

**JULY 17, 2012
CITY OF ORINDA
CITY COUNCIL MINUTES**

6:30 P.M. – 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

PURSUANT TO GOVERNMENT CODE SECTION 54957

Performance evaluation of City Manager

Mayor Glazer called the meeting to order at approximately 6:30 p.m. in the Library Garden Room with four Councilmembers present and Councilmember Severson excused. There were no public comments regarding the closed session matter. Mayor Glazer announced and the Council convened into a closed session to discuss the above listed item.

7:00 P.M. – REGULAR MEETING - LIBRARY AUDITORIUM

A. CALL TO ORDER / ROLL CALL:

Mayor Glazer called the meeting to order at approximately 7:00 p.m.

COUNCILMEMBERS PRESENT: Dean Orr, Victoria Smith,
Vice Mayor Amy Worth, Mayor Steve Glazer,

COUNCILMEMBERS ABSENT: Sue Severson (Excused)

B. PLEDGE OF ALLEGIANCE: Led by Holly Landers

C. CLOSED SESSION REPORT:

Mayor Glazer reported that the Council met earlier in a closed session and no reportable actions were taken during the session.

D. ADOPTION OF AGENDA

MOTION by Vice Mayor Worth and seconded by Councilmember Smith to **adopt the agenda as presented**. Said motion carried by a unanimous (4-0) voice vote.

gardens on the site. He questioned whether the Friends' counter offer was an all or nothing proposal.

Mr. Long confirmed their offer was not an all or nothing one but their concern was that the Adobe support useful access by the public which would mean a restroom and some level of parking on the site but the Friends were not locked into their proposal.

Ms. Master also noted that the proposal had included an obligation for the Friends to take on a multi-year payback of the renovation cost but the current club house proposal includes the developer committing hundreds of thousands of dollars to make the facility a club house and she felt these funds could be used to renovate the facility without the young nonprofit agency being saddled with a loan.

Vice Mayor Worth encouraged that the Friends pursue conversations with the property owner as the City continues to process the subdivision application as required by law.

Mayor Glazer thanked the group for their outstanding presentation and he encouraged that conversations quickly begin between the Friends and the developer and he indicated staff may be able to facilitate the discussions.

Ms. Landers addressed the Council indicating the Friends were interested in the cities of Orinda, Moraga, and Lafayette coming together on an ownership basis and the Friends could not pursue this option with the developer until the City indicates they were interested.

Mayor Glazer indicated he has heard a lot of interest but an interest by the developer to pursue a JPA was needed as it would provide the Council with something more than a concept to explore. Vice Mayor Worth also requested that City staff help facilitate discussions and assist in identifying issues and she felt that all shared a goal of preserving the Adobe treasure.

I-2 Proposed 10-Year Roads and Drains Repair and Maintenance Plan

City Manager Keeter introduced the proposed 10-year plan advising that staff would like to add photos to the plan to demonstrate what different Pavement Condition Index (PCI) levels look like. She also highlighted that the Citizens Infrastructure Oversight Commission (CIOC) reviewed and supported the plan.

Darlene Gee, CIOC Vice Chair, addressed the Council confirming the Commission discussed and supported the plan. She noted the Commission felt the communications about the plan should be thoroughly thought out so the community could understand the multi-phase approach.

Dave Anderson urged that residents trust their elected leaders as the Council, City staff and several volunteers have worked on the roads issue for five or more years and now know a lot about the issues. He stated his hope that residents would see that they elect

representatives to make decisions and it was now time for the Council take the lead in fixing the roads.

Nancy and Rick Booth addressed the Council stating their ongoing concern with the hazardous conditions of Orinda roads; they recognize that ballot measures have been tried; and they support putting the sales tax measure forward even though it was not a complete solution.

Councilmembers expressed their appreciation for the work that has been done since 2003 and, while the Council had wanted a measure to develop a complete fix, given the limited support for full financing, the proposed report shows a plan for how all of the pieces fit together with a sales tax being one piece of an overall plan.

MOTION by Vice Mayor Worth and seconded by Councilmember Smith to **adopt Resolution No. 38-12 approving a 10-year roads and drains repair and maintenance plan which delineates fixing Orinda's roads to a Pavement Condition Index (PCI) of 70 ("good" condition) and repairing underlying drains with the provision that photographic enhancements will be added to the plan as staff finds appropriate.** Said motion carried by a unanimous (4-0) voice vote.

I-3 Adoption of Resolution No. 39 -12 for the Submission to the Voters of a Ballot Question Related to a Transaction and Use Tax for the Tuesday, November 6, 2012 Municipal Election

Acting City Attorney Engberg introduced the details of the staff report which outlined the resolution to set a ballot measure for the November 6th election to establish a sales tax. Councilmembers received clarification that (1) with two Councilmembers authorized to author arguments for the ballot measure, other individuals could also co-author the arguments; (2) the proposed oversight commission is something that would occur if the ballot measure were approved; and (3) the language of Section 3.14.060 of the ordinance relating to the "place of sale" provisions was included as standard language recommended by the State Board of Equalization.

