IMPORTANT NOTICE REGARDING THIS MEETING: To protect our residents, officials, and staff, and in alignment with the Governor’s recent Executive Order N 29-20 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.

BY TELECONFERENCE VIA ZOOM MEETING

Meeting URL: https://tinyurl.com/yak638rm
Meeting ID: 915 7750 5144
Phone: +1(669) 900-9128

REGULAR MEETING
CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION AGENDA

Wednesday, July 8, 2020
6:30 p.m.

AGENDA AND STAFF REPORTS ARE ALSO AVAILABLE FOR PUBLIC REVIEW ON THE CITY’S WEBSITE AT WWW.CITYOFORINDA.ORG. SELECT MEETING CALENDAR AND SCROLL DOWN TO CITIZEN’S INFRASTRUCTURE OVERSIGHT COMMISSION (CIOC) MEETING.

For this meeting, there will be no physical location from which members of the public may observe the meeting. Instead:

- Members of the public are welcome to observe and address the CIOC telephonically, at the appropriate time for public comment during the meeting, following these instructions:
  
  To listen to the meeting on-line through your web browser: https://tinyurl.com/yak638rm
  
  To listen to the meeting through the Zoom app on your personal device, open the Zoom app, enter the Zoom Meeting ID 915 7750 5144
  
  To listen to the meeting on your telephone, dial +1(669) 900-9128 and at the prompt enter the Zoom Meeting ID 915 7750 5144 and press #.

- Please note that due to the remote nature of the meeting, the City of Orinda cannot guarantee that the network or its site will not experience technical interruptions. To ensure that the CIOC receives your comments, we strongly encourage you to submit your comments in writing in advance of the meeting by following instructions below.

- Members of the public are welcome to submit written comments via email to fkhorashadi@cityoforinda.org by 12:00 pm on the day of the meeting. Those e-mails will be forwarded to the Commissioners. They will be included in the meeting minutes and be made available upon request to Farah Khorashadi at her email listed above.

- 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.

- During the meeting, the Chair will call for public comment. If you wish to address the CIOC, please so indicate by using the “raise your hand” function at that time and the Chair will add you to the speaker list and call your name when it is your turn.
A. Call to Order

B. Roll Call
Commissioners: Walter Bell, Jerry Condon, Chris Decareau, Jud Hammon, Bill Hurrell, Terry Murphy, Richard Nelson

C. Adoption of Agenda

D. Public Forum
The Public Forum provides an opportunity for members of the public to speak on any item within the jurisdiction of the Commission that does not appear on the agenda. A speaker has the option of addressing an item listed on the agenda if the speaker will not be present when that item is taken up. Public comment is generally limited to 3 minutes per speaker. If you would like to speak during the Public Forum, or on any item listed on the agenda, you are invited to submit a Speaker Card. The optional information you provide on the Speaker Card is made available for public inspection upon request and is subject to disclosure. You will be permitted to speak even if you decline to submit a Speaker Card.

E. Citizens’ Infrastructure Oversight Commission (CIOC) Meeting Minutes
May 29, 2020

Recommendation: Approve

F. Discussion - Add-On Sales Tax Ballot Measure for November 2020: CIOC Feedback and Recommendation

G. Discussion – Preparation of the 2019 CIOC Annual Report including Arterial/Collector and Residential Reports

H. Update – Status of Draft Street Rehabilitation Policy

I. Staff Updates (10 Minutes)
1. Update – Public Information and Outreach
2. Update – 2019 Pavement Rehabilitation Project
3. Update – 2020 Pavement Rehabilitation Project
4. Update – 2020 Storm Drain Project

J. Matters Initiated
Consideration of matters Commissioners wish to initiate for placement on a future CIOC agenda

K. Adjournment – The next regularly scheduled CIOC meeting is August 12, 2020

I, Sheri Marie Smith, City Clerk, declare under penalty of perjury under the laws of the State of California that this agenda has been posted at least 72 hours in advance at the Orinda City Offices. Additional copies are available at the Orinda Library, the Orinda Community Center, and on the City’s website at www.cityoforinda.org

Sheri Marie Smith, City Clerk
CITY OF ORINDA
SPECIAL MEETING
CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION
MINUTES

May 29, 2020

A SPECIAL MEETING OF THE CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION (CIOC) WAS HELD ON THE ABOVE DATE BY TELECONFERENCE VIA ZOOM MEETING

A. CALL TO ORDER
Chair Hammon called the meeting to order at 3:01 p.m.

The following documents were provided for this meeting:
1. Future Storm Drain Projects – dated March 11, 2020
2. List of Proposed streets for the 2021 and 2022 Pavement Rehabilitation Project – dated March 11, 2020
3. DRAFT Orinda Street Rehabilitation Policy – dated March 11, 2020

B. ROLL CALL
COMMISSIONERS: Walter Bell (absent, excused), Jerry Condon, Chris Decareau, Jud Hammon, Bill Hurrell, Terry Murphy, Richard Nelson

City Staff: Assistant City Manager/Director of Public Works and Engineering Services Larry Theis, Paving Program Project Manager Farah Khorashadi, Senior Engineer Siva Natarajan.

B. ADOPTION OF AGENDA
Commissioner Nelson requested moving discussion of Item K prior to Item G, as the Street Rehabilitation Policy pertains to choice of streets.

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

D. PUBLIC FORUM - None

E. CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION MEETING MINUTES
Approval of CIOC Meeting Minutes of May 4, 2020

Commissioner Nelson asked that Item F, Page 3, last Paragraph, be modified to delete “mandatory” and to read: MOTION: By Commissioner Hurrell, seconded by Commissioner Condon, to recommend to the City Council that the City should seek an
extension of the existing 0.5% TUT (local Half-Cent Sales Tax) and it is desirable to pursue an increase to 1.0% TUT (Local One-Cent Sales Tax), in order to fund important needs for public road and drainage infrastructure; the City should consider the likelihood of voter approval when weighing the need to increase the TUT and the length of time for the tax to sunset. The motion carried by unanimous voice vote of 5-0-2 (Murphy, Bell - Absent)

MOTION: By Commissioner Nelson, seconded by Commissioner Condon, to approve the Meeting Minutes of May 4, 2020, as amended. The motion carried by voice vote of 5-0-2 (Murphy – Recused, Bell - Absent).

