesday, April 17, 2018 at 7:00 PM.

Please visit the City's website at www.cityoforinda.org to view the City Council Calendar.

I, Sheri Marie Smith, City Clerk, declare under penalty of perjury under the laws of the State of California that this special meeting agenda has been posted at least 24 hours in advance at the Orinda City Hall, 22 Orinda Way and the Orinda Library, 26 Orinda Way. Additional copies are available at the Orinda Library, 26 Orinda Way, and at the City's website at www.cityoforinda.org. At least 24 hours in advance of the meeting, this agenda was also delivered to and received by each member of the City Council as well as each local newspaper, radio station and television station requesting written notice of special meetings.

I, Sheri Marie Smith, City Clerk, declare under penalty of perjury under the laws of the State of California that this regular meeting agenda has been posted at least 72 hours in advance at the Orinda City Hall, 22 Orinda Way and the Orinda Library, 26 Orinda Way. Additional copies are available at the Orinda Library, 26 Orinda Way, and at the City's website at www.cityoforinda.org

~ Notice ~

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders, which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure §1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited by California law, including but not limited to Government Code §65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call 925.253.4221 or visit the website at www.cityoforinda.org.

~ Accessible Public Meetings ~

The City of Orinda will provide special assistance for disabled citizens to participate in public meetings upon advance notice. If you need auxiliary hearing aid or sign language assistance at least two (2) working days advanced notice is necessary. Please contact the City Clerk's Office, 22 Orinda Way, Orinda, Ca 94563 or 925.253.4221 or ssmith@cityoforinda.org with the following information: name, mailing address, phone number and type of assistance requested.