CITY OF ORINDA
SPECIAL MEETING
CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION
MINUTES

May 4, 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 4:00 p.m.

The following documents were provided for this meeting:
1. Proposed Senate Bill 1349
2. City Council Staff Report - Item I.1 – Public Opinion Poll – Review of 2020 Survey Results and Discussion/Direction on Pursuing a November 2020 Sales Tax Measure – by Director Theis, dated April 21, 2020
3. Road and Storm Drain Funding - - New or Replacement Funding Requirements - by Chair Hammon, dated May 4, 2020

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

C. ADOPTION OF AGENDA
MOTION: By Commissioner Hurrell, seconded by Commissioner Nelson, to adopt the agenda. The motion carried by unanimous voice vote.

D. PUBLIC FORUM - None

E. CITIZENS’ INFRASTRUCTURE OVERSIGHT COMMISSION MEETING MINUTES
Approval of CIOC Meeting Minutes of February 12, 2020

Commissioner Nelson asked that Item G be modified to read: “Commissioner Nelson suggested that the City Manager Salomon assign staff to prepare the Management Report”.

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Chair Hammon noted that the data for the Management Report has to be provided by staff.

MOTION: By Commissioner Hurrell, seconded by Commissioner Condon, to approve the Meeting Minutes of February 12, 2020, as amended. The motion carried by unanimous voice vote.

F. DISCUSSION – FUTURE SALES TAX BALLOT MEASURE RECOMMENDATION

Director Theis provided a brief overview of three documents: 1) Proposed Senate Bill 1349; 2) City Council Staff Report - Item I.1 – Public Opinion Poll – Review of 2020 Survey Results and Discussion/Direction on Pursuing a November 2020 Sales Tax Measure and 3) Road and Storm Drain Funding.

1. Proposed Senate Bill 1349 - Chair Hammon stated that the proposed Senate Bill 1349 (SB 1349) would allow Orinda to have a maximum 1% add-on Sales Tax.

Director Theis advised that under State law, local jurisdictions can only add up to a 2% of a cap toward a Transactional Use Tax (TUT). Orinda is currently subject to three different add-on-Sales Taxes – a Half-Cent Add-on Sales Tax when BART was created; a Half-Cent Add-on Sales Tax for the CCTA Measure J passed in 2004; and the City of Orinda Half-Cent Add-on Sales Tax approved in 2012. Therefore, 1.5% Add-on-Sales Tax counts toward the 2% cap. The remaining 0.5% can be used by any agency, such as Orinda, Contra Costa County, or CCTA. If the CCTA measure had been approved in March 2020, then Orinda would have been at the cap. The proposed SB 1349 would allow removing the BART and CCTA tax out of the equation. Contra Costa County is considering a County-wide Sales Tax, however, if approved, it would not count toward the 2% cap. Mayor Gee has sent a letter in support of SB 1349 to Senator Glazer.

2. City Council Staff Report - Item I.1 – Public Opinion Poll – Review of 2020 Survey Results and Discussion/Direction on Pursuing a November 2020 Sales Tax Measure - Director Theis reviewed the graph indicating that a Half-Cent Sales Tax has stronger support compared with a One-Cent Tax; Page 87 of the report states “72% of the public are in support on Half-Cent Sales Tax versus 62% support for One-Cent Sales Tax; the majority supports a measure that would sunset after 10 years; in general, the community is in favor of improving/maintaining public storm drains and roads. Based upon the recent survey, there is strong support for extending the Half-Cent Add-on Sales Tax for 10 years.

Chair Hammon noted that a significant majority of voters are in favor of infrastructure repairs; highest priorities among voters are speedy emergency response and wildfire prevention; investing to repair storm drains scored higher than repaving public streets in the survey.

Director Theis noted that at April 21, 2020, City Council meeting, staff recommended another field poll due to the recent COVID-19 situation prior to pursuing a measure in November; this additional poll would cost approximately $15,000.

