

Civic Arts Commission Public Art Subcommittee Wednesday, October 19, 2022 at 2:30 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Civic Arts Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/86089984060. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 860 8998 4060. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment during the meeting to be read aloud during public comment, email civicarts@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150-word limit. Time limits on public comments will apply.

Agenda

- 1. CALL TO ORDER AND ROLL CALL
- 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
- 3. CHAIR'S REPORT
- 4. <u>DISCUSSION ITEMS WITH POSSIBLE ACTION</u>

- a) Revised Homelessness Socially Engaged Art Project Plan (Attachment 1)
- b) Remaining Subcommittee meeting dates and next year's schedule
- c) Cesar Chavez Park Conservancy Report "The Owls Need a New Fence" (Attachment 2)

5. STAFF REPORT

- a) Cube Space
- b) BART Plaza Sound Project
- c) Berkeley Food Network Mural
- d) Aquatic Park RFQs
- e) Print Public Municipal Artist-in-Residence Program

6. COMMUNICATION

- a) Letter from Golden Gate Audubon Society (Attachment 3)
- b) March 10, 2010 Burrowing Owl Project Meeting Minutes (Attachment 4)
- c) Email from Maureen Daggett (Attachment 5)

7. ADJOURNMENT

Attachments:

- 1. Revised Homelessness Socially Engaged Art Project Plan
- 2. Cesar Chavez Park Conservancy Report "The Owls Need a New Fence"
- 3. Letter from Golden Gate Audubon Society
- 4. March 10, 2010 Burrowing Owl Project Meeting Minutes
- 5. Email from Maureen Daggett

Staff Contact:
Zoe Taleporos
Public Art Program Lead
(510) 981-7538
ZTaleporos@cityofberkeley.info

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Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Civic Arts Office located at 2180 Milvia Street, First Floor, Berkeley, CA 94704.

ADA Disclaimer

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.



SOCIALLY ENGAGED ART – HOMELESSNESS IN BERKELEY, CA PROJECT PLAN

PROJECT OVERVIEW

Economic and social forces have led to an increase in homelessness in the Bay Area, with a rising number of unhoused people in Berkeley, CA. According to a countywide point-in-time count conducted by EveryOne Home, the number of unhoused individuals in Berkeley, CA in 2022 totaled 1057, of which 803 were unsheltered.

Berkeley Civic Arts seeks to commission three Socially Engaged Art projects that respond to homelessness in Berkeley, CA as a complex social issue. Artist will be required to partner with an organization in Berkeley that works directly with the unhoused population. The organization will primarily act in an advisory capacity, but may also be a collaborator in the project. The artist will be required to compensate the organization as part of their budget proposal.

For the purpose of this project plan, Berkeley Civic Arts defines Socially Engaged Art as:

Art that foregrounds social issues, political activism, and community collaborations, that aims to create social and/or political change through collaboration with individuals, communities, and institutions in the creation of participatory art.

There are no specific requirements for artistic media or format for these projects, except that the artists create visual documentation that may live on after the projects are completed. Project documentation may take the form of photography, video, audio, print publication, or other forms to be discussed with Civic Arts staff.

BUDGET

Each of the three projects will receive \$15,000 to cover all project expenses. This includes artist fees, partnering organization fees, materials, travel, and documentation.

ARTIST ELIGIBILITY

Professional practicing artists residing in the 21 Northern California Megaregion Counties are eligible to apply:

Alameda; Contra Costa; El Dorado; Marin; Merced; Monterey; Napa; Placer; Sacramento; San

Benito; San Francisco; San Joaquin; San Mateo; Santa Clara; Santa Cruz; Solano; Sonoma; Stanislaus; Sutter; Yolo; Yuba.

ARTIST SELECTION PROCESS

Civic Arts Staff will issue a Request for Proposals (RFP). Applicants will be asked to provide:

- A letter of interest and summary of artistic practice
- Resume
- Up to 10 images/videos of past work
- A brief proposal of how they might address the project, the organization they wish to partner with, and tactics for social engagement

All applications will be reviewed and scored by a Public Art Review Panel to identify a shortlist of finalists for the opportunity. The Review Panel will consist of a Civic Arts Commissioner, two outside arts professionals, and a staff member from the City of Berkeley's Homeless Services.