F. DISCUSSION – FUTURE STORM DRAINS PROJECTS
Senior Engineer Natarajan provided a brief overview of the Future Storm Drains Report, reviewing the list of pipes selected by priority, as shown on Page 4. Pipe repairs were divided into two categories - Category A is a list of higher priority pipes with Condition Score of 3 and above; Category B is a list of pipes with Condition Score of less than 3. Future Storm Drain Projects 1 through 8 listed on Pages 1 and 2 and are in Category A. The 2020 Annual Storm Drain Improvement Project is currently under construction. Projects 2, 3, and 4 on Page 1 are funded by the Drainage Impact Fees and Orinda Add-on Sales Tax. Funding for Projects 5, 6, 7, and 8 on Page of 2 are not identified at this time. Staff attempted to combine projects that were in close proximity to expedite the design and permitting process with regulatory agencies. The goal is to initiate the permit process for Moraga Way and Coral Drive, (project listed as No. 2 on Page 1) next year with construction in FY 22/23.

Commissioner Nelson requested clarification on the funding year for design and construction of storm drain pipes.

Senior Engineer Natarajan advised that the funding for design and construction of the 2020 Annual Storm Drain project is based on FY 2019/20. Funding for design of the Moraga Way and Coral Drive Culvert Repair Project is based on FY 20/21 and 21/22, with construction costs based upon FY 22/23.

Commissioner Nelson questioned the funding source for Drainage Impact Fees.

Director Theis noted that the City collects Drainage Impact Fees from development; the developer has to pay a fee based upon per-square-foot of impervious surface as a result of the proposed development.

The Agenda had been amended to hear Item K. prior to Item G.

K. UPDATE - STATUS OF DRAFT STREET REHABILITATION POLICY
Paving Program Project Manager Khorashadi reviewed the Draft Street Rehabilitation Policy; five factors should be considered to prepare a three-year Pavement Rehabilitation
Program; Streetsaver should be used as a tool to generate the list of streets for rehabilitation based upon the available budget. The list would then be refined based upon staff assessment, coordination with utility companies, and grouping selection of streets in the same geographical area to lessen the impact on the residents and decrease the cost of the construction.

Commissioner Hurrell stated that higher volume traffic Residential streets should be a factor in the selection process for the Residential streets.

The Commissioners requested that staff work with Commissioners Hurrell and Nelson to revise the Draft and bring it back to the next CIOC meeting for review and approval.

This item was continued to the next CIOC meeting.

**G. REVIEW – LIST OF PROPOSED STREETS FOR 2021 AND 2022 PAVEMENT REHABILITATION PROJECTS**

Paving Program Project Manager Khorashadi noted that the proposed list of streets has been generated by running budget scenarios in Streetsaver; staff attempted to combine streets in the same geographical area within the same year to increase construction efficiency and reduce impacts to the public.

Commissioner Nelson stated that he approved of the proposed list and supported the idea of preparing a list for two years or even three years.

Commissioner Hurrell asked whether the City has adequate funding to rehabilitate the proposed streets shown on the list.

Director Theis replied that over the next few years the Solid Waste Vehicle Impact Fee is relatively high because the City spent a great amount of money to repair the roads; 15% of the damage or repair costs to roads is attributed to garbage vehicles; therefore, when less is spent on pavement rehabilitation in the future, the revenue from the Solid Waste Vehicle Impact Fee will be less. Currently the target amount is $1 million. In the next two years, the City has to have an update, with a 10-year horizon usually considered - the last five years and next five years in the future. The City will spend less in the next five years and revenue from Solid Waste Impact Fees will decrease. The projected revenue will be approximately $800,000. A portion of the Add-on Sales Tax will likely be spent on repairing storm drainage facilities and wildfire prevention. There should be sufficient funding for the next two years to rehabilitate the streets shown on the Proposed List of Streets for FY 21 and 22; however, funding for road repairs will decrease in 2023.

Commissioner Nelson suggested that the City apply for grants for Bear Creek Road, Camino Pablo, and Moraga Way and have projects ready in case the City receives Federal funds.
Director Theis concurred.

MOTION: By Commissioner Hurrell, seconded by Commissioner Murphy, to approve the List of Proposed Streets for 2012 and 2022 Pavement Rehabilitation Projects. The motion carried by unanimous voice vote.

H. UPDATE – STATUS OF MANAGEMENT REPORT ON INFRASTRUCTURE – RESIDENTIAL ROADS (2013 TO 2020 PROJECTED)
Paving Program Project Manager Khorashadi recalled that the Management Report - Residential Streets was reviewed and approved last year by the Commission; the Commissioners decided to prepare a Management Report for Arterial and Collector streets.

Commissioner Nelson stated that the Sub-committee would like to have an update of the Management Report for Residential streets based upon new data that the Finance and Engineering Departments are to provide; once that data is received, the Sub-committee will update the Management Report for Residential streets.

Director Theis advised that he will work with the Finance Director and provide the data in early Fall.

This item was continued to a future CIOC meeting.

I. UPDATE – STATUS OF THE MANAGEMENT REPORT ON INFRASTRUCTURE - ARTERIAL AND COLLECTOR STREETS
Commissioner Nelson stated that the CIOC had previously approved the format for preparation of the Management Report on Infrastructure – Arterial and Collector Streets. When data is received from staff, the Sub-committee will prepare the report.

This item was continued to a future CIOC meeting.

J. UPDATE - STATUS OF EBMUD WESTSIDE PUMPING STATION ON EL TOYONAL
Paving Program Project Manager Khorashadi advised that installation of the pipeline had begun on El Toyonal, between Alta Vista and Loma Vista, on May 11, 2020; the EBMUD contractor will complete this section of the project by mid-July and then move to El Toyonal, between Loma Vista and La Encinal, finishing on La Encinal in October, 2020; final paving is scheduled to be completed early next year. The facilities portion, including demolition of the existing pumping plant and reservoir and construction of the new Pumping Station, is expected to commence Summer 2021.