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3. **Road and Storm Drain Funding - New or Replacement Funding Requirements** – Director Theis discussed the cost of deferred maintenance for public roads for each funding scenario; to avoid dramatic increase in deferred maintenance of public roads the City would need to spend $1.6 million per year in the near term and $2.3 million per year by 2032 to maintain the roads; the Add-on Sales Tax revenue has generated approximately $1.2 million annually prior to the COVID 19 pandemic; the funds have primarily been budgeted for public Residential streets and drainage maintenance and rehabilitation.

Chair Hammon gave an overview of three possible allocation of funds for the estimated available funding as listed in the report; if the Half-Cent Sales Tax in not renewed, available funds in 2023 would be in the range of $1.4 million per/year to $1.6 million per year; under this funding option, the deferred maintenance for public roads would increase dramatically after 2030. If a new measure is not approved, no funding will be available to repair the storm drains, which staff has estimated to be approximately $30 million; $10 million will be needed in the next five years to repairs the storm drains in urgent need of repair and the remaining $20 million will be needed over the next five to ten years.

Commissioner Condon confirmed that a full One-Cent Sales Tax is needed to maintain and repair the infrastructure.

Commissioner Nelson stated that they should be very cautious on how to approach a new measure. The City had a phased approach for improving the infrastructure and should continue that and complete the work which has already started; extending the Half-Cent Sales Tax is easier because the voters have already recognized the need.

Chair Hammon stated that the County may come forward with a Half-Cent Sales Tax and it is unclear how that would work out; there is a possibility that if the City does not proceed with a full One Cent Sales Tax now, the City may lose the opportunity under current legislation. The second issue is that from the beginning, the plan was to repair roads and drains; he would support the Half-Cent Sales Tax as a minimum, but prefers an increase a full One-Cent Sales Tax.

Commissioner Hurrell concurred, but added that it may difficult to pass the measure at this time.

The Commissioners acknowledged that more funding is needed to continue maintaining the public roads and drains; they agreed that a recommendation should be forwarded to the City Council.

**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

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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).

G. STAFF UPDATES
Paving Program Project Manager Khorashadi reported on the following items:
1. **Update – Public Information and Outreach** – No update to report.
2. **Update – 2019 Pavement Rehabilitation Project** – Due to COVID-19, the contractor has been on hold since April; the contractor is planning to start again in early June. Director Theis informed the Commissioners that staff is aware of the raveling of the pavement in certain areas and is working with the contractor to resolve the issue.
3. **2020 Annual Pavement Rehabilitation** – Staff is reviewing 95% Plans/Specs/Estimates and the project will be advertised at the end of May.
4. **Update – 2020 Drainage Project** - Senior Engineer Natarajan stated due to COVID-19, staff put the project on hold in April; construction activity will start on May 25th to repair four pipes by trenchless method, including two pipes on Miner Road, one on Camino Pablo, and one on Camino Sobrante.
5. **Update – Capital Improvement Plan** - Director Theis advised that the first draft of the CIP will be scheduled for presentation to the City Council; staff had previously received feedback from the City Council in March; the previous year CIP is posted on the City website for review.

H. MATTERS INITIATED
Items for upcoming CIOC Meetings:
- Discussion – Future Storm Drain Projects
- Review – List of Streets for the 2021 and 2022 Pavement Rehabilitation Projects
- Update – Status of EMBUD Westside Pumping Station on El Toyonal
- Update – Status of Draft Policy for Selecting Arterial and Collector Streets
- Review - Draft Moratorium and Trenching Policy

K. ADJOURNMENT
MOTION: By Commissioner Condon, seconded by Commissioner Decareau, to adjourn the CIOC meeting. The motion carried by unanimous voice vote.

The Citizens’ Infrastructure Oversight Commission meeting adjourned at 5:57 p.m.

The next scheduled meeting of the Citizens’ Infrastructure Oversight Commission is to be determined.