

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

June 12, 2019

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 Hammon called the meeting to order at 6:30 p.m.

B. ROLL CALL

COMMISSIONERS: Walter Bell, Jerry Condon, Chris Decareau, Jud Hammon, Bill Hurrell, Terry Murphy, Richard Nelson

City Staff: Paving Program Project Manager Farah Khorashadi

Councilmember: Dennis Fay

C. PLEDGE OF ALLEGIANCE – led by Chair Hammon

D. ADOPTION OF AGENDA

MOTION: By Commissioner Murphy, seconded by Commissioner Decareau, to adopt the agenda. 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 8, 2019

The Draft minutes will be corrected to indicate that Commissioner Condon was absent/excused from the meeting.

MOTION: By Commissioner Murphy, seconded by Commissioner Hurrell, to approve the meeting minutes of May 8, 2019, as amended. The motion carried by unanimous voice vote.

G. DISCUSSION – 2018 ROAD AND DRAINAGE REPAIRS PLAN STATUS AND NEXT STEPS - SUB-COMMITTEE PROGRESS REPORT

Councilmember Fay advised that at the last City Council meeting, a Revenue Tax Measures Council Sub-committee was created comprised of Councilmember Worth and

Vice-Mayor Gee to assist in preparation of a poll which the City intends to conduct in order to gauge Orinda property owners' interest in additional taxes for pavement/drainage improvements and maintenance. The Sub-committee will assist in formulating the questions and also vet some possible recommendations for funding after the poll is conducted. It will be important for the City Council to know the amount of the funding gap. He inquired when the revised Road and Drainage Repairs Plan will be ready, as it should contain information on the currently expected revenue and what the anticipated costs will be for repairing the roads and drains. It would be helpful if the Director of Public Works and Engineering Services and the CIOC Chair would send a note to the City Council to notify the City Council of the approximate schedule and when to expect certain data from the CIOC. The Sub-committee, and ultimately the City Council, will need to know the parameters of the discussion.

Chair Hammon reviewed that the CIOC has established a Sub-committee, including himself and Commissioners Bell and Hurrell, to update the Road and Drainage Repairs Plan; he had met with Vice-Mayor Gee in May and discussed three items: 1) The date the City Council would like to have the Final Draft of the Plan; 2) Commissioner Nelson's suggestion to separate the Plan into two documents - one for Roads and one for Drainage; and 3) The City Council's direction on private roads and drains. Vice-Mayor Gee had advised that the first opportunity to put any measure on the ballot is November 2020.

Councilmember Fay questioned the November 2020 date and had asked City Manager Salomon to check the guidelines. Taxes by local governments are required to be on the same ballot as elections for Councilmembers; however, City Manager Salomon believes this regulation may only apply to General Taxes and that Special Taxes could possibly be on a ballot at a different time; he will be researching further and reporting back to the City Council. A Special Tax would be subject to a *66.6% plus one* approval vote and would be dedicated solely to the particular stated purpose and no other use. A General Tax would be subject to a *50% vote plus one* and the funds would be available for any purpose which the City Council approves. A Special Tax could go on the March 2020 ballot, which would advance the time frame for when the City Council would need the information.

Chair Hammon stated that assuming the measure is placed on the November 2020 ballot, the City Council would need to have the Plan by September. Chair Hammon asked staff to invite Vice-Mayor Gee and Councilmember Worth to the next CIOC meeting. Vice-Mayor Gee agreed with separating the Plan into two documents, one for roads and one for drainage, due to greater uncertainty regarding the drains; the CIOC understands the scope of work and costs to maintain roads, but does not have a clear understanding of the scope of work and magnitude of costs for drainage repair. Drainage repair will cost more than the continuing maintenance of the roads and there is uncertainty regarding what funding might be available. Although Chair Hammon had