L. REVIEW – CURRENT UTILITY TRENCH MORATORIUM ON NEW PAVEMENT AND MASTER PERMIT CONDITIONS
This item was continued to a future CIOC meeting.
M. **STAFF UPDATES**

Paving Program Project Manager Khorashadi reported on the following items:

- **Update – Public Information and Outreach** – No update.
- **Update – 2019 Pavement Rehabilitation Project** – Staff met with DeSilva Gates and Swinerton on site and reviewed all the streets with pavement raveling; the City is attempting to identify the cause of the failure prior to approving remediation work.
- **2020 Annual Pavement Rehabilitation** – The City advertised the project on May 22, 2020; bid opening is scheduled for June 23, 2020; the project will commence in mid-July. EBMUD recently requested that the City delay the rehabilitation of Miner Road in order to allow EBMUD adequate time to install a new water line; therefore, construction of Miner Road has been delayed to the following year.

N. **MATTERS INITIATED**

The Commissioners discussed the schedule for the next CIOC meeting.

Director Theis urged the Commissioners to hold the regularly scheduled meeting on June 10, 2020, as he intends to present the *Draft Expenditure Plan for Add-On Sales Tax Ballot Measure for November 2020*.

Chair Hammon requested that discussion on Future Storm Drain Projects be agendized for the next meeting.

Items for the next CIOC Agenda:

- Discussion – *Draft Expenditure Plan for Add-On Sales Tax Ballot Measure for November 2020*.
- Discussion - *Future Storm Drain Projects*

O. **ADJOURNMENT**

The Citizens’ Infrastructure Oversight Commission meeting adjourned at 4:35 p.m.

The next regularly scheduled meeting of the Citizens’ Infrastructure Oversight Commission will be 6:30 p.m., June 10, 2020, by teleconference via Zoom meeting.
AGENDA TITLE: Discuss and consider moving forward with a Local Measure on the Ballot for the November 2020 election to Increase the Current 0.5% Transaction and Use Tax (“Add-On Sales Tax”) to 1% with an expiration/sunset in 20 years (March 2041), subject to further discussion on July 21, 2020 after review of additional polling results.

RECOMMENDATION:
Staff recommends the City Council discuss and consider moving forward with a ballot measure this November before the Orinda voters to approve a 1.0% Transaction and Use Tax (TUT) (also called “Add-On Sales Tax”) with a 20 year sunset provision which will expire in March of 2041. This proposed measure will establish a new 1% TUT and supersede/replace the existing 0.5% TUT that is set to expire in 2023.

Staff requests direction from the City Council to return in July with proposed ballot language, results of a follow-up tracking poll to be conducted by FM3 in early July, and draft resolution and ordinance for a final decision.

The passage of this new 1% TUT (“Add-On Sales Tax) measure would provide new funding. This would allow opportunities for the City to aggressively address and manage wildfire fuel reduction activities on City land and within public road right of way; and to prepare for emergency response and evacuation planning for earthquakes, wildfires, flooding, and landslides. In addition, funds would be used to repair high priority public storm drain pipes that are needed to prevent flooding and road collapse over the next five years; and to provide long term maintenance of the recently repaved City public road system which the tax payers invested $55 million in over the last six years.

Staff recommends that in order to achieve the goals listed above, the following non-binding policies and priorities would be used in planning expenditures from a new Add-On Sales Tax:

1. Establish a new Emergency Planning and Wildfire Fuel Reduction Program
   a. Provide funding for an aggressive initial fire fuel reduction program to bring city owned property into compliance with current and new MOFD fire code.
   b. Initiate long term landscape maintenance and tree service contracts to maintain all vegetation on City owned properties and within the public road right of way to MOFD Fire Code requirements.
   c. Develop educational handouts for the residents to prepare for future natural disasters.
   d. Hire a full time staff person to work with the Oversight Committee (the
proposed Measure as in the past would call for the establishment of a Committee to develop and implement a fire fuel reduction program on City property and the public right of way; design, plan, and coordinate community outreach programs for a variety of city wide emergency response and crime prevention/neighborhood watch plans; work with interagency teams to coordinate, document, and implement response planning to natural and man-made disasters in the City; maintain and upgrade training, equipment, and procedures for the City Emergency Operations Center; and other duties to assist in emergency planning and implementation.

2. Repair all high priority public storm drain culverts/pipes (see Attachment A) within five years and perform closed circuit video inspections on all other at-risk public storm drain pipes to prevent flooding, sinkholes, and/or road collapse.

3. Maintain and rehabilitate public roadway pavement to keep the entire Public Roadway Network with a minimum average Pavement Condition Index (PCI) of 80 (scale of 0 Failed to 100 Brand New), which is a standard that will have Orinda in a "Good" category.

BACKGROUND:
At the April 21, 2020 City Council meeting, Fairbank, Maslin, Maullin, Metz & Associates (FM3), presented the polling results of a potential November 2020 Transaction Use Tax (local Add-On General Sales Tax) ballot measure. The polling data was collected by FM3 in early February 2020. The City Council has been contemplating placing a ballot measure before the Orinda voters to increase and/or extend the existing TUT of 0.5% to raise additional funds to ward high priority needs based on feedback from the community.

Most recently at its May 19, 2020 meeting, the City Council discussed the benefits and disadvantages of pursuing either simply an extension of the existing 0.5% TUT or pursuing an increase of the TUT to 1%. The City Council also discussed the high priorities identified by the polling results which were emergency response, wildfire prevention, repairing collapsing storm drains, and maintaining the public roads. The City Council acknowledged these important priorities and determined it needs to pursue an increase to the TUT since the City's limited current funding leaves no financial options to fund any new programs or improve its public infrastructure.

