

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

Wednesday, January 10, 2018

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 6:30 p.m.

The following documents were provided at this meeting:

1. *City of Orinda Road and Drainage Repairs Plan – Draft Final Version* (as updated in 2017) – dated January 10, 2018
2. *City of Orinda Cash Transaction History* – dated January 5, 2018
3. *Correspondence – E-mail from Charles Porges regarding Road and Drainage Repairs Plan* – dated January 9, 2018
4. *Correspondence – E-mail from Steve Cohn regarding Roads and Drainage Repairs Plan* – dated January 9, 2018

B. ROLL CALL

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

City Staff: Paving Program Project Manager Farah Khorashadi

C. PLEDGE OF ALLEGIANCE– led by Chair Murphy

D. ADOPTION OF AGENDA

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

E. PUBLIC FORUM

Steve Anderson, Moraga Orinda Fire District Director, discussed his concern regarding substandard fire hydrants in the City; he suggested that the Commissioners bring this matter forward to the City Council.

Commissioner Nelson asked whether Mr. Anderson had suggestions for improvements.

Mr. Anderson recommended that the City of Orinda, the Town of Moraga, and a Moraga Orinda Fire District (MOFD) board member collectively contact East Bay Municipal Utility District (EBMUD) to discuss the substandard hydrants.

Chair Murphy advised placing this item on the next CIOC agenda for discussion.

Steve Cohn, Orinda resident, commented that the CIOC was formed to work on *all* infrastructure needs, including the issue of substandard fire hydrants.

Commissioner Hubner was unclear whether the Commission could take any action on this item, as the CIOC is responsible for publicly maintained road and drains; he added that he did not doubt that substandard fire hydrants is an important issue that should be addressed.

Mr. Cohn stated that the Draft Roads and Drainage Repairs Plan clearly details the history and future needs of Orinda's 93 miles of publicly maintained roads and associated storm drains; however, he did not believe that it addresses the complete pictures of Orinda's infrastructure needs. He stated that 20% of Orinda residents live on private roads which are being denied the benefit of publicly funded road maintenance while fully supporting the taxes used to fund public road maintenance.

Commissioner Nelson questioned whether the conversion from a private road to a public road was accomplished by the County or the City.

Chair Murphy advised that when the City incorporated, Contra Costa County oversaw road improvements on *public roads* per direction from the County Local Agency Formation Commission (LAFCO).

This item will be agendaized for a future CIOC meeting.

F. CITIZENS' INFRASTRUCTURE OVERSIGHT MEETING MINUTES

Approval of CIOC meeting minutes of November 8, 2017.

MOTION: By Commissioner Hurrell, seconded by Commissioner Hammon, to approve the meeting minutes of November 8, 2017. The motion carried by unanimous voice vote.

G. DISCUSSION – ROAD AND DRAINAGE REPAIRS PLAN

Charles Porges, Orinda resident, read his submitted e-mail correspondence, dated January 9, 2018, as follows:

I present to you what I intend to present to the City Council at their February 20th meeting in the hope that the CIOC can make some recommendations along these lines in the ROAD AND

DRAINAGE REPAIRS PLAN. The CIOC has responsibilities to all the citizens of Orinda and should make recommendations about the entire infrastructure not just the public roads. You have already heard how unfair it is to charge private road residents to maintain the public road network without getting support from the City for their own streets. You have also heard about the neighbor alienation that occurs when a repair is required and not all neighbors are willing to share in the cost. I have also pointed out that public roads funding provides insurance against major road collapse.

My objective is to convince the Council to adopt most private roads into the publicly maintained road network. I am not a lawyer but I believe that no law precludes this from occurring.

The first thing that ought to be determined is what condition are the private roads in, to assess the potential cost to the City. I estimate that surveying all the private roads will only cost the City about \$2000 if MTC shares the cost. The City should undertake this survey both to obtain better data on the whole Orinda road network and for public safety considerations. While performing this survey storm drain and fire hazard data can be obtained.

I understand that maintaining the road infrastructure will require new funding sources. Once private roads become public, more State and Federal funds will be available for the expanded public road network which would partially cover the added cost. We have completed a survey of private roads in SW Orinda, excluding Wilder, which indicates that 85% of them have a PCI greater than 50, thus these roads only require ongoing maintenance, not reconstruction. This can be contrasted with the condition of the publicly maintained Residential roads in 2014 of which 75% had a PCI of less than 50. Thus the cost of including all private roads in the public system will be a lot less than some have feared but we won't know until a fact based analysis is performed. The CIOC, which represents all the citizen's interests, should recommend that this survey be done in the PLAN.

For both the survey, engineering, and repair of roads and storm drains, the City is the only entity entitled to State and Federal funds. The City also obtains significant volume discounts. It is probably ten times more expensive for private road residents to undertake the same work on their own.

Lastly, the CIOC should recommend to the City Council the creation of a task force to study these complex issues. I request the above be recorded in the minutes. I am prepared to listen to your comments and questions.

Melissa Roeder, Orinda resident, concurred with Mr. Porges and urged the CIOC to recommend the formation of a task force to study the conversion of private roads to public roads; she added that they would like to help the City to form this task force.

Mr. Cohn stated that Orinda has 121 miles of road, 28 miles of which is privately owned; he was uncertain how the streets are classified as private versus public. In terms of criteria, there is no huge difference between private and public roads.

