



Public Works Commission

Regular Meeting
PUBLIC WORKS COMMISSION
Minutes
Thursday, March 1, 2012 at 7:00 p.m.
North Berkeley Senior Center, 1901 Hearst Avenue

CALL TO ORDER: 7:05 pm

Present: Alward, Haramati, Henry, Holland, Schueler, Yep

Absent: None

Vacant: Moore, Wengraf, and Worthington's appointments

PUBLIC COMMENT:

1. Gregory Harper, Stanton Street: Mr. Harper is a former chair of the Housing Advisory Commission and asked the commission to look into the execution of the sidewalk program. He came home recently and saw the sidewalk marked up with what he referred to as graffiti. He said that the City marked the sidewalk without informing him. In addition after a few days, the City placed an asphalt patch in the planter strip, which is now more dangerous than before the work was done. He called the City and found out that the complaint was from the neighbor across the street and it was about the sidewalk fronting Mr. Harper's neighbor's house (and not Mr. Harper's house).

Mr. Harper said that the inspector marked only the sidewalk fronting black and latino property owners. Also, City staff did not inspect all the properties on the block, and other property owners have not received notification. He was concerned that the City did not release the name of the complainant until he filed a PRA. He asked the Commission to look at the procedures of the sidewalk program. He said that for the amount of taxes that Berkeley citizens pay, they deserve better service.

Discussion: The Commission would like a staff report on the Sidewalk Program. Ken Emeziem is the Supervising Engineer that oversees the Sidewalk Program and provided some background. He described a legal case where that the City lost because it did not repair a sidewalk after apparently receiving constructive notice and someone was injured. When someone complains, the city is obligated to inspect the entire block as well. City staff has not yet completed marking

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Please refrain from wearing scented products to this meeting.

the sidewalk on this block. Berkeley has one of the best sidewalk programs in the US. Some neighboring cities such as Oakland and Richmond copied the Berkeley program. City staff notifies property owners through abatement notices. When the city receives a complaint, an inspector must look at all the areas. When there's a complaint, the city is obligated to perform some repair and inform the abutting property owner concurrently. The standard industry practice for such immediate repair is an asphalt patch, and staff performed such a patch in front of Mr. Harper's house. The asphalt patch is temporary until funds are available to fix the entire block. The planter strip is part of the sidewalk and the city is required to repair the planter strip when it is uneven.

Also, in most cases, the City cannot patch any sidewalk defect that has a differential of less than 3/4" between adjacent pieces of concrete sidewalk. The 3/4" is the typical threshold for trip and fall accidents.

2. Phyllis Harper, Stanton Street: (yielded her 3 minutes to Mr. Harper)

3. Pam Schonberger-Steich: In December 2011, there was a diesel spill on UC campus. She is concerned that UC did not properly abate the diesel spill and that it wasn't given proper attention. She mentioned that a letter was delivered to Kris Worthington's office. She stated that UC did not put booms into the creek, and the diesel had made its way down Strawberry Creek. UC staff waited for daylight to start clean-up. She would like an investigation by the City Manager.

Discussion: A basic question is what did the City know and when. UC Berkeley isn't regulated the same way other as other agencies, but to what degree can the city express their concern that so much diesel ran through the city's creeks? More information about this spill should be in a future packet. Are creeks under PW jurisdiction? Does the City have a way of making sure that pollutants are not discharged into the bay? Need more information on what happened and if the proper procedure was followed. This might be an area where the PWC cannot do much. The relationship between the city of Berkeley and UC is a longer-term issue, but the PWC should look at the emergency spill policy and see if it's appropriate.

Both issues should be responded to. When the public comes to the Commission, we should be responsive, but more information is needed. One place to call is the County, then RWQCB. They investigated when it happened. Other commissions are looking at this, and the PWC should collaborate with them.

APPROVAL OF MINUTES: The approval of the minutes of the February 2, 2012 meeting was held over to the April meeting (MSC Holland/Schueler, with a vote of 4-1-1).

CHAIR REPORT: Currently, there are three vacancies on the PWC. If any commissioners know people who are interested and live within the councilmember district, they should be encouraged to apply and inquire about filling the position.

ACTION ITEMS:**1. Joint Subcommittee Meeting on March 1, 2012**

Andrew Clough, Director of Public Works expressed interest in the complete streets and permeable pavers. The City will play a role in developing a complete streets concept so the public can see what a complete street would look like—safety, environmental, traffic calming, etc. There should probably be a subcommittee that has a special mandate (similar to SOSIP) to move this forward.

A better definition of complete streets, including undergrounding, traffic calming, durability, street quality, watershed, is needed. Also, a long-term plan for developing this is needed. There is tremendous interest in getting some type of alternative paving out there. However, there may not be enough money to do all that the projects that was talked about, including Hopkins/Josephine, but the first step is to identify the streets.

2. Work Plan Recommendations from December 2011 Special Meeting:

The work plan for this quarter was to finish the recommendation on permeable paving. Staff is planning to bring their short list of candidates to PWC at the April meeting. Staff will then present their recommendations to Council in May and the item will not be discussed further except as it relates to approval of the paving plan. The Paving Plan went to Council in September 2011, but they wanted to know more about permeable paving so they didn't approve it.

The Commission supports staff's recommendation to discontinue the subject of Electric Vehicles. There was discussion whether the Commission should move up sewers.

The Commission should be strategic about what it covers. In the December meeting, there was discussion about forming a subcommittee to talk about undergrounding. The Commission should follow the agenda agreed to in January as to the plan for the year.

INFORMATION ITEMS:

1. Soil types in Berkeley: The Director of Public Works was supposed to come to today's meeting, but couldn't make it tonight. The Commission would like him to attend the commission's meeting soon on this topic.

2. Candidate Sites for Permeable Paver Trials: Held over to next meeting.

FUTURE AGENDAS: Next meeting:

- No Action Items
- Information items: candidates for permeable paver trials
- Brief staff report (as an information item) on what happened with the UCB diesel spill
- Meetings are not noticed on City's website: this should be corrected
- Review of the sidewalk plan

ADJOURNMENT: 9:15 pm