



Public Works Commission

INFORMATION CALENDAR

November 14, 2006

To: Honorable Mayor and
Members of the City Council

From: Public Works Commission

Subject: Observations on Recommendations from the Creeks Task Force

INTRODUCTION

The Creeks Task Force (CTF) is currently recommending revisions to the Creeks Ordinance (BMC Chapter 17.08). The CTF has also recommended the establishment of a new position as Watershed Coordinator. Although the Mayor included half-time funding in his 2007 budget amendments, the Public Works Commission (PWC) understands that it has not yet been decided in which department this position would be located.

CURRENT SITUATION AND ITS EFFECTS

The PWC understands and appreciates the City Council's interest in preserving Berkeley's creeks. However, the amount of attention given to this subject over the last two years seems disproportionate to the known Storm Water System problems we face. We hope the Council is actively looking for ways to fund the solutions outlined in the 1994 storm drainage consultant study and Master Plan that predicted the flooding which took place last December.

To comment specifically on the CTF's recommended language for the revised Creek Ordinance, we have the following observations:

- On underground culverts, we are pleased the Public Works Department has been given adequate flexibility to make technical rulings based on the size and depth of individual culverts, as well as their proximity to open creeks.
- Regarding the uncertainty of the exact location of culverts in particular locations, we recognize the need for information regarding the location of the culvert. However, we are concerned that the cost of locating the culvert may be a burden to the property owner.
- On open creeks, we have concerns about the increased complexity of this portion of the Ordinance and the staff time that will be required to administer it properly. We anticipate the newly funded part-time Watershed Coordinator will be consumed with creek issues for the foreseeable future, with little time available for overall watershed concerns.

Up to this point, the CTF has been administered by the Planning Department because the revision to the Creeks Ordinance was a land use issue. However, once approved, its

administration will once again fall under the jurisdiction of the Engineering Division of Public Works. Hence, it is logical that this is where the new Watershed Coordinator should be located.

BACKGROUND

In 1994 the City commissioned a comprehensive study by CH2MHill Engineers which resulted in a long-term Master Plan for improvements to the City’s storm drainage system. This Master Plan has never been implemented due to lack of funding. On at least two occasions in subsequent years, the PWC actively supported prospective ballot measures to provide full, or at least partial, funding of this capital improvement program. In April 2006 Public Works staff presented to the Council an update to this plan, indicating an overall backlog of around \$80 million.

Regarding the location of the Watershed Coordinator position, our long-term involvement with the Public Works Engineering staff and their expertise in this area gives us confidence this is the proper placement. In addition to being our creeks steward, this position is instrumental to developing a Watershed Management Plan for the City. The person occupying this position should be entrenched with others working on watershed issues to maximize his/her opportunity for success. We fear spreading watershed functions over multiple City departments would institutionalize unnecessary coordination efforts and result in duplication of staff efforts. The Creeks Task Force is considering making the same recommendation for the same reason.

POSSIBLE FUTURE ACTION

The PWC believes it is critical for the City Council to revisit the staff levels necessary to both implement the Creeks Ordinance and develop an overall Watershed Management Plan. We expect that the Creeks Ordinance work will be at least a full-time job in itself, and this is only one part of an overall watershed plan. Moreover, based on what other jurisdictions have done, the creation of an overall Watershed Management Plan is a complex yet timely issue. This may require additional full-time dedicated staff with specialized expertise, most likely supported by a consultant team of environmental and hydrological professionals, if Berkeley is to compete for watershed funding opportunities in the future.

We suggest the evaluation of the resources needed to accomplish all this be done six months after the Watershed Coordinator position is filled. As a minimum, we suggest that this position be turned into a full-time position before filling it.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

We also suggest that this position, or these positions, be fully funded, separate from any funding that may be used for maintenance, repairs, or improvements to the City’s storm drainage system.

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Submitted:

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