



Public Works Commission

Regular Meeting
PUBLIC WORKS COMMISSION
Minutes
Thursday, March 5, 2009

CALL TO ORDER: 7:09 pm

Present: Commissioners Allen, Alward, Henry, Holland, Kojan, Prevo, Schueler, Soto-Vigil
Absent: Commissioner Nelson

PUBLIC COMMENT: None

APPROVAL OF MINUTES: The minutes of the Regular Meeting of February 5, 2009 were amended, under Action Item #2, next to last sentence, to add “during the annual review” after “future.” The amended minutes were then adopted (MSC Schueler/Alward with a vote of 8-0-0).

CHAIR REPORT: New commissioners have recently been welcomed at their first meetings, but were not given an opportunity to present their background and interests. Commissioners Kojan, Allen, and Soto-Vigil then proceeded to do so.

STAFF REPORT: An update on economic conditions will be provided under Information Item #2. A staff report on Street Lighting (Information Item #3) will be carried over to May 2009.

ANNOUNCEMENTS: None

ACTION ITEMS:

1. Draft Telecommunications Ordinance: Donna Lasala, Director of Information Technology, presented the background of the development of the draft ordinance. There have since been lawsuits in other communities that have delayed the implementation of such regulations in Berkeley. Commissioners expressed concerns about the excess of wires, cables, and other equipment being mounted on existing utility poles. The Commissioners felt that a provision in Section 16.10.050 (J) regarding permit issuance that gives the Public Works Director discretion to judge whether “sufficient space” remains on the poles was a very positive move. It would be beneficial to have an ordinance on the books in the upcoming 2 – 4 months since 70 - 80 applications are expected in the near future from AT&T for new “Uverse” cabinets.

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.

A motion was passed (MSC Alward/Schueler with a vote of 8-0-0) (1) to request that AT&T hold a public meeting at the next PWC meeting on 4/02/09, (2) to request staff to provide an after-the-fact report on the initial permit applications, (3) that the Commission expresses a statement of support for the new ordinance, that the process move forward with all due haste, and (4) that more public process is recommended during the permit application process, such as a longer period of time (perhaps 30 days), a noticing area larger than a radius of 300', and that notices be sent to both property owners and to residents.

2. Rule 20A Undergrounding: The draft Council Report dated March 24, 2009 was reviewed with respect to the motion previously passed by the Commission. The Secretary noted that it has already been submitted into the agenda process and one possible change could be that the City Manager may decide that he wants to take a position that is different from full support of the entire Commission report. The motion received from the Disaster & Fire Safety Commission was reviewed and accepted. The Secretary was instructed to see if he can “slip it in” to the report already submitted, but not if it would delay the report going to Council.

INFORMATION ITEMS:

1. Council Work Session – Follow-up: The session held on February 17, 2009 was reviewed and discussed. The Commission is still planning that next month's annual update of the Street Repair Policy will be an opportunity to further develop the recommendation to Council on applications of permeable pavers.

2. American Recovery & Reinvestment Act: Project Status: The Secretary indicated that the initial allocation that has been assigned to the paving of University Avenue, from San Pablo to Sacramento, cannot be used for permeable paver installations for several reasons. Primarily, it is too late to develop and submit an entirely new project. The Secretary will “keep an eye out” for future stimulus opportunities where permeable pavers may qualify.

3. Staff Report on Street Lighting: Held over till May 2009.

4. Status Report on USEPA Stipulated Order to EBMUD regarding Sewer Discharges and Upcoming New Discharge Permits: The Secretary indicated that the Stipulated Order prohibiting partially-treated discharges from Wet Weather facilities is almost finalized. Next are new Orders and permits for all the satellite communities, including Berkeley, and EPA audits of each community's operations in the next few weeks.

5. Commission Public Hearing on Sanitary Sewer Management Plan (SSMP) on April 2, 2009: The State and Regional Water Boards' requirements for improved SSMP's are also related to the above regulatory activities. The orders require a public hearing to be held, which was assigned to the Public Works Commission by the Council. The attached notice was reviewed.

FUTURE AGENDAS:

April: SSMP Public Hearing, AT&T Public Meeting, Street Repair Policy Update

May: Street Lighting

ADJOURNMENT: 9:30