



Public Works Commission

**Regular Meeting  
PUBLIC WORKS COMMISSION  
Minutes**

**Wednesday, October 7, 2004**

North Berkeley Senior Center, 1901 Hearst Avenue

**CALL TO ORDER:** 7:04 p.m.

Present: Commissioners Broderick, Dacey, Edwards, Holland, Ongerth, Perry, Prevo, Shumer, St. John

Absent: None

Vacant: None

**PUBLIC COMMENT:** Wendy Alfsen spoke regarding Information Item #5 as below.

**ANNOUNCEMENTS:**

1. Chair St. John and Secretary Egeberg attended the Corporation Yard picnic on September 24, 2004, which was well attended by its neighbors.
2. A "media" section is desired for the Commission packet. Commissioners will assist in finding noteworthy newspaper articles and transmit them to the Secretary.
3. CEAC (Community Environmental Advisory Commission) has withdrawn its request to establish a joint subcommittee on storm water at this time.

**APPROVAL OF MINUTES:** September 2, 2004 Regular Meeting

The minutes were approved with the following change: under Approval of minutes: July 1, 2004 Regular Meeting, replace the last part of the sentence after "miscommunication" with "and not on her own account." (MSC Perry/Shumer, Dacey abstaining).

**ACCOMMODATIONS PROVIDED UPON REQUEST**

To request meeting materials in large print, Braille, or on cassette, or to request a sign language interpreter, assistive listening device, real-time captioning or other accommodation for the meeting, call 981-6406 (voice) or 981-6903 (TDD) as soon as possible. Providing at least five (working) days' notice will help to ensure availability at the meeting.

**ACTION ITEMS****1. Proposed Ordinance to BMC for Upper Sewer Laterals and Nonconforming Storm Drain Connections:**

The following policy issues were deliberated:

Whether the threshold for Building Permits should be an actual dollar amount or a percentage of the assessed value of the property was discussed. It was concluded that a dollar value is preferable, as adjusted by inflation, and that the actual amount (currently \$50,000) shall be included in the Master Fee Schedule, rather than the ordinance itself because it is easier to update.

It was decided that, in all referenced locations, a Certificate of Compliance shall be for 15 years from complete replacement of the lateral and ten years from partial replacement or repair.

Under the phases when a property owner is compelled to inspect the lateral due to the City's work on the sewer main, the property owner shall not be charged for the inspection if it passes.

Whether the last phase, covering areas of the City where sewer mains have already been rehabilitated, should be in the ordinance now or wait for three years. It was decided to put it in the ordinance, specified to start three years from adoption of the ordinance, and hope that the City Attorney will approve.

It is hoped that the University of California will fully comply with the ordinance as it applies to all other property owners.

Staff will modify the language as appropriate and bring it back for action at the next Commission meeting.

**2. Proposal to Modify Public Works Commission Agenda Format:** The proposal was modified to require a majority vote of the Commission to move an Information Item to Action on future agendas. The motion was passed as modified (MSC Holland/Shumer).

**3. Storm Drain System and Creek Ordinance:** The language was modified to change "the lead commission" to "a key commission." The motion was passed as modified (MSC Shumer/Holland, with a vote of 6-1-2, Edwards against, Holland and Ongerth abstaining). The Secretary will ensure that this is transmitted to the Council prior to the October 12, 2004 meeting, possibly as an "off-agenda memo."

**INFORMATION ITEMS****1. Possible Reductions to Public Works Capital Budgets:**

Secretary Egeberg described a recent situation at Council where a Public Works request to gain a supplemental grant worth about \$500,000 was held back for the first time because it also involved an advancement of local funding from our regular street paving program. Although this would be paid back in approximately three years, staff was

informed that those street budgets might not be there at all for this purpose due to the possibility of severe capital budget cutting. Commissioners also commented that the University of California uses University Avenue as a main route for heavy construction traffic and should perhaps pay their fair share to repave it.

Director Cardinaux confirmed these potential budget cuts and indicated that one of the biggest impacts on the department has been the loss of Measure B funding which has been moved from operations and capital expenditures in Public Works to cover staffing and planning costs in the Transportation Office. Commissioners commented that the lack of priority-setting in the Transportation office has contributed to the funding problems.

Director Cardinaux continued by indicating another major impact on the Department is the upcoming imposition of the City's burden of Worker's Compensation insurance, which will increase the department's cost by 14.4% plus \$1000,000 retroactively. Since this percentage is being applied to all Public Works employees, and not just those in higher risk jobs, it was viewed as unfair by many Commissioners. At the same time, he pointed out that the Department is observed by some to have too much staff, especially at higher levels.

The Commission invited Director Cardinaux back when he has further information.

**2. Proposed Rule 20B District – Thousand Oaks Heights:** Commissioner St. John reported on the results of the July 20<sup>th</sup> Public Hearing. The district passed with a vote of 79%, whereas a minimum of 66 2/3% was needed.

**3. Status of Encroachment Permit Application for a UC Pedestrian Bridge over Hearst Avenue:** Secretary Egeberg reported that this item has now been calendared for the Council meeting of November 9, 2004. Also, a workshop is being scheduled before that between University staff and Rene Cardinaux to consider design changes to the bridge.

**4. Report from September 28<sup>th</sup> Creeks Workshop:** Secretary Egeberg reported that large numbers of citizens turned out, estimated between 400 and 600. Changes to, or elimination altogether of, the "creeks ordinance," was the theme of a very organized group called Neighbors of Urban Creeks. The Council adopted an initial change that same night exempting rebuilding after a disaster from the regulations of the ordinance. Next steps are possibly the elimination, at least temporarily, of culverts, revising the definition of a creek, and finally, studying all sites throughout Berkeley which are viable possibilities for creek openings.

**5. University Avenue Pedestrian Improvement Plan:** Wendy Alfsen spoke in favor of the plan that she and her colleagues distributed several months ago. She is requesting that the Public Works Commission express its support. This will be held over to be an Action Item at the next Commission meeting.

**ITEMS FOR FUTURE AGENDAS**

1. U.C. Liaison on Community Relations (Commissioner Prevo)
2. Update on Litter Issue (Commissioners Dacey & St. John)
3. Street Lighting Standards (including maintenance)
4. Recommendation of Street Cleaning Program
5. Citywide Plan for future Rule 20A Undergrounding Funds
6. Ad hoc subcommittee & liaison assignments (Quarterly)
7. Transportation Impacts of Construction - Joint Subcommittee with TC (Commissioners Holland, Dacey and Prevo)

**ADJOURNMENT:** 9:20 p.m.