DISCUSSION:
Why Funds Are Needed
The funding of any expansion of local services by cities throughout the State has grown increasingly reliant on the locally controlled special local tax measures. For the City of Orinda its discretionary General Fund is restricted by the fact that it receives a very small share of the property tax under a formula assigned when the City incorporated in 1985. For each $1.00 of property tax paid by Orinda property owners approximately 7 cents is returned to the City. Property Tax is 60% of the City General Fund revenue.
Even before the COVID-19 recession, the City had limited discretionary revenue to fund new programs, address critical infrastructure deficiencies, or do adequate emergency prevention such as fire fuel reduction. The City strives to maintain a balanced budget and the City Council will be considering $950,000 in operating budget reductions to achieve a balanced budget in FY 2020-2021. This Mid-Cycle 2020-2021 Budget Adjustment includes staffing reductions, reductions to contract service costs, as well as other services and supplies. With this as a background it would be extremely difficult, if not impossible, to find the $2 million annually to make investments of the size needed for these additional efforts.

Where Funds Are Needed
As discussed earlier, as a result of input at public meetings, work conducted by the volunteer Citizens Infrastructure Oversight Commission (CIOC), and community polling there are several key needs identified that address critical protection and safety of the general public and properties throughout the City. The priority obligations are significant both in terms of the amount of funding required, and the fact that they represent long-term on-going needs.

Wildfire Fuel Reduction/Vegetation Management
The City of Orinda has developed and maintained its semi-rural characteristics over the past century which partly includes a naturally hilly and forested environment. This dense vegetation and tree cover has led the City to be included in the Very High Fire Hazard Zone designation by CalFire. There has been growing support and advocacy by volunteer FireWise neighborhoods to request the City to allocate significantly more funding to fire prevention.

Staff recognizes the importance of wildfire safety/prevention since it is an annual risk with devastating consequences if it is not adequately controlled. Therefore Staff is recommending aggressive vegetation/tree removal and management on all City owned properties and along all public road right of way. Both of these areas are legally accessible by City hired tree service contractors. There will be a significant initial investment in the first 3-4 years to provide emergency vehicle clearances per MOFD requirements on all major evacuation routes and eventually all public roads.

Disaster / Emergency Preparedness
Just within the last three years, the City of Orinda has faced many emergency related events from storm damage/flooding, increased wildfire risk, a major shooting, PG&E power shut offs, and COVID-19 shelter in place restrictions. Given the likely recurrence of some of these natural events, it is important for the City to develop an Emergency Planning and Wildfire Fuel Reduction Program with dedicated staff. In particular with Wildfire, the program would involve educating the community to reduce fire fuels on their property, oversee tree trimming for required clearances within public right of way, regularly meeting with FireWise neighborhood groups, and closely coordinate with MOFD on evacuation route planning. In addition, the City needs to develop plans to upgrade training, equipment, and procedures for the City Emergency Operations Center.
Drainage / Flooding
The CIUC recommended in the Road and Drainage Plan (adopted by the City Council on December 17, 2019) the funding requirements for public storm drains is approximately $30 million; of which approximately $9.6 million will be needed over the next three to five years in order to perform CCTV (video) inspection and to repair or replace the storm drain pipes found to have the highest risk of failure. The CIUC worked with staff to develop a priority rating scale (1 low risk to 4+ high risk) based on a combination of the condition of pipe, size, affected roadway, etc. All public storm drain pipes rated 3 and above were included in the $9.6 million estimate.

Identification of New / Expanded Program Priorities
One advantage of a locally controlled revenue is that it allows a community to establish a financial plan that responds directly to important needs. It is recommended that the City Council discuss and reach consensus on the priorities/programs that the funding source could address. This will be important to share with the voters in setting expectations for what can be addressed if the City has the resources.

The polling results reinforced what types of issues and reasons are important to Orinda voters for considering an increase in the Add-On Sales Tax. A high percentage of voters identify maintaining vital City Services as either Extremely Important or Very Important (76%). Among the top responses were: Ensuring a prompt emergency response as well as preparing for disasters; Wildfire prevention; Repair of collapsing storm drains; Paving streets in poor condition; and Investing in maintenance of roads to minimize future costly repairs.

Local resident groups have communicated with the City Council on their concerns following the identification of unmet needs. This includes residents who are seeking additional efforts by the City to address wild fire and emergency planning issues and the Citizens Infrastructure Oversight Commission, which identified the critical deficiencies that exist and priorities for drainage improvements. The lack of addressing these items could lead to significant problems.

Unlike the streets infrastructure, which has some limited and restricted revenue sources such as Gas Tax, several of these areas have no supplemental revenue source for ongoing maintenance and would need to be funded through general fund revenues if they were available.

Staff recommends that the City Council pursue an increase to the TUT in order to significantly improve the following priority areas:
- Wildfire prevention activities and planning for emergency response/evacuation, which are vital local services;
- Public storm drain culvert/pipe rehabilitation, targeted at the prevention of flooding and road collapse.

Estimates Of What Could be Achieved
Staff has prepared, analyzed, and recommend the non-binding policies/commitments listed in the recommendation section of this report. The current major priorities are a combination of establishing a new emergency planning and wildfire management program, clearing and maintaining trees and vegetation in accordance with MOFD fire code standards on all city owned properties and within public road right of way, rehabilitating identified high priority public storm drain culverts/pipes, and maintaining our recently rehabilitated public roadway system. If approved by the voters, the proposed TUT funding would be annually allocated by the City Council at a public hearing between these different priorities and would likely shift in its balance between these priorities based on immediate need and long-term maintenance priorities, as well as recommendations from a new Citizens Oversight Committee and staff.

For example, there is an immediate need to reduce fire fuel on public property and within the public right of way. This will require higher expenditures in early years until a needed ongoing maintenance cost is established. The Citizens Infrastructure Oversight Committee has identified emergency high priority expenditures on drainage improvements. Thus there would be a higher allocation for this in the early years with lesser funds needed for maintenance later. Because of the recent large investment in the public street system, the typical maintenance treatments for the next 5-10 years are relatively lower cost slurry seals and surface treatments. However when many of our roads reach the end of their typical 20 year service life between the years 2034 to 2039, then more investment is needed with the roadway pavement program and by then the City will be performing lower cost routine wildfire fuel maintenance.

