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Mistake in bid causes difficulty for Orinda's roads contract

By Sora O'Doherty

The city of Orinda avoided threatened legal action by the unusual step of allowing a request for proposals to lapse without accepting any of the submitted bids. The city had intended to award the contract for the year's paving rehabilitation project to McGuire and Hester, but the

process was disrupted by the firm's request for bid relief. Of the four bids submitted, McGuire and Hester, a corporation located in Alameda, was the lowest by a substantial amount. However, the firm legally requested bid relief on July 9.

According to their attorney, Kimberly Carone, this was well within the five-day time limit allowed under the Public Contract Code. In an email to the city council on Aug. 3, Carone voiced the company's disagreement with Orinda staff's recommendation that the council reject the request for bid relief and proceed to award the contract to McGuire and Hester. Carone said that it was undisputed that the company had made a clerical mistake in filling out their bid because the numerical entries did not get updated and fixed in the final bid. Their corrected bid would have been \$3,772,424 rather than their submitted bid of \$3,387,016, a difference of nearly \$400,000.

The city council held a very long closed session on Aug. 3 without resolving the issue. The matter was continued to a special meeting on Aug. 9. After another closed session to work on the problem, the council met in open session. After hearing comments from the public, including the firm in question, the city decided that, rather than grant bid relief, it would instead let all bids lapse and reissue the request for proposals.

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Conversation continues on how to spend American Rescue Plan millions

By Sora O'Doherty

The city of Orinda is getting approximately \$4.8 million from the American Rescue Plan over two years. There are complicated federal requirements and restrictions on the use of the funding, and the Orinda City Council is trying to assess how to make the best use of the money. Among the requirements, the funds must be obligated by the end of 2024 and expended by the end of 2026.

Unlike many jurisdictions, Orinda is fortunate to be surviving the COVID-19 pandemic without running into deficit spending. This is not the first time the council has discussed the use of the incoming funds. They started the discussion when considering the budget and capital improvements projects in June. The conversation is also not at an end, as new federal guidelines are expected to be available in August, so the matter will return to the council next month. However, staff were seeking to get a feeling for the council's preferred direction for the funding.

The council maintains its aim to use the money for one-time capital improvements that will not require ongoing funding. Additionally, they are looking for a few projects that will be manageable, as opposed to a broad array of projects that would require

more staff attention and might run the risk of not being completed by the program deadline.

On Aug. 3, administrative services director Paul Rankin presented a report to the council that made suggestions in five categories for the use of the money. Rankin suggested spending \$150,000 on local roads safety plan implementation, \$560,955 on facility maintenance major components, \$500,000 on assessment of technology and enhancements, \$556,767 on underfunded or unfunded capital projects, and \$3 million on storm water infrastructure.

For local roads safety, staff suggested a guardrail on Overhill Road. Council Member Nick Kosla suggested that a guardrail would also be appropriate for a section of El Toyonal. For facility maintenance, staff suggested a major modernization of the library

public elevator. In the category of technology, staff suggested three projects: information technology assessment and strategic plan, \$100,000; funding to implement key information technology plan recommendations, \$200,000; and records management system, \$100,000. The largest use of the funds is proposed to be the 2023-24 Storm Water Project, with construction estimated at \$3 million.

In the underfunded/unfunded capital projects category, staff said that the director of parks and recreation suggests the Oaks Park Restroom Replacement as a potential candidate. At first the council did not think this was the best candidate. However, the project rose in priority when the council realized that the building, which currently consists of a wood frame with shake roof built in 1992, may constitute a fire

hazard. The estimated cost is \$100,000. One project that rose to a higher level of priority with the council is the replacement of the missing decorative tiles on the Orinda Library, which is highly visible to the public. It had not been included in the suggestions from staff because it is already a funded capital improvement project, but the council suggested that it could be effected with the federal funds, leaving more funding from other sources dedicated to the library for other uses, including funding longer library opening hours or potentially postponing going back to the public for another bond issue.

Having received the sense of the council, staff will update its proposal and present it to the Finance Advisory Committee at a public meeting before returning to the city council for final adoption of a spending plan.

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OSVP performs at Orinda Community Park through August



Orinda Starlight Village Players performed "Tartuffe" by Moliere at the opening performance of the troupe's 38th season performing in the theater at the Orinda Community Park. For this season, all shows are readers theater, a minimalist style of performance where no sets are used

and scripts are openly used by the cast. Upcoming performances include a mini 10-minute play festival on Aug. 20, 21, and 22, and a triple tryst of terror on Aug. 27, 28 and 29. Further details can be found on the website, <https://orsvp.org/index-2.html> - S. O'Doherty

Orinda Starlight Village Players perform "Tartuffe" Photo Sora O'Doherty

Restrictions on short-term rentals permanent

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Council Member Darlene Gee said she was glad to see

the permanent ordinance, glad to hear about the improvements it contains and to hear that the platforms are willing to assist the city. "I feel very positive about taking this step," she said, recalling an "incredible moment in Orinda's history and a heart-

breaking one."

Council Member Inga Miller agreed with Gee, and added that ensuring that large parties with devastating effects don't occur outweighs property rights. Mayor Amy Worth concurred. She noted that California Sen. Steve

Glazer shares the city's concern, having introduced a bill that would allow for much greater fines for city code violations by short-term rentals. She also welcomed the additional element of platform reform.

Orinda police chief David Cook retiring

By Sora O'Doherty



Lamo archive

City manager David Biggs informed the Orinda City Council on Aug. 3 that Orinda police chief David Cook is retiring at the end of September. Biggs noted that Cook, who took up the post on Sept. 23, 2019, had had a very rough two years, with the COVID-19 pandemic and social justice issues. Shortly after Cook started as chief,

Orinda was the scene of a multiple-murder event at a Halloween party in an Airbnb rental.

Mayor Amy Worth thanked Cook for his tremendous leadership. She recognized the expertise that Cook brought to the job and his willingness to help out in any way. Worth promised that the council will have an opportunity in the future to thank him formally.

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City Council Regular Meeting:
 Tuesday, Sept. 7, 7 p.m.
 By Teleconference Only

Planning Commission
 Tuesday, Aug. 24, 7 p.m.
 By Teleconference Only

Supplemental Sales Tax Oversight Commission
 Wednesday, Sept. 8, 6:30 p.m.
 By Teleconference Only