



## Orinda

### Public Meetings

#### City Council

Tuesday, April 26, 7 p.m.  
Library Auditorium, Orinda Library  
26 Orinda Way, Orinda, CA 94563

#### Planning Commission

Tuesday, April 24, 7 p.m.  
Library Auditorium, Orinda Library  
26 Orinda Way, Orinda, CA 94563

#### Citizens' Infrastructure

#### Oversight Commission

Wednesday, May 9, 6:30 p.m.  
Sarge Littlehale Community Room,  
22 Orinda Way, Orinda, CA 94563

#### School Board Meetings

#### Orinda Union School District

Monday, May 14, 6 p.m.  
Regular Board Meeting  
8 Altarinda Rd., Orinda  
www.orindaschools.org  
See also AUHSD meeting page A2

Check online for agendas, meeting notes and announcements

#### City of Orinda:

www.cityoforinda.org  
Phone (925) 253-4200

#### Chamber of Commerce:

www.orindachamber.org

#### The Orinda Association:

www.orindaassociation.org



### Orinda Police Department Incident Summary Report

#### March 25 to April 7

<b>Alarms</b>	49
<b>911 Calls (includes hang-ups)</b>	5
<b>Traffic</b>	126
<b>Suspicious Circumstances</b>	8
<b>Suspicious Subjects</b>	18
<b>Suspicious Vehicles</b>	9
<b>Patrol Request/ Security Check</b>	57
<b>Service to Citizen</b>	52
<b>Supplemental Report</b>	9
<b>Vacation House Check</b>	37
<b>Welfare Check</b>	3
<b>Accident Injury</b>	
Manzanita Dr./Camino Pablo	
<b>Accident Property</b>	
60 Block Avenida De Orinda	
Acacia Dr./Manzanita Dr.	
40 Block Alta Vista	
Bear Creek Rd./Camino Pablo,	
40 Block Estates Dr.	
Valley View Dr./Moraga Way	
<b>Auto Burglary</b>	
20 Block Bryant Way	
<b>Barking Dog</b>	
10 Block Kittiwake Rd.	
10 Block Parkway Ct.	
200 Block El Toyonal	
80 Block La Espiral (2)	
<b>Beat Info</b>	
20 Block Sally Ann Rd.	
Camino Pablo/Via Corte	
<b>Civil</b>	
10 Block Altarinda Rd.	
10 Block Camino Pablo	
20 Block Irwin Way	
20 Block Orinda Way	
Chevron	
Post Office (3)	
Shell Gas	
<b>Civil Problem</b>	
Beverages And More	
10 Block Richard Ct.	
<b>Dependent Child</b>	
Golden Gate Way/1st St., Lafayette	
<b>Disturbance-Domestic</b>	
Orinda Theater	
<b>Dui Misdemeanor</b>	
Moraga Via/Glorietta Blvd.	
10 Block Richard Ct.	
100 Block Moraga Way	
<b>Fire/Ems Response Info</b>	
20 Block El Camino Moraga	
<b>Found Property</b>	
40 Block Rheem Blvd.	
<b>Hailed By Citizen</b>	
CVS	
Wilder Road Behind Soccer Fields	
<b>Hit And Run Misdemeanor</b>	
10 Block Orinda Way	
<b>Identity Theft</b>	
20 Block Southwaite Ct.	
Police Department	
<b>Lost Property</b>	
Police Department	
<b>Loud Music</b>	
50 Block Brookside Rd.	
<b>Loud Noise</b>	
100 Block Meadow View Rd.	
<b>Loud Party</b>	
1000 Block Lindsey Ct., Laf	
50 Block Knickerbocker Ln. (2)	
<b>Medical Hospital</b>	
10 Block North Ln.	
<b>Missing Adult</b>	
10 Block North Ln.	
<b>Motorist Assist</b>	



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## Debate continues over Orinda's private road maintenance

By Sora O'Doherty

Residents of private roads continue strenuously to press the Orinda City Council to alleviate their plight, which they say is unfairly burdensome on them for no logical reason, but Orinda staff have recommended that there be no change to the city's policy on private roads. On April 10 the city council received a report prepared by Director of Public Works Larry Theis, City Manager Steve Salomon, Finance Director Paul Rankin and City Attorney Osa Wolff. Private road residents submitted their own report imploring the city to set up a special task force to investigate the issue. After a long and heated discussion, the council directed staff to come back to them at a publicly noticed meeting and tell

them who should be on such a task force and what its general scope should be.