At the last Council meeting where this was discussed the Council and the community indicated there was interest in the City taking a much more proactive role in the reduction of fire fuel in the public right of way. If the measure is placed on the ballot and passes, municipal code Section 12.08.320 would need to be reviewed. The current code states that each tree/plant placed in the public road right of way, except those placed by the City, shall be maintained by the fronting property owner, at no expense to the City. This proposed wildfire fuel reduction program would be a major change when the City assumes the responsibility of vegetation management along the frontage of private properties. It would, however, provide much more uniform compliance with MOFD fire code standards.

If the Orinda voters pass a long term TUT increase to 1%, the City would be able to aggressively address wildfire fuel reduction activities and establish a specialist staff resource to coordinate the preparations for emergency response, evacuation planning, wildfire fuel management, and community outreach. In addition, the remaining funds would be used to rehabilitate high priority public storm drain culverts/pipes in the next five years and maintain the public roadway network pavement condition at a high level with minimal deferred maintenance costs.

General Tax With Oversight And Audit
The revenue generated through a TUT (“Add-On General Sales Tax”) requires approval by a majority of the voters (50% plus 1). The General sales tax cannot be committed to a specific project or single purpose and the ballot measure would identify it as a general
tax. Expenditures from the tax, as with the current 0.5% TUT would be part of the City’s annual independent audit. The monies would be tracked separately. A citizens advisory oversight committee would make recommendations and prepare an annual report and develop multi years plans. The City Council would annually at a public hearing take public input, review accomplishments, and approve expenditures.

Term of Tax
The primary reason for the polling and discussion of a local measure is that the City’s current 0.5% TUT (“Add-On General Sales Tax”) will be expiring in less than three years. On November 6, 2012, Orinda voters approved Measure L a 0.5% (½ cent) transaction and use tax for a ten-year period. Collection of the additional tax began on April 1, 2013 and unless extended by the voters, will end on March 31, 2023.

Based on the size of the funding needs and the on-going nature it would be prudent to consider a measure that continues for at least 20 years. As discussed earlier in the report a shorter timeframe would not allow the City to address all of the different types of unfunded priority needs. A 10-year limit similar to the last measure, fails to take into account the long term needs for fire fuel reduction maintenance, maintenance for flood protection over the long term, and the need to maintain the City’s and its citizens investment in the public road system.

Limited Time / Opportunity To Protect Existing Tax From Expiring
The current ½ cent tax had a 10 year life when it was approved by the voters in November 2012. There are two opportunities when State law would allow this type of general tax to be presented to the voters (election in November 2020 and the election in November 2022). State law requires that general taxes be placed before voters with a regularly scheduled general election for members of the governing body unless there is a special declaration of a fiscal emergency.

From a fiscal perspective it is important to recognize that the $1.2 Million (0.5% TUT) in Add-On Sales Tax adds nearly 10% to the General Purpose General Fund revenue. If this locally controlled resource expired, it would have a severe negative impact on City resources. As discussed throughout the report the potential for an increase in revenue would expand the City resources and allow City spending on new initiatives of importance to protect property and the public.

**FISCAL IMPACT:**
The City of Orinda has extremely limited discretionary funding to expand the level of services provided. The City Council’s since incorporation have taken a very fiscally prudent approach in managing the City resources. The City is fortunate that it does not have any retirement pension liability. It has a small unfunded retiree medical liability unlike many cities. However, it is burdened by a relatively low tax base (particularly property tax and sales taxes), which then requires voter approved measures to support additional services.

The current financial projection for Fiscal Year 2021 which begins July 1, 2020, is that the City must reduce operating expenditures as a result of the current economic
shutdown. The Mid-Cycle Fiscal Year 2020-2021 Budget Adjustment reduces the Operating Budget by nearly $950,000. The City types of revenue losses experienced by the City are not likely to be made up by Federal relief. The focus of the Federal and State grant response is focused on front-line pandemic care and health related protections. As significant amount of the City’s fiscal challenges are the impact from the loss of program and service revenues as well as the pandemic triggered recession. One advantage of a locally controlled voter approved revenue source is that it is truly controlled locally to address local needs.

An additional revenue source may also be key to competing competitively for grant funded programs that are made available. A typical requirement is for the local agency to provide local matching funds. Grant funded programs also require that the City have adequate cash flow to manage grant funded projects which are funded as reimbursements after the City has incurred the expenditure.

**NEXT STEPS:**
If the City Council elects to pursue a ballot measure for 1% Transaction and Use Tax (“Add-On Sales Tax”), Staff will return on July 21, 2020 City Council meeting with the results of the tracking poll; and on July 28, 2020 the City Council could consider a Resolution, which will include a draft ordinance to supersede Ordinance 12-02. Pending any adjustments based on the information gathered it is envisioned that the measure would be a 1% TUT that began April 2021, would last 20 years, and would expire in March 2041. This tax would be replacing the existing 0.5% TUT two years prior to its original expiration established by the voters in 2012.

**ATTACHMENTS:**
A. Excerpt of Road and Drainage Plan

Respectfully Submitted by:
Larry Theis
Assistant City Manager/PW Director

Prepared By: Larry Theis, Assistant City Manager/PW Director

Approved by:

Steve Salomon, City Manager 6/26/2020
## Table 3-5 Preliminary prioritization of storm-drain-pipe repairs

| Score 4 and above | $778,500 | $9,600,000 | A: In the next 3 to 5 years |
| Score 3 to less than 4 | $7,191,232 |  |
| PM/CM on DHA | $897,100 |  |
| CCTV | $748,000 |  |
| Score 2 to less than 3 | $7,582,596 | $20,100,000 | B: Within the next 5 to 10 years |
| Score less than 2 | $10,102,961 |  |
| non-CMP capacity plus contingency. | $1,377,526 |  |
| 50 unknown pipes (see note 1) | $1,057,095 |  |
| **Total** | **$29,735,010** | **$29,700,000** |  |

Note 1: Approximately 50 pipe segments are of unknown material and size. For estimating purposes, it was assumed that 30 are CMP at an average size of 18” diameter and 40 ft. long.

