

IMPORTANT NOTICE REGARDING THIS MEETING: To protect our residents, officials, and staff, and in alignment with AB 361 and Orinda City Council Resolution No. 42-21, in which certain teleconference requirements of the Brown Act have been suspended, including the requirement to provide a physical location for members of the public to participate in the meeting, this meeting will be held by Teleconference.

<p>BY TELECONFERENCE VIA ZOOM WEBINAR</p>		<p>By PC: MEETING URL: https://tinyurl.com/ncusvn4h MEETING ID: 924 9319 5201 By Telephone: +1 669-900-9128 MEETING ID: 924 9319 5201</p>
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CITY COUNCIL
AGENDA
Tuesday, May 3, 2022

7:00 PM - REGULAR MEETING

How to follow or participate in the meeting:

- Members of the public may observe and participate in the meeting at the teleconference location **highlighted** above. To ensure that the City Council receives your comments, we **strongly encourage you to submit your comments in writing in advance** of the meeting by following instructions below:

Send your e-mail to ssmith@cityoforinda.org by 3pm on the day of the meeting. Those e-mails will be forwarded to the City Council. They will also be made a part of the public record and be available to view upon request by contacting the City Clerk at ssmith@cityoforinda.org or 925-253-4221. In addition, they will be available electronically by 5pm on the day of the meeting by selecting the date of the meeting in this Box link:

<https://cityoforinda.box.com/s/aqrelwbwv0wc37m5hkju2o8a0sta7bup>

- Comments may also be submitted by e-mail during the meeting up until the closure of public comment period on the relevant agenda item. These will be read into the record by staff at their normal cadence and will be limited to a maximum of 3 minutes. To be read into the record, e-mail must contain in the subject line "Public Forum – Not on the Agenda" or "Public Comment – Agenda Item #" with the relevant agenda item indicated.

- To comment orally in real time during the meeting, you may use the Zoom “raise your hand” function on your computer screen or the *9 function on your phone.

7:00 PM - REGULAR SESSION

A. CALL TO ORDER / ROLL CALL

Councilmembers: Darlene Gee, Nick Kosla, Amy Worth
Vice Mayor Inga Miller, Mayor Dennis Fay

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF AGENDA

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

D. ITEMS FOR THE GOOD OF THE CITY

D.1. Orinda Association Annual Report

D.2. Proclamation - Bike to Work Day

D.3. Receive Report from Orinda Teen Advisory Committee

D.4. Receive Presentation on Downtown Planning Survey Results To Date

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 City Council Minutes:

1. April 19, 2022 - Closed Session
2. April 19, 2022 - Regular Meeting

F.2. Authorization For Continued Use of Remote Teleconference for City Meetings

Recommendation:

Approve the Ratification of Orinda City Council Resolution No. 42-21 and Authorize the Continued Use of Teleconference Meetings for the Period of May 4, 2022 to June 2, 2022 Pursuant to the Provisions of Assembly Bill 361.

F.3. Ordering the Preparation and Filing of a Report for the Fiscal Year 2022/23 Assessments for the Orinda Street Lighting and Landscaping Assessment District No. 1986-1

Recommendation:

Adopt Resolution No. 20-22, Ordering the Preparation and Filing of Report for Levy of Annual Assessments for Fiscal Year 2022/23 for Orinda Street Lighting and Landscaping Assessment District No. 1986-1.

F.4. Award a Construction Contract to Valentine Corporation for the Lavenida Culvert Repair Project (Project No. 4148), Authorize Contract Amendment #2 with Dewberry/Drake Haglan for the Design, Accept Grants of Storm Drain Easements and Approve Budget Changes for said project.

Recommendation:

Staff recommends that the City Council: (1) Award a Construction Contract for the Lavenida Culvert Project (Project No. 4148) to Valentine Corporation of San Rafael, California for an amount of \$619,369 and authorize a 15% contingency; (2) Approve the Design/ Construction Plans for said project; (3) Authorize Contract Amendment No. 2 with Dewberry/Drake Haglan to increase the contract limit by an addition of \$49,970 to a new total contract amount of \$141,045 and authorize a 7% contingency; (4) Accept Storm Drain Easements for facilities constructed with said project and (5) Approve budget change of \$243,978 in additional funding required to complete said project.

F.5. Acceptance of the Library Parcel Tax Independent Review Annual Report For The Period Ending (June 30, 2021)

Recommendation:

Receive and accept the Report for the period ending June 30, 2021.

F.6. Authorize Contract Amendment No. 3 with CSG Consultants, Inc. for On-Call Civil Engineering Services

Recommendation:

Staff recommends that the City Council authorize the City Manager and City Clerk to execute Contract Amendment No. 3 with CSG Consultants. The amendment will increase the maximum contract amount to \$515,000 and extend the term from June 30, 2022 to June 30, 2023.

F.7. Temporary Full Road Closure of portions of Overhill Road, Overhill Court and Tara Road for EBMUD's Pipeline Replacement Project

Recommendation:

Staff recommends the City Council Approve the Traffic Control and Detour Alternatives Requested by EBMUD; and Adopt Resolution 16-22 (Traffic Order #220) Authorizing the Temporary Full Road Closure of portions of Overhill Road, Overhill Court and Tara Rd between Moraga Way and Hillcrest Drive intersections for the purposes of EBMUD to perform their Pipeline Replacement Project which involves replacement of approximately 6,000 linear feet of the existing water main.

F.8. Request Approval for Purchase of Wes Horn's and Doug Heine's Artwork Pieces Using Private Donations

Recommendation:

Approve Resolution No. 15-22 authorizing the purchase by the City of Orinda of artwork by Wes Horn (*Surfboard Seat*) and Doug Heine (*Full Circle*) using Private Donations.

G. PUBLIC HEARING

H. POLICY MATTERS

H.1. Introduction of an Ordinance Banning the Sale of Flavored Tobacco and Vaping Products

Recommendation:

Staff recommends the Council waive a full reading and introduce the proposed ordinance. Alternatively, the Council could direct staff to make changes to the proposed ordinance and bring it back at a later meeting for introduction.

H.2. Discussion of Annual Update to the Capital Improvement Plan

Recommendation:

Staff recommends the City Council conduct its first review and discussion of the annual update to the City's rolling five year Capital Improvement Plan (CIP) for Fiscal Years 2021/22-2026/27 and receive PowerPoint presentation from Staff on the Status of the 2021/22 CIP Projects. No action is being taken to approve projects or appropriate funds. The information obtained from this meeting will be used to develop formal updates to the CIP, including the addition of new projects. The City Council will have additional opportunities to review and provide input in the next two months along with the mid-cycle budget adjustments before the CIP is approved.

I. COUNCILMEMBERS' REPORTS

J. CITY MANAGER'S REPORT

K. MATTERS INITIATED

L. ADJOURNMENT

The next Regular Meeting of the Orinda City Council will be held on Tuesday, May 17, 2022 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.