

**CITY OF ORINDA
CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION
MINUTES**

June 14, 2017

A REGULAR MEETING OF THE CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION (CIOC) WAS HELD ON THE ABOVE DATE IN THE SARGE LITTLEHALE COMMUNITY ROOM, 22 ORINDA WAY, ORINDA, CALIFORNIA.

A. CALL TO ORDER

Chair Murphy called the meeting to order at 6:35 p.m.

The following documents were provided at this meeting:

1. *City of Orinda Road and Drainage Repairs Plan – Successes and Challenges – revisions by Commissioner Hubner - dated June 14, 2017*
2. *City of Orinda 2012-2019 Paving Program Map – dated June 12, 2017*
3. *Summary of Revenues and Expenditures - Measures L & J and Program Funding – dated June 12, 2017*
4. *Town of Los Altos Hills - Memorandum/Ad Hoc Committee on Private Roads and Staff Recommendation for Existing Private Road Standards for Town Acceptance – dated May 21, 2015*

B. ROLL CALL

COMMISSIONERS: Walter Bell, Gordon Bizieff, Jud Hammon, Robert Hubner (absent, excused), Bill Hurrell, Terry Murphy, Richard Nelson

City Staff: Director of Public Works and Engineering Services Larry Theis; Paving Program Project Manager Farah Khorashadi

C. PLEDGE OF ALLEGIANCE – led by Chair Murphy

D. ADOPTION OF AGENDA

Commissioner Nelson requested that the Agenda be amended to hear Item I prior to Item G.

MOTION: By Commissioner Nelson, seconded by Commissioner Hurrell, to adopt the agenda as amended. The motion carried by unanimous voice vote.

E. PUBLIC FORUM - None

F. CITIZENS' INFRASTRUCTURE OVERSIGHT COMMISSION MEETING MINUTES

Approval of CIOC meeting minutes of May 10, 2017

Commissioner Nelson noted that Item G of the minutes did not include a motion which he had brought forth.

Chair Murphy advised that the minutes are in draft form and can be amended and approved.

Paving Program Project Manager Khorashadi advised that the Draft Minutes are typically sent to the Chair for review prior the meeting.

Commissioner Hammon recommended that the minutes be amended and brought back to the next CIOC meeting for approval.

This item was continued to the next CIOC meeting.

I. DISCUSSION – POLICY FOR PRIVATE ROAD ACCEPTANCE

Director Theis stated that Councilmember Gee had requested that staff draft a policy regarding the acceptance of private roads and to have the draft reviewed by the CIOC; no specific direction was received. The fundamental question is which roads, if any, is the City willing to accept. There are a variety of private roads in the City: Private roads that are dedicated for public use but not accepted; Private roads not dedicated to the public that do not have a Homeowner's Association (HOA) to maintain the roads; and Private roads that are maintained by an HOA.

An analysis by Paving Program Project Manager Khorashadi indicates that there are approximately 23 miles of private roads in the City (excluding the Wilder Development). Parameters would need to be established for acceptance – for example, does the City want to accept roads with zero liability; roads with \$100,000 deferred maintenance; roads with \$50,000 needed drainage improvements. Additionally, would the City be willing to form an Assessment District so the residents would pay an assessment over 20 years for the cost of maintenance and improvements, for which the City would need to cover the up-front costs. By taking acceptance of private roads, the City would never have adequate funding from CCVT and Gas Tax to maintain the roads.

Commissioner Nelson commented that Director Theis' discussion of the issues was reasonably expressed; he was not convinced that the City should be accepting all private roads and using the same criteria for every road. The condition of the road, how it would be used, and how many residents live on the private road are all of concern.

Jennifer Wallace, Orinda resident, addressed the CIOC stating that as property owners on a private road, they have paid taxes which go to public road maintenance. The issue is to determine what the standards are for the City to accept private roads; the Council should select a standard that is fair. Homeowners are willing to make some improvements and bring the road up to a higher standard.

Commissioner Bizieff asked how many private properties are on the private section of Mira Loma.

Melissa Roeder, Orinda resident, stated that there are 14 lots, with six to nine lots fronting Mira Loma, and two currently for sale.