The scores listed in Table 3-5 indicate an estimated relative overall failure risk for each pipe segment. The scores are calculated based on the type of road over the pipe, pipe size, pipe material, and pipe condition.

For example, the failure of a storm drain pipe under an arterial could cause major disruptions of traffic, and thus contributes to a higher score. Failure of a pipe under a residential road without alternative egress could prevent people from getting to and from their homes, but if the pipe is small enough, the failure could be addressed with a temporary steel plate until repairs are made. At the lower end of the scale, failure of a pipe under a residential road with alternative egress would inconvenience residents, but in many cases would not prevent people from getting to their homes.

It is important to recognize that failures of storm drain pipes are often sudden events, with little warning, unlike the predictable, gradual failure of roads due to normal wear and tear. As a result, it would be desirable for the City to build a reserve for storm drain repairs. This is discussed further in Section 4 below.
<table>
<thead>
<tr>
<th>Unique ID</th>
<th>Nearest Address</th>
<th>Pipe Material</th>
<th>Diameter (in.)</th>
<th>E. dia. if capc.</th>
<th>Vertical Dim (in.)</th>
<th>Horizon Dim (in.)</th>
<th>Segment Length (ft.)</th>
<th>DHA est. April 2019</th>
<th>Priority Score</th>
<th>cost/LF (36’ &amp; less)</th>
<th>cost (36’ &amp; less)</th>
<th>Road type</th>
<th>Notes</th>
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<tbody>
<tr>
<td>PL-927</td>
<td>95 Coral Dr</td>
<td>CMP</td>
<td>72</td>
<td></td>
<td>61 $</td>
<td>28</td>
<td>$117,000</td>
<td>4.1</td>
<td>local</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>PL-454</td>
<td>188 Moraga Way</td>
<td>CMPA-R</td>
<td>72</td>
<td>110</td>
<td>62 $</td>
<td>151,500</td>
<td>A-Principal Arterial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PL-1456</td>
<td>216 Camino Sobrante</td>
<td>CMP</td>
<td>24</td>
<td></td>
<td>45 $</td>
<td>92,300</td>
<td>4.0</td>
<td>local</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>PL-483</td>
<td>548 Miner Rd</td>
<td>CMP</td>
<td>28</td>
<td>36</td>
<td>52 $</td>
<td>175,000</td>
<td>C-collector</td>
<td>CIP 4162</td>
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<tr>
<td>PL-492</td>
<td>15 Rheem Blvd</td>
<td>CMP</td>
<td>60</td>
<td></td>
<td>73 $</td>
<td>840,000</td>
<td>B-Miner arterial</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>PL-513</td>
<td>123 Orchard Rd</td>
<td>CMP</td>
<td>48</td>
<td></td>
<td>53 $</td>
<td>433,500</td>
<td>B-Miner arterial</td>
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<td></td>
</tr>
<tr>
<td>PL-891</td>
<td>53 Ivy Dr</td>
<td>CMP</td>
<td>42</td>
<td></td>
<td>66 $</td>
<td>327,000</td>
<td>C-collector</td>
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<td></td>
<td></td>
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<tr>
<td>PL-864</td>
<td>2 Dos Encinas</td>
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<td>42</td>
<td></td>
<td>60 $</td>
<td>313,500</td>
<td>C-collector</td>
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<td></td>
<td></td>
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<tr>
<td>PL-1766</td>
<td>199 Canon Dr</td>
<td>CMP</td>
<td>42</td>
<td></td>
<td>102 $</td>
<td>516,000</td>
<td>D= sole access</td>
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<tr>
<td>PL-1206</td>
<td>265 Camino Pablo</td>
<td>CMPA-R</td>
<td>32</td>
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<td>180,700</td>
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<td>PL-440</td>
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<td>42</td>
<td>200 $</td>
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<tr>
<td>PL-958</td>
<td>232 Ivy Dr</td>
<td>CMPA</td>
<td>42</td>
<td>72</td>
<td>55 $</td>
<td>340,500</td>
<td>C-collector</td>
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<tr>
<td>PL-959</td>
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<td>CMPA</td>
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<td>72</td>
<td>53 $</td>
<td>282,000</td>
<td>C-collector</td>
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<tr>
<td>PL-1775</td>
<td>8 Alta Vista</td>
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<td>64</td>
<td>56</td>
<td>42 $</td>
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<tr>
<td>PL-898</td>
<td>3 Risa Ct</td>
<td>CMP</td>
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<td>46 $</td>
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<td>PL-409</td>
<td>4 Orchard Rd</td>
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<td>66 $</td>
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<tr>
<td>PL-452</td>
<td>207 Moraga Way</td>
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<td></td>
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<tr>
<td>PL-1074</td>
<td>10 Ranch Rd</td>
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<td>96</td>
<td></td>
<td>40 $</td>
<td>207,000</td>
<td>D</td>
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<tr>
<td>PL-363</td>
<td>356 Glorieta Blvd</td>
<td>CMPA-R</td>
<td>28</td>
<td>42</td>
<td>65 $</td>
<td>125,000</td>
<td>B-Miner arterial</td>
<td>CIP 4150</td>
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<td>PL-1809</td>
<td>70 Van Tassel Ln</td>
<td>CMP</td>
<td>72</td>
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<td>68 $</td>
<td>430,500</td>
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<td></td>
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<td></td>
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<tr>
<td>PL-1765</td>
<td>199 Canon Dr</td>
<td>CMP</td>
<td>60</td>
<td></td>
<td>104 $</td>
<td>516,000</td>
<td>D</td>
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<tr>
<td>PL-1089</td>
<td>Bear Creek Rd</td>
<td>CMP</td>
<td>48</td>
<td></td>
<td>60 $</td>
<td>273,000</td>
<td>C-collector</td>
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<td>PL-751</td>
<td>38 Lost Valley Dr</td>
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<td></td>
<td>60 $</td>
<td>300,000</td>
<td>D</td>
<td></td>
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<tr>
<td>PL-580</td>
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<td>48</td>
<td></td>
<td>50 $</td>
<td>300,000</td>
<td>D</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>PL-437</td>
<td>58 Brookside Rd</td>
<td>CMP</td>
<td>60</td>
<td></td>
<td>51 $</td>
<td>96,000</td>
<td>local</td>
<td></td>
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<td></td>
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<tr>
<td>PL-0867</td>
<td>El Camino Moraga</td>
<td>CMP</td>
<td>96</td>
<td></td>
<td>90 $</td>
<td>168,000</td>
<td>local</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