agreed with Vice-Mayor Gee to separate roads and drainage in the Plan, he was unconvinced that it is the best idea, citing the overlap between repairing drains and repairing roads – since the City has been repairing drainage as the roads are rehabilitated. There has never been a separation in the budget or contract used for repairing drainage and roads - clearly road and drainage repairs have been integrated in the Plan. There are two aspects of the drainage issue; the drains that are getting repaired under the roads are relatively small, shallow drains; very large or deep drains are generally being repaired separately. The more logical thing would be to not completely separate roads and drains but to separate those large, deeper, and more expensive drains from the relatively routine drainage repair completed in conjunction with the road repairs. The draft report by Drake Haglan and Associates (DHA) will be ready by the end of June. Regarding private roads, Vice-Mayor Gee suggested acknowledging in the Plan that there is a significant controversy on the topic which the City is working to address; a short summary of the scheduled August 27, 2019, City Council Workshop to discuss the issue should be included.

The Commissioners agreed that the private roads issue is complicated.

Commissioner Murphy stated that part of complication is the lack of adequate data regarding pavement and drainage conditions on private roads; thus far he has not heard any indication that property owners on private roads are willing to spend money to survey their roads and provide cost estimates to the City. Determining the costs is extremely problematic, as the City does not know the conditions on those roads. Although a survey of the private roads would be helpful, it is his understanding is that it would be a misuse of public funds to spend any money on privately owned roads.

Councilmember Fay, speaking for himself and not on behalf of the City Council, stated that the private road issue is a public policy question for which the City Council may need some data; property owners on private roads pay property taxes and other taxes similar to people on public roads; a survey of even part of the private roads at the same level of detail that the City does for public roads would be a useful tool for the City Council to have; he did not believe it would be an inappropriate use of public funds, acknowledging that this was only his opinion and he is not a lawyer. He asked staff how much the City spent last year to inspect the public roads.

Paving Program Project Manager Khorashadi replied that the City paid approximately \$5,600 to MTC and MTC hired the consultant and paid the consultant about \$25,000 to inspect Arterial and Collector roads in Orinda; the total inspection cost was approximately \$30,000. As previously discussed in prior CIOC meetings, the initial cost to survey private roads would be higher because the survey would include more than just rating the pavement condition; to accurately calculate the cost of improvements of private roads, the survey should include a survey of drainage, investigation of existing structural sections, and potential landslides.

Councilmember Fay noted that there would be no need to inspect roads in Wilder, Orinda Oaks or Orindawoods; that reduces the number of private roads that the City would need to survey.

Commissioner Bell stated that there are private roads that are in better condition than public roads and there are private roads that would cost a great amount of money to repair.

Commissioner Nelson concurred with Councilmember Fay and Commissioner Bell; the City has a process for public streets – those with a high PCI level rating do not require a detailed investigation until the City actually rehabilitates them; he noted that he was not suggesting that would work for the private roads, but the City may be able to do something like that short of full engineering.

Councilmember Fay advised that the CIOC does not have to do anything regarding private roads until the City Council Workshop on August 27th; it is conceivable that following the Workshop other options may become available for private roads without use of City funds; he has heard *fairness* cited by property owners on private roads as an issue and they have also stated that if their streets fail because of geological hazards, they would be unable to pay for repairs and their homes would be worthless. That issue may be solved by a Geological Hazard Abatement District (GHAD); currently there are two zones in Orinda in a GHAD, one is the Wilder development and the other is 12 homes in the Orinda Oaks development; there are 257 homes in these two zones; there are 7,000 households in Orinda, the more homes you put into a GHAD, the lower the cost per household. There could be some advantage to the City as a whole to expand what communities are in a GHAD and this option should be explored.

Chair Hammon noted that the City Council had a meeting last week and discussed the GHAD and asked for an update.

Councilmember Fay replied that the GHAD does not have a great amount of money and in the past did not have a strictly enforced investment policy; after this Fiscal Year, the balance in the GHAD will be approximately \$1.2 million; the GHAD funds made only 0.52% in the past ten years. The City Council has requested an audit and asked staff for a report on what other agencies do with GHAD funds.

