

**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 features a stylized landscape with rolling hills in shades of gray above a dark horizontal band. The word "ORINDA" is written in large, white, sans-serif capital letters across the dark band.	26 ORINDA WAY ORINDA, CA 94563 (925) 253-4200
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**CITY COUNCIL  
AGENDA  
Tuesday, May 2, 2017  
7:00 PM - REGULAR MEETING**

**6:00 PM - CLOSED SESSION - GARDEN ROOM**

**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 REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8, conference with Real Property Negotiators. Property: approximately 635 square foot retail space located in the Orinda Library Building at 26 Orinda Way, currently occupied by Caffe Teatro. Agency negotiators: Steve Salomon (Interim City Manager), Todd Trimble (Director of Parks and Recreation) and Osa Wolff (City Attorney). Negotiating parties: City of Orinda and So Jin Kim, current lessee. Under negotiation: Price and terms of possible lease agreement extension/renewal.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8, conference with Real Property Negotiators. Property: approximately 359 square foot space located in the

Orinda Library Building at 26 Orinda Way, currently occupied by the Orinda Association. Agency negotiators: Steve Salomon (Interim City Manager), Todd Trimble (Director of Parks and Recreation) and Osa Wolff (City Attorney). Negotiating parties: City of Orinda and the Orinda Association, current lessee. Under negotiation: Price and terms of possible lease agreement extension/renewal.

## CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8, conference with Real Property Negotiators. Property: approximately 593 square foot space located in the Orinda Library Building at 26 Orinda Way, currently occupied by the Orinda Historical Society. Agency negotiators: Steve Salomon (Interim City Manager), Todd Trimble (Director of Parks and Recreation) and Osa Wolff (City Attorney). Negotiating parties: City of Orinda and the Orinda Historical Society, current lessee. Under negotiation: Price and terms of possible lease agreement extension/renewal.

**A. CALL TO ORDER / ROLL CALL**

**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**

**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. Receive Letter from Stifel Regarding the Successful Sale of Orinda's General Obligation Bonds**

**Recommendation:**

Receive and acknowledge letter from Stifel on the sale of Orinda's General Obligation Bonds brought to market on April 5, 2017

**G.2. City Council Minutes**

**Recommendation:**

Approve City Council Minutes of:

- a. March 1, 2017 (Tri-City Meeting)
- b. March 9, 2017
- c. March 14, 2017 8am
- d. March 14, 2017 6pm

**G.3. Monthly Report of Receipts and Disbursements for the Period March 1, 2017 to March 31, 2017. March 2017 Receipts and Disbursements**

**Recommendation:**

Staff recommends that the City Council receive and file this report of receipts, disbursements, and fund balances for the month of March 2017.

**G.4. Approve Engineer's Report for the Levy of Annual Assessments; Providing Notice of Intention to Levy Annual Assessments; and Set June 6, 2017 as the Date for the Hearing on the Levy of Assessments for Orinda Street Lighting and Landscaping Assessment District No. 1986-1 Zones L-42, M-9 and M-11 for Fiscal Year Ending 2018. Approve Engineers Report for LLD FY 2018**

**Recommendation:**

Adopt Resolution No. 47-17, Approving the Engineer's Report for the Levy of Annual Assessments for Fiscal Year Ending 2018, Orinda Street Lighting and Landscaping Assessment District No. 1986-1, Zones L-42, M-9 and M-11 and Resolution No. 27-16, Intention to Levy and Collect Assessments for Fiscal Year Ending 2018 within the Orinda Street Lighting and Landscaping Assessment District No. 1986-1 Zones L-42, M-9 and M-11.

**G.5. Receive 2016 Annual Report from the Citizens' Infrastructure Oversight Commission (CIOC)**

**Recommendation:**

City Council to receive annual report from the Citizens' Infrastructure Oversight Commission (CIOC), presented by Chair Terry Murphy.

**G.6. Award of a Construction Management Services Contract to PARK Engineering for the 2017 Annual and Measures J & L Pavement Rehabilitation Project**

**Recommendation:**

Staff recommends that the City Council award the Construction Management Services Contract in the amount of \$500,000 to PARK Engineering for the 2017 Annual and Measures J & L Pavement Rehabilitation Project, City Project No. 4114 & 4115 and authorize the City Manager and City Clerk to execute the contract on behalf of the City, subject to approval as to form by the City Attorney

**G.7. Extension of Art Loan Agreements to Allow for Continued Public Display of Artwork through the Art in Public Places Program**

**Recommendation:**

Approve Resolution No. 40-17 through 46-17 authorizing extensions through December 31, 2017 for artworks by Artists/Donors Archie Held (“Negative”), Previous Artist/Donor Kent Roberts now Cid Young (“Surveillance”), Glenn Takai (“Toranski Kokey’s Journey”), Dan Good (“Chain Piece”), Ivan McLean (“Sphere”), Wes Horn (“Surfboard Seat”), and John Toki (“Wild Thing”) provided the artists/donors execute an amendment to the Public Artwork Loan Agreement acceptable to the City Manager and City Attorney.

**H. PUBLIC HEARING**

**H.1. Public Hearing for Development Impact Fees and Fees for Services Provided by the Planning, Public Works and Engineering Services, Parks and Recreation, Police and Administrative Services Departments**

**Recommendation:**

Staff recommends that the Council hold a public hearing to consider the proposed revised Fee Schedule and approve it by the adoption of Resolution 39-17.

**I. POLICY MATTERS**

**I.1. Continued Update of the Repair and Restoration of the Sinkhole Located Generally in the Vicinity of Miner Road and Camino Lenada, and Adopt Resolution 37-17, 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.**

**Recommendation:**

Continued Update of the Repair and Restoration of the Sinkhole Located Generally in the Vicinity of Miner Road and Camino Lenada, and Adopt Resolution 37-17, 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. Authorize an updated total construction contract with Bay Cities Paving & Grading in the amount of \$2,400,000 (includes 20% contingency) for revised project design approved by the City Council on April 11, 2017.

**I.2. Discuss Issues Related to Possible City Regulations to Address Marijuana in Light of Recent Changes in State Law.**

**Recommendation:**

Provide direction to Staff on (1) whether to ban outdoor cultivation of marijuana for personal use, (2) whether to regulate indoor cultivation of marijuana for personal use, (3) whether to permit any type of commercial marijuana activities within the City, and (4) whether to prohibit marijuana deliveries originating from outside of the City. Staff will return with an ordinance amending the City's municipal code consistent with the Council's direction.

**I.3. Fiscal Years 2018 and 2019 Proposed Operating and Capital Improvement Plan Budgets**

**Recommendation:**

Provide input and direction to staff regarding the proposed Fiscal Year 2018 and 2019 Operating and Capital Improvement Plan Budgets

**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, May 16, 2017.at 7:00 PM.

Please visit the City's website at [www.cityoforinda.org](http://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](http://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](http://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](mailto:sspediacci@cityoforinda.org) with the following information: name, mailing address, phone number and type of assistance requested.