

**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.

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| ORINDA LIBRARY<br>AUDITORIUM |  | 26 ORINDA WAY<br>ORINDA, CA 94563<br>(925) 253-4200 |
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**CITY COUNCIL  
AGENDA  
Wednesday, July 5, 2017**

**5:00 PM – SPECIAL MEETING  
6:30 PM - REGULAR MEETING**

**5:00 PM - SPECIAL SESSION – GARDEN ROOM, ORINDA LIBRARY**

**A. 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-POTENTIAL LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2), conference with legal counsel regarding significant exposure to litigation (one potential case).

**5:30 PM – SPECIAL SESSION – GARDEN ROOM, ORINDA LIBRARY**

**A. CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6, conference with the City's designated labor negotiators: Bobbi Peckham, Steve Salomon (Interim City

Manager) and Pam Foster (Human Resources Manager) to instruct them regarding negotiations related to the City Manager position.

**PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957(b), consider the qualifications of candidates for the position of City Manager.

**6:30 PM – REGULAR SESSION – LIBRARY AUDITORIUM**

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

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

**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. PRESENTATIONS/ITEMS FOR THE GOOD OF THE CITY**

**E.1. Final Presentation by Matt Wagner of National Main Street Center**

**Recommendation:**

Staff recommends that the City Council receive and provide comments regarding National Main Street Center's final report regarding the "Market Analysis and Transformation Strategy Development Service" for Downtown Orinda.

**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. June 6, 2017
- b. June 20, 2017

**G.2. Adoption of Resolution 63-17 Denying a Commercial Use Permit 2017-002 for a Retail Banking Use (Chase Bank) in a 3,000 Square Foot Space on the Ground Floor of an Approved 18,100 Square-Foot Mixed-Use Development Project, with Frontage Facing Orinda Way.**

**Recommendation:**

Staff recommends the City Council adopt the draft resolution to deny the project.

**G.3. Project Acceptance of the 2016 Annual and Measures J & L Pavement Rehabilitation Project No. 4105/4106**

**Recommendation:**

Staff recommends that the City Council adopt Resolution No. 66-17 - Acceptance of Work for the 2016 Annual and Measures J & L Pavement Rehabilitation, Project No. 4105/4106 and authorize the City Clerk to sign and file the Certificate of Completion with the Contra Costa County Clerk-Recorder.

**G.4. Award of Construction Contract for the Camino Sobrante Landslide Repairs Project to Cowan & Thompson Construction, Inc.**

**Recommendation:**

Staff recommends that the City Council award the Construction Contract for the Camino Sobrante Landslide Repairs Project No. 4124 to Cowan & Thompson Construction, Inc., of Martinez, California for the total amount of \$42,827.19 and authorize the City Manager to execute the contract on behalf of the City, subject to approval as to form by the City Attorney.

**H. PUBLIC HEARING**

**H.1. Public Hearing to Confirm the Diagram and Assessment for the Orinda Street Lighting and Landscape Assessment District No. 1986-1 Zones L-42, M-9 and M-11 for Fiscal Year Ending June 30, 2018**

**Recommendation:**

Open the Public Hearing, receive public testimony, close the Public Hearing and consider adoption of Resolution 65-17, Confirming the Diagram and Assessment for the Orinda Street Lighting and Landscape Assessment District No. 1986-1, Zones L-42, M-9 and M-11 for Fiscal Year Ending June 30, 2018.

**I. POLICY MATTERS**

**I.1. Final Update of the Repair and Restoration of the Sinkhole Located Generally in the Vicinity of Miner Road and Camino Lenada, and Adopt Resolution 67-17, Termination of Emergency Dating back to Findings of January 17, 2017 with Respect to the Sinkhole**

**Recommendation:**

Final Update of the Repair and Restoration of the Sinkhole Located Generally in the Vicinity of Miner Road and Camino Lenada, and Adopt Resolution 67-17, Termination of Emergency Dating back to Findings of January 17, with Respect to the Sinkhole.

**I.2. Adoption of Resolution 62-17 Approving a Commercial Use Permit for a Fitness Facility (Orange Theory Fitness) in a 3,000 Square Foot Space on the Ground Floor of an Approved 18,100 Square-Foot Mixed-Use Development Project, with Frontage Facing Orinda Way**

**Recommendation:**

Staff recommends the City Council discuss and give direction to staff on the adoption the draft resolution with conditions of approval to approve the project.

**I.3. Proposal by Taste of the World for a Weekly Food Truck Event in front of the Orinda Community Center through October 19, 2017.**

**Recommendation:**

Staff recommends that the Council receive the staff report and the presentation from Taste of the World, take public testimony, and provide guidance to staff as to whether to proceed with the proposal.

**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, July 18, 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 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](http://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 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.