Cassandra Forth stated she was awed by the Council's work and their commitment. She stated that when the City was incorporated in 1985 the infrastructure was a disaster and most residents feel it is up to them to address the roads as they cannot expect federal funds or grants. Like when one buys their home, she stated residents also buy a piece of Orinda and they have a responsibility for the upkeep of both their home and their community. She stated the public has demonstrated by the close election votes in the past that they want to pay to maintain the community and enhance their quality of life. She applauded the ten-year plan and felt it was reasonable and the sales tax was a positive first step. She stated the tax was not an undue burden, all bore responsibility, and it was time to step up. She supported the annual audit that was part of the plan noting the tremendous work already done by the CIOC.

Carol Penskar commended the CIOC for their hard work indicating they have done a good job reprioritizing resources to get the biggest bang for the buck. She stated the 10-year plan and the sales tax were the next step and they needed to move forward to get something done. She also announced that today she filed a Form 460 (Recipient Committee Campaign Statement) which shows that 1/3 of contributors listed their profession as retired and which also shows a widespread support throughout the community for the ballot measure.

Richard Colman stated his belief that fixing Orinda roads is a high priority and he felt the plan to have a ½ cent sales tax for a 10-year period was a reasonable approach. He continued by stating he would prefer a 2/3 vote option as it would then lock the money in for road repairs; he cited the voter support for such approach as identified in the January voter survey; and he encouraged consideration of a parcel tax at some time in the future. Mr. Colman continued by highlighting the current sales tax levels and the proposed State and regional sales tax measures being considered in November which will increase the overall tax rate.

Darlene Gee addressed the Council presenting her personal thoughts (as opposed to representing the CIOC). She supported the sales tax indicating it was a reasonable first step which would give the City an opportunity to demonstrate progress and build trust so the community would support an additional measure in the future. She stated her preference for a solution to fix everything from the beginning but she recognized the reality of the situation and that it was important to take a step and build upon the work that has been done on arterial and collector roads to date.

Cassandra Forth read a letter from Rebecca Dahlberg which encouraged the City to move forward with the proposed ballot measure. The letter stated it was unacceptable that Orinda has among the worst road problems in the Bay Area; the roads continue to worsen from neglect and use; the City has tried for many years to solve the problems through various bond measures with those measures failing by narrow margins; citizens have learned that a majority of residents favor paying for road repairs; the recent polling shows that a majority of citizens will support a ½ cent sales tax to start fixing the roads; and she urged that the Council place the sales tax measure on the ballot.

Vince Maiorana stated the Council was moving in the right direction with the sale tax. He noted that residents do ask whether their street will be fixed and to provide for full transparency he recommended that provisions be included into the documents that the funds will be dedicated specifically to residential roads in the two categories of poor and very poor.

Ann O'Connell-Nye expressed her and her husband's support for repairing the City's roads and drains and she felt the 10-year plan was a good one. She noted that the area on Martha Road where she lives is sinking and drivers hesitate at the dip in front of her house. She questioned the cost of a municipal election indicating there were other issues where people would like to see the ballot initiative process used. Mrs. O'Connell-Nye referenced the graphic in the downtown area which illustrates donations

to public schools and she suggested that the same approach be used to solicit donations for road repairs.

Regarding the question raised from the various speakers, City Clerk Olsen indicated she would follow up with Mrs. O'Connell-Nye and provide her with municipal election cost information. Acting City Attorney Engberg advised that for general tax measures the use of funds cannot be earmarked. Mayor Glazer reviewed that it is likely that the funds will be directed to residential roads and he reviewed the process that has been used to allocate funds through use of the StreetSaver computer program with advice from of the CIOC.

Regarding questions on the ordinance language regarding "place of sale", Deputy City Attorney Engberg advised she would research the provisions further but recommended that the Council move forward with adoption of the ordinance as presented and, if there were additional sales tax opportunities, the Council could consider an amendment to the ordinance at the first Council meeting in August.

Councilmember Smith highlighted that this was the first time she recalled hearing 100% of the speakers supporting a ballot measure, let alone a tax measure, and she thanked all of the individuals who have worked so hard on the roads issue and on addressing improved City finances.

Mayor Glazer echoed Councilmember Smith's comments including the thanks to those who have worked on the issue for such a long time. He emphasized that the important issue was that this action was a first step; while the tax may not be the optimal amount, it does fit into the overall plan; and the revenues will be generated and used locally.

MOTION by Councilmember Smith and seconded by Vice Mayor Worth to adopt Resolution No. 39 -12 placing a half-cent sales tax (i.e., a Transaction and Use Tax) on the ballot for the November 2012 election and approving the attached Ordinance , requesting that the City Attorney prepare an impartial analysis, and requesting that Vice Mayor Worth and Councilmember Orr prepare the ballot argument for the measure. Said motion carried by a unanimous (4-0) voice vote.

Mayor Glazer recognized that, while Councilmember Severson was not present to vote on the matter, she has expressed her support for the ballot measure in the past. He also recognized that this was the first time in eight years where the community has unanimously encouraged moving forward.

The Council briefly recessed at 9:40 p.m. and reconvened at approximately 9:50 p.m.

I-4 Continued Discussion on Consideration of Establishing an Ad Hoc General Plan Update Advisory Committee

Due to the lateness of the hour, there was a Council consensus to continue the agenda item.