

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 landscape with mountains and hills above the word "ORINDA" in a bold, white, sans-serif font on a dark background.	26 ORINDA WAY ORINDA, CA 94563 (925) 253-4200
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CITY COUNCIL
PROPOSED AMENDED AGENDA

Tuesday, April 11, 2017
7:00 PM - REGULAR MEETING

(This meeting will start immediately following the
5pm Joint Meeting with Planning Commission,
which will likely end at 8:00 PM)

A. CALL TO ORDER / ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF AGENDA

The Council will vote to consider the additional updates and proposed Council actions related to the Miner Road Sinkhole shown below in H.2

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

D. ITEMS FOR THE GOOD OF THE CITY

E. 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.

F. CONSENT CALENDAR

F.1. City Council Minutes

Recommendation:

Approve Minutes:

- a. February 28, 2017
- b. March 7, 2017
- c. March 21, 2017

F.2. Ordering the Preparation and Filing of a Report for the Fiscal Year Ending 2018 Assessments for the Orinda Street Lighting and Landscaping Assessment District No. 1986-1.

Recommendation:

Adopt Resolution No. 33-17, Ordering the Preparation and Filing of Report for Levy of Annual Assessments for Fiscal Year Ending 2018 for Orinda Street Lighting and Landscaping Assessment District No. 1986-1.

F.3. Approve Annexation of the Orinda Oaks Development into the Orinda Geologic Hazard Abatement District (GHAD)

Recommendation:

Staff recommends adoption of Resolution No. 35-17 approving annexation of the Orinda Oaks development into the Orinda GHAD

G. PUBLIC HEARING

H. POLICY MATTERS

H.1. Miner Road Sinkhole

Recommendation:

Update of the Repair and Restoration of the Sinkhole Located Generally in the Vicinity of Miner Road and Camino Lenada, and Adopt Resolution 34-17, Reaffirming Emergency Findings of January 17, 2017 and Finding Impending Peril of Gradual Earth Movement and Determining and Undertaking Appropriate Action to Abate Such Peril on Miner Road Near Camino Lenada.

H.2. Miner Road Sinkhole - Additional Update

Recommendation:

Staff recommends that the City Council first vote to add this item and consider the additional updates and related proposed actions that came to the attention of the City subsequent to the agenda being posted.

The additional updates include (1) City receipt of necessary permits to proceed with construction; (2) remaining uncertainty and risks to reimbursement funding by proceeding with construction while Federal/State authorization is still pending; and (3) Approve the Revised Miner Road Sinkhole and Culvert Replacement design, Project No. 4121 and authorize staff to negotiate a contract change order with Bay Cities for the design modifications from the original bid documents.

H.3. Discuss Bids Received for the BART – Downtown Access Ramp & Lighting Project No. 4096 and Provide Direction to Staff

Recommendation:

Staff recommends that the City Council award a Construction Contract for the BART - Downtown Access Ramp and Lighting Project No. 4096 to Valentine Corporation of San Rafael, California for the total amount of \$867,865 (which is \$118,716 greater than the nonresponsive low bid that the City must reject); and authorize the City Manager to execute the contract on behalf of the City, subject to approval as to form by the City Attorney; alternatively the City Council may authorize the Public Works Director to reject all bids and readvertise the project.

I. COUNCILMEMBERS' REPORTS

J. CITY MANAGER'S REPORT

K. MATTERS INITIATED

L. CLOSED SESSION

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

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6, conference with the City's designated labor negotiators, Steve Salomon (Interim City Manager), Bruce Heid (IEDA) and Pamela Foster (Human Resources Manager), to review the City's position and instruct the City's designated representatives regarding negotiations with the City's employees represented by Teamsters Local Union No. 856.

CONFERENCE WITH LEGAL COUNSEL-- LIABILITY CLAIMS Pursuant to Government Code Section 54956.95, conference with legal counsel related to the following claims received by the City of Orinda pursuant to the Government Claims Act related to February 7, 2017 flooding near Miner Road and Camino Lenada, which claims will be made available for public inspection upon request pursuant to Government Code Section 54957.5:

1. Claim received February 13, 2017 from claimants Jana and Darryl Rains
2. Claim received March 7, 2017 from claimant AMICA Mutual Insurance Company on behalf of Jana and Darryl Rains
3. Claim received March 31, 2017 from claimants Fred & Amina Bret-Mounet
4. Claim received March 31, 2017 from claimant Robert Thurston

CONFERENCE WITH LEGAL COUNSEL-- POTENTIAL LITIGATION.

Pursuant to Government Code Section 54956.9(d)(2) conference with legal counsel regarding significant exposure to litigation related to flooding and sink hole near Miner Road and Camino Lenada in the City of Orinda. Related claims received listed above. (5 potential cases)

CONFERENCE WITH LEGAL COUNSEL-- LIABILITY CLAIMS

Pursuant to Government Code Section 54956.95, conference with legal counsel related to the claim received by the City of Orinda on January 11, 2017 from claimant Richard Ko pursuant to the Government Claims Act related to storm drainage near 14-20 Hall Drive in the City of Orinda, which claim will be made available for public inspection upon request pursuant to Government Code Section 54957.5

M. CLOSED SESSION REPORT

N. ADJOURNMENT

The next Regular meeting of the Orinda City Council will be held on Tuesday, April 18, 2017 at 7:00 PM.

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

I, Sheri Marie Spediacci, 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 sspediacci@cityoforinda.org with the following information: name, mailing address, phone number and type of assistance requested.