

To: mayor@ci.berkeley.ca.us

From: lennon hamilton <rlennonh@lmi.net>

Subject: Invalid agenda item

Cc: clerk@ci.berkeley.ca.us, lmaio@ci.berkeley.ca.us, mbreland@ci.berkeley.ca.us, mshirek@ci.berkeley.ca.us, dspring@ci.berkeley.ca.us, mhawley@ci.berkeley.ca.us, bolds@ci.berkeley.ca.us, kworthington@ci.berkeley.ca.us, gwozniak@ci.berkeley.ca.us

Bcc:

X-Attachments:

03 DEC 10 PM 1:45
CITY OF BERKELEY
CITY CLERK DEPT

Re: Residential Preferential Parking Extension on Virginia St (RPP)

My Dear Mayor Bates,

I believe that the Virginia St. portion of the RPP item should not be on the Council agenda set for Tuesday December 16th. The process for placing it on the agenda was flawed because the signatures on the petition are stale and, also, there are not enough valid signatures. Residents from 51% of the addresses need to sign but only 33% are valid. To wit:

- 1) The signature dates are too old. 11 are from the fall of 2000, 2 are from early 2001, and 3 are from early 2002. Most of the signatures are over 3 years old. A petition for a Council resolution that effects our pocketbooks needs to be current to be fair.
- 2) 6 of the signatures on the petition are now not valid. Signatures from 16 of the 30 addresses in the area are needed to reach 51%. Of the 16 that are on the submitted petition, 1 has died (George Davis), 2 have moved (Michael Mansfield & Randall Sweringen), and 3 residents now wish to have their names removed (Sher, Kamiya, & Starling). These three previous signatories have sent a letter to the City Clerk asking that their names be removed from the petition. This yields only 10 signatures out of 30, not a large enough percentage for inclusion on the agenda.

I believe it is clear that the portion of the agenda item concerning Virginia St should not be voted on, or even discussed, until proper procedures are followed for its inclusion. Please strike the Virginia St section from the proposed resolution.

Thank you kindly.

Sincerely,

Lennon Hamilton
1316 Virginia St

Kelly, Sherry

9(2)

From: lennon hamilton [rlennonh@lmi.net]
Sent: Tuesday, December 16, 2003 2:54 PM
To: Berkeley Mayor's Office
Cc: Kelly, Sherry; Maio, Linda; Breland, Margaret; Shirek, Maudelle; Spring, Dona; Hawley, Miriam; Olds, Betty; Worthington, Kriss; Wozniak, Gordon; Hillier, Peter
Subject: Virginia St RPP petition manipulation

Re: Residential Preferential Parking Extension on Virginia St (RPP)

My Dear Mayor Bates,

Apparently the staff of the Public Works Department is changing the rules in the middle of the game.

I was told yesterday by your office that this improperly placed agenda item had been deleted. However, today I find out that it has been reinstated because, magically, the proponents claim to have come up with the 51% of the addresses signed for! They claim that there are only 22 addresses now, and that they have 12 of them signed for. It seems that this was done by reducing the total number of addresses on the street effected. How is it that a few days ago there were 30 addresses effected and now there are only 22? The original petition that was signed back in 2000 and 2001 states "upon affirmative responses of at least 51% of the residential addresses" There are at least 30 addresses plainly posted on this block of Virginia St. How and why did Public Works change it to 22 ? Did the proponents tell Public Works that there are only 22 ? and they believed them without checking?

Below is a list of the effected addresses:

South side of this block of Virginia Street:

1302
1304
1308
1310
1310A
1312
1316A (1314)
1316B (1316)
1318
1320 (plus illegal unit)
1322
1326 (plus illegal unit)
1330A
1330B

subtotal of 14 (not including 2 illegal units)

North side of the street:

1301
1309
1311
1315
1317 #1
1317 #1A
1317 #2
1317 #3
1323A
1323B

1325A
1325B
1327A
1327B
1329A
1329B

subtotal of 16

The total number of addressed dwellings or "residential addresses" is 30.

This number can and should be accurately determined by the City before any law is passed effecting rights and responsibilities of these inhabitants.

Does the Public Works Department actually know how many posted addressed and posted mailboxes at the residences are on this block?