Mr. Cohn requested that his e-mail correspondence of January 9, 2018, be recorded in the minutes of this meeting, as follows:

Dear Commission:

I would like to comment on your 1/10/18 Agenda Topic G: Discussion - Roads and Drainage Repair Plan.

I have followed the Plans from 2012, to 2014, to 2016 to the current Plan. This is by far the most comprehensive. However, I agree with the Council which recommended some modifications to The Plan document and was one of a number of people who spoke at the December 19th Council meeting requesting such. Let me explain what I think should be added and why.

The current Plan document clearly details the history, current state and future needs of Orinda's 93 miles of publicly maintained roads and associated storm drains. It concludes that an additional \$22 million is needed to complete the repairs (Phase4) and then \$2.5 million on top of the \$1 million of anticipated funding annually thereafter for maintenance (Phase 5).

I believe, however, that it should be made very clear, that this funding for Orinda's 93 miles of publicly maintained roads and storm drains is, in fact, a subset of the complete picture of Orinda's infrastructure needs. You, the Infrastructure Oversight Commission, are charged with overseeing all of Orinda's Infrastructure (or so the name implies), not just the 93 miles of roads which has been your focus for the past ten years. These roads are a significant portion of Orinda's infrastructure, but not all of it. There are an additional 28 miles of roads which have been forced to pay for their own maintenance since they were created and there is the water pipe system feeding our fire hydrants which the 2006 Infrastructure Committee report included in its needs assessment.

The CIOC was created to oversee the spending of the 2007's Measure E bond which failed to pass. Over the years it managed what funds the City has devoted to road maintenance and more recently the Measure L Sales Tax and Measures J and L Bonds which have provided \$50m+ to upgrade the City's Residential streets. It is now time to move forward.

While work is still needed to address the storm water drainage system and ongoing road maintenance, there are the other identified needs. MOFD has come to the CIOC to describe that we still have to address the water pipes feeding upwards to three dozen "grossly inadequate" (the fire department's words) fire hydrants which, in light of the recent "fire storms" in Northern and Southern California take on a renewed interest and need of attention. And our group of concerned citizens has brought to the City's attention the fact that a significant minority of homeowners (20 percent of Orinda) are living on streets which are being denied the benefit of publicly funded road maintenance while fully supporting the taxes being used for this.

I understand that the current version of the Roads and Drainage Repair Plan was designed to simply address the 93 miles of publicly maintained roads and associated storm drains the City has been focusing on since 2012. However, we are approaching the "end game" of the final funding request for publicly funded roads, as they are currently defined. The CIOC, responsible for all of the City's infrastructure, should include with this request a "heads up" to the Council and the community that there are other known (the water pipes) and possible (the 28 miles of unfunded "private" streets; home to 20 percent of Orinda) needs that will have to be addressed in the near future. These do not need to be addressed in detail in this documents but they cannot be completely ignored.

Thank you.

Steve Cohn

P.S. I would like this letter included in the minutes of the CIOC January 10, 2018 meeting

Annitella Porges, Orinda resident, asked if a sinkhole developed on a private road and emergency vehicles did not have access, who would be responsible for the repair.

Chair Murphy advised that the City could fix the sinkhole and recover the costs from the property owner(s).

Commissioner Hammon noted that Councilmember Gee had requested a description of the philosophy and prioritization plan regarding storm drain repairs/improvements listed in Attachment 7.

The Commissioners agreed to add the methodology and priorities used to select the projects to Attachment 7.

Chair Murphy requested that staff add another column to the table on Attachment 7 to describe the existing deficiencies of storm drains under the road.

The Commissioners agreed to add the following sentence to the executive summary of the report:

“Orinda has approximately 23 miles of private roads excluding the Wilder development. Condition of the private roads pavement, drains and the maintenance of these roads are not addressed in this report.”

The Commissioners agreed to add the history of maintenance for Arterials and Collectors to Attachment 8; they also agreed that the changes are minor and would not require the Plan to come back to the Commission for approval since the Draft was approved on November 8, 2017.

It was decided that staff will make the necessary changes and e-mail the Final Draft to all Commissioners.

Commissioner Nelson stated that he still does not support the report.

H. STAFF UPDATES

Paving Program Project Manager Khorashadi reported on the following items:

- Update – Public Information and Outreach – A report on a grant for Rubberized Asphalt was published in the Orinda Outlook.
- Measure L and Measure J – Monthly Revenue and Expense Summaries – The summaries were distributed.
- *2017 Paving Project* – Final punch list items are being addressed.

- *2018 Paving Project* – The plans are 65% complete; the project will be advertised at the end of February 2018.

I. MATTERS INITIATED:

Items for the next CIOC Agenda:

- **Discussion - Consider Creation of a Task Force to Investigate Private Roads, Private Drains, and Substandard Fire Hydrants**

Committeemember Bizieff advised that this will be his last CIOC meeting, as his term is ending in February.

J. ADJOURNMENT

MOTION: By Commissioner Nelson, seconded by Commissioner Hammon, to adjourn the CIOC meeting. The motion carried by unanimous voice vote.

The Citizens' Infrastructure Oversight Commission meeting adjourned at 8:30 p.m.

The next regularly scheduled meeting of the Citizens' Infrastructure Oversight Commission will be 6:30 p.m., February 14, 2018, in the Sarge Littlehale Community Room, 22 Orinda Way, Orinda, California.