Note: Highlighted pipe segments are either already repaired or in the process of being repaired.
**Pipe Repair Plan Summary**

<table>
<thead>
<tr>
<th>Pipe diameter [existing]</th>
<th>Pipe diameter [replaced]</th>
<th>CMP [includes A, B, &amp; Steel without liners] (includes 32 segments that upgrade size for capacity)</th>
<th>Pipe segments in N/W L/F (rounded)</th>
<th>Round cost/lf</th>
<th>Extension</th>
<th>Round repair permit/line cost (pipes &lt;42&quot;)</th>
<th>Net total cost/LF (note 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Round cost/lf</td>
<td>Extension</td>
<td>Rounded</td>
<td>Cost each</td>
<td>Extension</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>assumes upgrade to min. 12&quot;</td>
<td>(see detail sheet)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>8, 10, 12</td>
<td>112</td>
<td>3865</td>
<td>$ 684</td>
<td>$ 2,645,399</td>
<td>$ 856</td>
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<tr>
<td>incl. 4 ea. &quot;14x unk.&quot;</td>
<td>15</td>
<td>26</td>
<td>1191</td>
<td>$ 695</td>
<td>$ 827,257</td>
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<tr>
<td>incl. 6 ea. &quot;13x18 &amp; 30 unk. pipes&quot; (see Note 1)</td>
<td>18</td>
<td>177</td>
<td>7216</td>
<td>$ 705</td>
<td>$ 5,085,332</td>
<td>$ 881</td>
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</tr>
<tr>
<td>incl. 11 ea. &quot;15x21 CMPA&quot;</td>
<td>21</td>
<td>13</td>
<td>692</td>
<td>$ 750</td>
<td>$ 519,249</td>
<td>$ 938</td>
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<td>incl. 4 ea. &quot;24x14&quot;</td>
<td>24</td>
<td>78</td>
<td>3003</td>
<td>$ 796</td>
<td>$ 2,390,358</td>
<td>$ 1,255</td>
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<tr>
<td>incl. 1 ea. &quot;56x20&quot;</td>
<td>30</td>
<td>10</td>
<td>535</td>
<td>$ 905</td>
<td>$ 466,735</td>
<td>$ 1,327</td>
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<tr>
<td>incl. 5 ea. &quot;36x24&quot;</td>
<td>36</td>
<td>28</td>
<td>1033</td>
<td>$ 1,037</td>
<td>$ 1,050,081</td>
<td>$ 1,542</td>
<td></td>
</tr>
</tbody>
</table>

- **Capacity increases - non-CMP (see 'Non-CMP capacity tab)'**
  - ranges 18" to 54"
  - 25%  - 25%  - 25%  - $ 3,521,465  - $ 1,410,996

**Subtotal**

- **Construction contigency**
- **Small pipe regulatory permit costs**  -  -  - $ 4,140,999

- **Larger pipes (see 'Pipe Line ROW Segments' tab)**
  - 42 to 120  - 31  - 2323  - see DHA report  - $ 9,072,254
  - includes 25% contingency & permit & engr. Costs  - $ 907,225

- **CCTV-pre con for all metal pipes**
  - 2 per day  - 437  - 1,000  - excludes pipes with capacity increases
  - 2 per day  - 1070  - 2,000

- **Other adjustments**

- **Totals**

- **Note 1**
  - Approximately 50 pipe segments are of unknown material and size. For estimation, it is assumed that 30 are CMP at an average size of 18" diameter and 40 ft. long.

- **Note 2**
  - Excludes escalation for inflation or bid climate beyond the assumed 5%, will depend on repair plan prioritization and schedule/duration

- **Note 3**
  - approx total $/lf adds 25% contigency plus distributes pos. Permit costs to all that pipe size range - for cash flow purposes based on priority

### Distribution by Priority Scores

<table>
<thead>
<tr>
<th>Score 4 and above</th>
<th>Amount (rounded)</th>
<th>Priority Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated time frame</td>
<td>$ 3,303,000</td>
<td><strong>A</strong></td>
</tr>
<tr>
<td>PM/CW on DHA</td>
<td>$ 5,154,000</td>
<td><strong>B</strong></td>
</tr>
<tr>
<td>CCTV</td>
<td>$ 10,673,000</td>
<td><strong>B</strong></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$ 25,684,892</td>
<td><strong>B</strong></td>
</tr>
</tbody>
</table>

### Distribution by Road Classif.

| Principal arterial | $ 3,436,067 |
| Minor arterial | $ 2,551,816 |
| Collector | $ 4,465,638 |
| local w/sole access | $ 2,089,730 |
| local x-sole access all other | $ 13,530,797 |
| PM/CW on DHA | $ 907,125 |
| non-CMP capacity plus contig. | $ 1,377,526 |
| SO unknown pipes (see note 1) | $ 1,657,095 |
| CCTV | $ 753,500 |
| **Totals** | $ 29,769,323 |
Date: June 30th, 2020  
To: Steve Salomon, City Manager  

Subject: Proposed Vegetation Management Funding  

Thank you for the opportunity to offer my thoughts on vegetation management as part of a comprehensive plan to increase evacuation route capacity, reduce risk of fire spread into the community, and protect homes from both ground fire and blown embers. To summarize, the concepts presented below are broken into four initiatives which support and are supported by several lines of effort outlined in MOFD’s Wildfire Prevention Strategic Plan:

1. Fuel Breaks  
2. Roadside Fuel Reduction  
3. Defensible Space  
4. Home Hardening

Fire spread occurs in two ways- The first is via the ground component, where fire spreads in a linear manner from combustive item to combustive item primarily as a result of direct flame impingement. The second is via three dimensional ember cast where fire brands and embers are carried in advance of the fire by high winds.