Regardless of the above, this agenda item is still invalid because the document (petition) that was submitted to and received (stamped) by the City Clerk on March 27th, 2001 is a legal finding that required proscribed procedures that have to be followed to have it validly placed on the agenda. To be legally discussed and voted on by the City Council, it may not be altered or changed after its required public legal notice and posting, except as an emergency item. This is not an emergency item.

Please, Mr Mayor, direct the City Manager to have Public Works remove this agenda item for it does not meet the criteria for inclusion on the December 16th agenda.

Thank you.

Lennon Hamilton
1316 Virginia St.

CITY OF BERKELEY
CITY CLERK DEPT
03 DEC 10 PM 1:45

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2003 December 9

Sherry M. Kelly
City Clerk
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

RE: Petition for Inclusion in Neighborhood Preferential Parking for the
1300 Block of Virginia St.

Dear City Clerk:

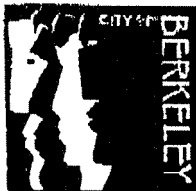
We wish to remove our names from the above referenced petition that
was submitted to the City on March 27, 2001.

Thank you.

Edith Sher Edith Sher 1312 Virginia St.

Maureen Kamiya Maureen Kamiya 1323B Virginia St.

Opal Starling Opal Starling 1322 Virginia St.



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**PETITION FOR INCLUSION IN
THE RESIDENTIAL PERMIT PARKING PROGRAM**

Department of Public Works
Engineering Division

1300 block of Virginia St between Chestnut + West
(WRITE BLOCK LOCATION IN SHADED BOX BEFORE COLLECTING SIGNATURES)

We, the undersigned, are residents of the proposed permit parking area listed above. We understand that if this area is designated as a residential permit parking area, certain restrictions will be placed upon on-street parking within the designated area, that residents of the area and their visitors will be eligible to obtain permits exempting them from these parking restrictions, that payment of all fees (annual fee, renewal fee, visitors fees) will be equal to the amounts approved by the Berkeley City Council, and that a discount on applicable fees will be granted to persons meeting low-income criteria established by the Director of Finance. We, the undersigned, hereby request that the Berkeley City Council consider this application for inclusion of the above described area based upon affirmative responses of at least 51% of residential addresses as part of a preferential parking area.

PRINTED NAME AND SIGNATURE	COMPLETE ADDRESS (Include apartment number, when applicable.)	PHONE NUMBER	DATE
JAMES SIMMONS	1302 Virginia St Berkeley 94702	(510) 524-3380	12/14/03
Gale Bach	1301 Virginia Berkeley 94702		
James Simmons	1310 Virginia St Berkeley, CA 94702	(510) 525-0309	12/14/03
X CARLA KRAUS	1311 VIRGINIA ST BERKELEY CA 94702	524-5345	12/14/03
X CARLA KRAUS	1310A VIRGINIA ST. Berkeley CA 94702	527-1465	12/14/03
P Thomas Sinsheimer			
X Charlotte Blanton	1306 Virginia St Berkeley Ca 94702	524 8299	12/14/03
P Christopher Blanton			
X Ben Pappas	1330 VIRGINIA ST BERKELEY CA 94702	524-1363	12/14/03
P BEN PAPPAS			



PETITION FOR INCLUSION IN THE RESIDENTIAL PERMIT PARKING PROGRAM

Department of Public Works Engineering Division

1300 Block Virginia St between Chestnut & Virginia (WRITE BLOCK LOCATION IN SHADED BOX BEFORE COLLECTING SIGNATURES)

restrictions will be placed upon on-street parking within the designated area, that residents of the area and their visitors will be eligible to obtain permits exempting them from these parking restrictions, that payment of all fees (annual fee, renewal fee, visitors fees) will be equal to the amounts approved by the Berkeley City Council, and that a discount on applicable fees will be granted to persons meeting low-income criteria established by the Director of Finance. We, the undersigned, hereby request that the Berkeley City Council consider this application for inclusion of the above described area

Table with 4 columns: AND SIGNATURE, (Include apartment number, when applicable.), NUMBER, and a date column. Contains handwritten entries for John Gyllman, Eva Ross, Lawrence Schachtman, Bruce J. Rogers, and Blah Yahn.