

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.

ORINDA LIBRARY AUDITORIUM	 The logo for the City of Orinda, featuring a stylized landscape with mountains and hills above the word "ORINDA" in a bold, white, sans-serif font on a dark background.	26 ORINDA WAY ORINDA, CA 94563 (925) 253-4221
------------------------------	---	---

**CITY COUNCIL
AGENDA
Tuesday, March 20, 2018**

**6:00 PM – SPECIAL MEETING
7:00 PM - REGULAR MEETING**

6:00 PM - 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

CONFERENCE WITH LEGAL COUNSEL -- Anticipated Litigation. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) regarding significant exposure to litigation. A record of the statements threatening litigation (made outside an open public meeting) is available by request through the office of the City Clerk (one potential case).

CONFERENCE WITH LEGAL COUNSEL -- Anticipated Litigation. Pursuant to Government Code Section 54956.9(d)(2), conference with legal counsel regarding significant exposure to litigation (one potential case).

CONFERENCE WITH LEGAL COUNSEL -- Anticipated Litigation. Pursuant to Government Code Section 54956.9(d)(4), conference with legal counsel regarding potential initiation of litigation (one potential case).

7:00 PM - REGULAR SESSION - LIBRARY AUDITORIUM

A. CALL TO ORDER / ROLL CALL

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

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. ITEMS FOR THE GOOD OF THE CITY

E.1. Recognize Promotion of Steve Ecklund as Public Works Supervisor

E.2. Proclamation Declaring March 2018 as Prescription Drug Abuse Awareness Month

E.3. Presentation by Supervisor Candace Anderson regarding a preliminary "Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County"

Recommendation:

Receive the report, take public comment, and provide feedback to Supervisor Anderson

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. March 6, 2018

G.2. Quarterly Investment Report For Period Ending December 31, 2017

Recommendation:

Staff recommends that the City Council accept the Quarterly Investment Report for the period ending December 31, 2017.

- G.3. Adoption of Resolutions Authorizing the Closure to Vehicular Traffic of a portion of Orinda Way on Saturdays between March 31, 2018 and November 17, 2018 for the Contra Costa Certified Farmers' Market Contract; Traffic Order Imposing Parking Restrictions on Orinda Way.**

Recommendation:

Adopt Resolution 17-18 Authorizing the Closure of Orinda Way (Traffic Order No. 174); Adopt Resolution 18-18, Restricting Parking on Orinda Way (Traffic Order No. 175).

- G.4. Annual Housing Element Progress Report for Calendar Year 2017**

Recommendation:

Review the Annual Housing Element Progress Report for Calendar Year 2017 and direct staff to file the Report with the appropriate state agencies.

- G.5. Consider introduction of Ordinance 18-06 to repeal Title 6 of the Orinda Municipal Code and adopt by reference Division 416 of the Contra Costa County Code concerning animal control services.**

Recommendation:

Introduce Ordinance No. 18-06 by title only, waiving full reading.

- G.6. Authorization to advertise and solicit for bids, under one single construction contract, for the 2018 Measures J & L Pavement Rehabilitation Project No. 4118 and Town of Moraga Pavement Rehabilitation Project No. 4132**

Recommendation:

Approve the City of Orinda 2018 Measures J & L Pavement Rehabilitation Project No. 4118, and authorize staff to commence with bidding activity for a contract which combines Project 4118 and Town of Moraga Pavement Rehabilitation Project No. 4132, and will be performed under a single construction contract. The Moraga work shall be fully funded by the Town of Moraga under a Memorandum of Understanding between the two cities. The City Council is also requested to authorize the trimming or removal of trees located in the public right-of-way to comply with the Moraga Orinda Fire District (MOFD) Ordinance #13-01 and to avoid premature road base failure under the new pavement.

- G.7. Establishing the Rate per Equivalent Runoff Unit (ERU) for Fiscal Year 2019 and requesting the Contra Costa County Flood Control and Water Conservation District to Adopt an Annual Parcel Assessment for Drainage Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program**

Recommendation:

Staff recommends adoption of Resolution No. 12-18, establishing the Equivalent Runoff Unit (ERU) for Fiscal Year 2018-2019 for the National Pollutant Discharge Elimination System (NPDES) Program at the same rate as was levied in the current year.

G.8. Authorization of an Environmental Documentation Services Contract to Urban Planning Partners for preparation of an Environmental Impact Report for a proposed Memory Care Facility at 1 Wilder Road

Recommendation:

Staff recommends that the City Council authorize the Environmental Documentation Services Contract to Urban Planning Partners and authorize the City Manager and City Clerk to execute the contract on behalf of the City, subject to approval as to form by the City Attorney. The cost of the agreement is to be recovered from the Project Applicant as part of a standard processing agreement.

G.9. Ordinance No. 18-03: Adoption of an Ordinance Approving the Eighth Amendment to the Development and Pre-Annexation Agreement for the Wilder Project in Gateway Valley

Recommendation:

Adopt Ordinance No. 18-03, waiving second reading of the full text, and approve the of the Ordinance.

H. PUBLIC HEARING

I. POLICY MATTERS

I.1. Comprehensive Annual Financial Report For June 30, 2017 Including Financial Statements and Audit Reports

Recommendation:

Receive an oral report from the Auditor and accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2017, including audited financial statements, report of balances, and other associated reports.

I.2. Consider Adjustment to the City Manager Employment Agreement and Provide Oral Report of Action Taken

Recommendation:

Consider approval of a 3% increase in salary for the position of City Manager, as authorized in section 3C of the employment agreement and resulting in an annualized increased cost to the City of \$7,915 inclusive of the base salary adjustment, increased contributions to the 401(a) Plan, and increased Medicare taxes.

J. COUNCILMEMBERS' REPORTS

K. CITY MANAGER'S REPORT

L. MATTERS INITIATED

M. CLOSED SESSION

4. OPEN SESSION IDENTIFICATION of Closed Session Matters
5. PUBLIC COMMENTS of Closed Session Matters
6. CLOSED SESSION

CITY ATTORNEY PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957, performance evaluation of City Attorney Osa Wolff

N. CLOSED SESSION REPORT

O. ADJOURNMENT

The next Regular Meeting of the Orinda City Council will be held on Tuesday, April 10, 2018 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.