The ground component can be slowed or stopped by disrupting the continuity of the fuel bed. Without fuel, fire cannot burn. Without an unbroken fuel bed, forward spread of the ground component of fire stops as heat rises and the source of ignition is safely vented into the atmosphere.

The rate of spread, flame length, and fire line intensity are products of fuel load, weather, and topography. Of these three elements, fuel load is the only one we can change.

1. **Fuel Breaks:**
   The continuity of fuel beds is disrupted through the construction and maintenance of strategically located fuel breaks to slow or stop the spread of fire from surrounding wilderness areas via the ground component. Effective fuel break locations are selected through fire spread analysis to identify those areas where topography, weather, and fuel load support high fire line intensity and rapid spread rates. In 2019, with state grant funding, MOFD constructed the North Orinda Shaded Fuel Break and is in the process of maintaining this work with prescribed fire. MOFD will continue to work with surrounding landowners (EBMUD, EBPRPD, CALTRANS) to extend the fuel break while seeking additional state grant funds. While within MOFD’s jurisdiction, fuel break construction will fall outside the city limits and is an excellent candidate for grants and other external funding sources.
2. **Roadside Fuel Reduction:**
   Fuel reduction along roadsides to remove encroaching vegetation expands the usable roadway which serves two purposes. The first is to allow more evacuation traffic by effectively widening the roadway. The second is to increase the effectiveness of existing roads as fire breaks. As roadside vegetation is cut back and ladder fuels are removed, existing roads serve as fire breaks which will slow or stop fire spread inside the community by disrupting fuel bed continuity.

3. **Defensible Space:**
   Fuel reduction efforts carried out by residents to create defensible space disrupt fuel beds and prevents fire from spreading in close proximity to homes. In accordance with consensus best practices, fuel reduction efforts should prioritize the removal of all combustible material in immediate proximity to homes. As distance from the home increases, defensible space work takes the form of thinning to break up fuel concentrations and disrupt horizontal and vertical continuity. Defensible space work is effective against both the ground component of fire spread and three dimensional ember cast by disrupting the continuity of the fuel bed and removing the unbroken fuel substrate fire requires to advance.

4. **Home Hardening:**
   Defensible space work does not prevent blown firebrands, embers, and sparks from coming into contact with the exterior of a home. While exterior siding and roof materials (excluding wood shake roofs) are generally resistive to ignition by embers, the void spaces of a home are not. When sparks find a path to the interior of the home, they can start fires which will consume the home. The first step to hardening a home is to remove combustible material on roofs and gutters in conjunction with defensible space work around the foundation and walls. Additional benefit can be gained by replacing vents with ember resistant vents which allow ventilation of void spaces while preventing the entry of embers, sparks, of firebrands.

Taken together, these four steps form an interrelated system of passive measures that increase evacuation route capacity, reduce risk of fire spreading into the community, and protect homes from ground fire and blown embers.

Sincerely,

Dave Winnacker

Dave Winnacker
Fire Chief

Cc:

Cynthia Battenberg, Moraga Town Manager
Orinda Street Rehabilitation Policy

June 29, 2020 DRAFT

The City of Orinda currently maintains approximately 92.5 centerline miles of public roads. Arterial and Collector street classifications consist of 25.9 centerline miles of the public roadway network and are the most heavily travelled roads. The remainder of the 66.6 centerline miles is lower volume Residential roads. The City utilizes a Pavement Management Program authorized by Metropolitan Transportation Commission (MTC) called StreetSaver. This program uses data regarding street current pavement condition, maintenance and rehabilitation history, potential rehabilitation treatment, and the City’s budget to provide broad level recommendations for pavement maintenance.

The City will establish a rolling three year street rehabilitation plan (i.e. streets selected for treatment/rehabilitation) for the entire City’s roadway network. This plan will be reviewed by the CIOC and adopted by the City Council on an annual basis. Each fiscal year, staff will determine total funding available, including from Gas Tax, CCTA Return to Source, Vehicle Impact Fees, Add-on Sales Tax, grants, and other potential sources, and develop a specific pavement management plan for implementation in the following construction period. Implementation will include contracts for detailed engineering analysis, construction, and quality assurance during construction.

In preparing each three year plan, staff will use the StreetSaver program which analyzes and recommends appropriate preventive and rehabilitation maintenance on each street at the opportune time. The goal is as is stated in the City of Orinda Road and Drainage Repairs Plan (as updated in 2019):

“Complete the repair of the public roads, then maintain these recently-repaired roads at the level we have achieved, using recommendations from the StreetSaver program as a guide, to minimize the long-term cost of maintenance.”

This requires doing the preventive work correctly and in a timely manner to greatly extend the service life of a street. Preventive maintenance is the most cost-effective way to maintain the City’s streets. When the condition of a street reaches the point where preventive maintenance is no longer cost effective or beyond its reasonable service life, then street rehabilitation will be considered.

During the selection process staff will consider the following factors to prepare a rolling three year Pavement Rehabilitation Program:

1. In order to benefit the greatest number of residents, Arterial and Collector streets shall be given greater consideration than Residential streets
2. Recommendations from StreetSaver, as well as first hand assessments and consideration of traffic volume, shall be a basis for street selection for the pavement rehabilitation.
3. Street rehabilitation shall be coordinated/adjusted in schedule to avoid utility trench work (sewer, water, gas, others) on recently paved streets
4. Adjustment in project limits of street segments will be considered to avoid a piecemeal “block by block” approach that results in construction activity on the same portion of a street being spread over several years.

5. To reduce the impact on our residents and to be more cost-effective, grouping of streets selected for rehabilitation will consider options which reduce the disruption and inconvenience caused by construction.

The Street Rehabilitation Policy shall be reviewed and updated annually to ensure that the revolving 3-Year Street Program is consistent with the stated policy and the goals and vision of the City Council.