The private road residents argue that there are many private road residents, representing 20 percent of the households in Orinda, who live on streets that are not maintained by the city. These residents pay the same taxes as every other Orinda homeowner, but do not receive the benefit of having their street maintained. Their report characterizes this as disenfranchisement of a significant minority of Orinda. The difference, they maintain, is due to an historical arbitrary government decision on who receives public benefits and who does not. Further, they say, it is the private road residents who will help pass future

road maintenance taxes. This said that plenty of the private roads, over half, were always intended to be private and were never offered to the city. However he acknowledged that some areas go back to Spanish land grants without subdivision maps. Eleven percent of the private roads were dedicated to the city by developers but were not accepted by the city, and these were mostly cul de sacs. Theis and Wolff both spoke of the much debated issue of using public funds to maintain private streets, which, they said, raises the issue of gifts of public funds. Further, Theis said, staff wants to give five years notice terminating the agreement under which Orinda maintains the private roads in Orindawoods.

Staff are extremely concerned about any additional fiscal burden on the city's limited funding, including any liability that might be associated with adopting the private roads. The existing policy on the acceptance of existing private roads for public maintenance states that the only roads that might be considered for such acceptance "shall connect directly to a public street or highway," which rules out any private streets that connect to another private street, which may or may not connect directly to a public street. These and other requirements, which staff continue to support, would, according to the residents, exclude 200 of the 204 existing private streets.

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## Resident requests code enforcement; city responds, "sue your neighbors"

By Sora O'Doherty

John Bilello lives in a lovely home on Lombardy Lane in Orinda, but he isn't happy. Since he bought the house about two years ago, he is now facing \$200,000 worth of work to his home to address water damage that he says is caused by neighbors who put in drainage systems and are diverting storm water from their properties onto his. The other properties are on Irving, a street that sits just uphill from Lombardy Lane. Bilello says that he has had thousands of gallons of water flowing onto his property from the neighboring properties, resulting in damaged floors inside his home and stains

on his concrete driveway. The entire home is tilted. A representative from Ned Clyde Foundations has estimated the work to repair the foundation at some \$72,000, with another \$10,000 to correct the cracks in the house that will result from the foundation correction.

It is clear that this is an existing drainage system in place. At the back of his property, in the corner, is a hole in which can be seen a large clay pipe which fed water through the Bilello property to Lombardy Lane. Bilello argues that this system was installed illegally without easements or permits, but the city of Orinda does not seem to agree. Bilello says that he has undertaken extensive research with the city as well as with Contra Costa County and can find no evidence of any existing easement or permits for the drainage system. There is a large file at the city of public documents about this dispute, which can be viewed by anyone who requests them. Included in the file is a diagram from the diverting parties

showing the diversion system.

Bilello has employed an attorney, but he is not interested in suing his neighbors, as he says the city is telling him to do, but he really wants the city to begin a code enforcement action against parties who he alleges have installed the drainage systems and sump pumps without permits (in violation of Title 18 of Orinda muni code. 18.03.055). In a recent letter to all interested parties, Planning Director Drummond Buckley said, "Staff has reviewed carefully all the relevant information before the City related to this matter. After considering that evidence, the City has, as a courtesy, advised all interested parties that it is not immediately exercising its discretion to pursue code enforcement, but retains the option to do so in the future (e.g., based on new and/or additional evidence). Staff spent a great deal of time reviewing all the evidence provided and has not determined that there is a code violation related to drainage in the vicinity of ... Lombardy Lane."



A clogged drainage pipe

Photo Sora O'Doherty

The letter does indeed, to Bilello's consternation, advise the parties to "seek adjudication in court (or through other means)." Buckley strongly recommends that the parties to this private drainage dispute work to resolve the issue through "litigation, mediation, negotiation, or other appropriate means." Buckley concludes, "The City will not adjudicate that private dispute, as such adjudication is not within the City's authority or jurisdiction."

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