Chair Hammon advised that in preparation for drafting the Plan, he had reviewed the recent P-TAP report and a copy of the City's draft Budget; most of the information needed to prepare the Plan, except for drainage, can be found in those documents; he anticipates that an initial Draft Plan will be available for the next CIOC meeting.

Commissioner Murphy noted that he will present the 2018 CIOC Annual Report to the City Council at the June 18, 2019, City Council meeting.

Councilmember Fay stated that the City Council values the input the CIOC provides; the CIOC is, in some ways, an independent reviewer of an array of data that comes to the City and distills that information to be useful in making decisions.

Commissioner Nelson advised that he did not object to having roads and drainage in one document; however, it is a huge amount of work and he has not seen any useful drainage data for the Plan.

Chair Hammon advised that the Sub-committee will be able to present an initial Draft Plan in July, with the exception of data for the larger drains.

Commissioner Nelson stated that he is opposed to stating in the Plan that the City needs \$22 million and will decide later on the priorities; the CIOC should clearly state the goals and what the City wants to accomplish.

Councilmember Fay advised that there are two City Council meetings in September, on September 3 and September 17, so the CIOC will have some flexibility as far as the schedule.

Chair Hammon advised that he had received an update from Senior Engineer Christie regarding the work being done by DHA; a brief summary of work completed by DHA is as follows:

1. Prepared an inspection report based on the field reviews.
2. Evaluated conditions and working on cost estimates for the sites inspected.
3. Preparing summary table and prioritization method.
4. Plan to have the draft report by the end of this month.

Chair Hammon advised that the P-TAP report analyzed four budget scenarios to project the conditions of the roads over 20 years. If the City does not allocate funds to maintain the roads, the road conditions will deteriorate over time and in 15 years decline back to their previous state; if the City spends an enormous amount of money, the road conditions will remain in *Excellent* condition; they had analyzed the outcomes with a renewal of the ½ Cent Sales Tax and also with raising the ½ Cent Sales Tax to a One Cent Sales Tax; that information is included in the Annual Report.

Commissioner Nelson commented that a better approach would be for the City to decide on the goals rather than just analyzing four funding options, as the goals may be something different than the options selected to run the budget scenarios.

Chair Hammon suggested that each Commissioner look at the ½ Cent Sales Tax and the One Cent Sales Tax options, review the road conditions, and if they decide that a good set of objectives lies somewhere within those two options, they could then present a set of road conditions and run the Streetsaver program for that set of conditions.

Commissioner Nelson thought that such an approach may work.

Chair Hammon suggested they prepare a Management Report for Arterial and Collector Streets.

The Commissioners unanimously agreed; the Sub-committee that prepared the Management Report for Residential Streets will prepare a Management Report for Arterial and Collector Streets and will have it ready within the next two months.

This item was continued to the next CIOC meeting.

H. STAFF UPDATES

Paving Program Project Manager Khorashadi reported on the following items:

- *Update – Public Information and Outreach* – Miner Road Project Construction will start on June 17, 2019; notices have been posted on Nextdoor.
- *Update – 2018 Pavement Rehabilitation Project* – Staff is working with Bay Cities Paving and Grading to repair the roads that are raveling after being paved with Rubberized Hot Mix Asphalt.
- *Update- 2019 Pavement Rehabilitation Project* – The City opened bids on May 21, 2019; DeSilva Gates Construction was the low bidder; the project will begin July 1, 2019.

I. MATTERS INITIATED

Items for the next CIOC Agenda:

- Discussion - 2018 Road and Drainage Repairs Plan Status and Next Steps – Sub-Committee Progress Report (Vice-Mayor Gee and Councilmember Worth to be invited to attend)
- Discussion - Draft Management Report - Arterial and Collector Streets

L. ADJOURNMENT

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

The Citizens' Infrastructure Oversight Commission meeting adjourned 7:30 p.m.

The next regularly scheduled meeting of the Citizens' Infrastructure Oversight Commission will be 6:30 p.m., July 10, 2019, in the Sarge Littlehale Community Room, 22 Orinda Way, Orinda, California.