Commissioner Nelson questioned whether the Mira Loma residents were aware of any other compromising conditions on the road other than the pavement.

Commissioner Hurrell asked if the residents were aware of any specific drainage issues.

Ms. Wallace replied that during the 20 years she has lived there, she has not observed any flooding problems. She added that the failed pavement section is adjacent to PG&E property.

Steve Cohn, Orinda resident, had prepared a document and distributed “Orinda Private Street Facts” to the CIOC; he stated that the homeowners on private roads have paid their fair share of taxes for the past 50 years and are not treated equitably. The two recent bonds, totaling \$45 million, will cost \$3.2 million per year over the course of 20 years - \$800,000 of that comes from property owners on privately-maintained streets.

Commissioner Nelson questioned what streets are dedicated to the public but not accepted and what streets are not dedicated to the public; he urged Mr. Cohn to share any additional information he has with Paving Program Project Manager Khorashadi.

Ms. Roeder expressed her appreciation to the Commissioners for their consideration and would like a balanced solution for this issue. Perhaps the City could accept private streets gradually or the best private roads could get repaired and accepted.

Janet Schwartz, Orinda resident, noted her concern that the Mira Loma pavement may fail during a major storm event and emergency vehicles may not be able to gain access.

Commissioner Nelson questioned whether she was acknowledging a significant drainage problem on the roadway.

Ms. Schwartz responded that the pavement is sinking.

Ms. Wallace commented that the residents are aware that they need to repair the sinkhole but they would need to know the standards.

Ms. Roeder confirmed that she has met with several contractors regarding repair of the sinkhole. The solution is to dig out a section and repair with asphalt.

Chair Murphy stated that private roads should be improved to the same standards as public roads. Prior to the City incorporating, the County was required by the Local Agency Formation Commission (LAFCO) to pave and improve drainage per Contra Costa County standards. A policy for accepting private roads is already in place. It would need to be determined if Mira Loma meets those standards.

The City's standard for public residential streets is a minimum PCI of 50.

Ms. Roeder stated that the residents have been diligent.

Commissioner Bizieff supported accepting private roads on a case-by-case basis; topography, utilities, and drainage condition should all be considerations. The standard for the City of Los Altos is that any private road should be built to the standards of publicly maintained roadways.

Commissioner Bell commented that this is a socioeconomic issue; property owners on private roads pay taxes and the City should have a clear standard.

Director Theis advised that a road with drainage problems would have more liability for the City than pavement condition.

Commissioner Nelson concurred with Commission Bizieff that private roads should be evaluated on a case-by-case basis. He added that the City could raise additional funding, perhaps by doubling the ½ cent sales tax, and urged continuing pursuit of funding opportunities.

Commissioner Hammon stated that if the City Council wants to consider accepting private roads, then they should prepare a bond policy, make the case to the City's voters, and approve a policy contingent upon passing a bond measure.

Commissioner Nelson thought it would be helpful to know the initial cost of accepting private roads and the maintenance costs; the City cannot accept private roads until there is a plan in place.

Chair Murphy stated that without a funding source, the City cannot take on any private roads. There is a current policy and coming up with a dollar figure would be misleading.

Commissioner Hammon stated that if the road was brought to "perfect" standards, the maintenance for the following five to ten years would be minimal. Saying "perfect" means drainage, soil, but does not include road width.

Ms. Roeder commented that the property owners cannot spend \$8,000 to assess the condition of Mira Loma without knowing the acceptable standard.

Commissioner Hurrell suggested using Mira Loma as a test case to assess the condition of the road.

Director Theis advised that under the current policy the road should be in perfect condition.

Commissioner Nelson recommended consulting the City Attorney to determine if any public funds can be spent to assess a private road.

Chair Murphy requested staff provide options if an evaluation of Mira Loma can be undertaken.

This item was continued to a future CIOC meeting.

Note: This "discussion" is a stream-of-consciousness with no direction. It was discussions like this that has caused the topic to be dragged out for two years, and counting. While the final note was "item was continued to a future CIOC meeting", the CIOC would not discuss it again for seven months.