



Office of the City Manager

INFORMATION CALENDAR

November 14, 2006

To: Honorable Mayor and  
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Claudette R. Ford, Director, Public Works

Subject: Complaint: 1310 Campus Drive

INTRODUCTION

On October 24, 2006, the Council asked the City Manager to report on the status of the complaint from Ms. Rozalina Gutman at 1310 Campus Drive. The City is in the process of improving the La Loma Path that abuts Ms. Gutman's property at 1310 Campus Drive. Apparently, Ms. Gutman does not support the project. Following staff's initial meeting with the neighbors to inform them of the proposed project, Ms. Gutman constructed a fence in the City of Berkeley right-of-way to prevent staff from performing the project. She is delaying the project by denying City staff access to City owned land.

CURRENT SITUATION AND ITS EFFECTS

On September 21, 2006, the City scheduled a topographic survey of the La Loma path. The survey is needed to prepare plans and specifications for the project. Ms. Gutman constructed a fence within the City's right-of-way to prevent staff from accessing the path. Consequently, the City is unable to perform the survey. The project is delayed because staff is unable to complete the survey.

BACKGROUND

The La Loma Path is part of the City's pathway network. It is a 10-foot wide strip of land owned by the City. It is undeveloped and in recent years the path fell into disuse. The lower half of the path was completely overgrown with berry bushes, ivy, and weeds. This portion was cleared in July 2006 and is now accessible. The upper half is in need of development and abuts 1310 Campus Drive, the house where Ms. Rozalina Gutman resides.

On June 20, 2006, staff conducted a community meeting with the neighbors to inform them of the proposed project. Staff sent letters informing neighbors that a topographic survey of the path that was tentatively scheduled on July 26, 2006. Ms. Gutman stated that this was not a convenient date for her. Staff postponed the survey to August 17 and then again to September 21 to accommodate Ms. Gutman's concerns. Letters were sent to the neighbors informing them of the survey date.

Prior to the survey on September 21, Ms. Gutman constructed a fence in the public right-of-way to prevent the survey. The City asked Ms. Gutman to remove the fence from the public property, but she refused. On September 21, 2006, the City issued her a Notice of Violation.

POSSIBLE FUTURE ACTION

Staff will continue to work with Ms. Gutman to reach a mutually acceptable position. If she does not remove the fence, the City shall remove the fence at her expense.

FISCAL IMPACTS

There are no significant impacts.

CONTACT PERSON

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