The shortlist of finalists will be invited to interview with the Review Panel and present the following:

- Overview of past projects
- Overview of the project proposal and selected partnering organization
- Tactics for social engagement
- Anticipated outcomes and impact
- Anticipated documentation approach
- Timeline for completing the project
- Budget summary

TIMELINE (Subject to change)

Project Outline Approval October 19, 2022 RFP Issued November 2022 RFP Deadline January 2022 Artist Review Panel January 2023 **Artist Interviews** February 2023 Approval of Proposals February 22, 2023 **Artists Under Contract** March 2023

TBD Project Schedule

FURTHER INFORMATION

Zoë Taleporos, Public Art Program Lead, Civic Arts, City of Berkeley ZTaleporos@cityofberkeley.info or 510-981-7538

The Owls Need a New Fence

Executive Summary

- The old fence seemed like a good idea in its day, when owls were many and dogs were few
- Conditions have changed: Far fewer owls, many more dogs
- Off-leash dogs easily breach the fence and invade the owl sanctuary
- Owls have been killed and injured
- The new fence will preserve an artful look while offering real security
- The amended route will keep the Open Circle viewing area open to the public year round
- The Chavez Park Conservancy will pay for the fence. It will cost the City nothing
- Construction needs to be complete by Oct. 1, as a condition of the grant.



The old fence seemed like a good idea in its day, when owls were many and dogs were few. But conditions have changed: Far fewer owls, many more dogs.

The old fence was completed in 2011 as part of the public art project entitled "Open Circle." The work was funded by the Open Circle Foundation and produced jointly with the City of Berkeley Public Art Program.

A quarter century ago, that area was a busy winter gathering place for migratory Burrowing Owls. According to some old-timers, the owls there could be so numerous that one had to be careful not to step on one. At the time of its installation, the low-rise "Art Deco" fence seemed like a reasonable compromise between bird protection and artistic ambition.

A decade later, circumstances have changed. Owl numbers statewide dropped dramatically. Where once the owls were seen in dense numbers in our park, in recent years they have been absent or rare. None appeared in the winter of 2017-18. In the following years, only one resided in the fenced area, sometimes just for a few days.

The recent winter of 2021-2022 saw an exceptionally high population of two owls both residing for more than three months in the fenced area. Their presence generated intense public interest, with press coverage, visitors coming from throughout the region, and more than 700 Conservancy brochures distributed.

While owl numbers dropped, recent years have seen a dramatic rise in the dog population. The number of pet dogs in the U.S. stood around 78 million in 2011. It increased to 90 million in 2021 and saw a sharp rise with the spread of the pandemic.

The new reality is fewer owls, more dogs.

These historic trends have created a new situation where the old fence design no longer works.



Off-leash dogs easily breach the old fence and invade the owl sanctuary. Owls have been killed and injured.

The old fence is barely 32 inches high and the gap between its top two cables is 9 inches. There is no fence at all over areas with a concrete retaining wall. Off-leash dogs have no problem leaping over or slipping through this fence.







These pictures show a few of the incidents where off-leash dogs invaded the Burrowing Owl space. Eyewitness reports speak of many more instances, including cases where owls were present and dogs attacked the birds.





At least one owl was killed in the park. The year following this incident, no owls came to the park at all. More recently, this past February 3, the highly visible and hugely popular owl in the fenced area suffered an injury to its left wing, consistent with a dog attack. It disappeared the following day.

The Burrowing Owl is covered under the Migratory Bird Treaty Act and its California equivalent. These birds are entitled to protection not only by human decency, but by federal and state law. Parties that fail to protect them when protection would be simple and inexpensive have been sued and fined.

The new fence will preserve an artful look while offering real security. The amended route will keep the Open Circle viewing area open to the public year round.

When owls are present, the Burrowing Owl Sanctuary is a high-visibility spot with many hundreds of park visitors stopping for a view. A chain link fence would be out of place here, particularly because many of the viewers are children. The spot demands a fence that offers real security for the birds with an artful eye appeal and transparency for human viewers of all ages.

The Chavez Park Conservancy has obtained two design proposals. One is for a wrought iron fence with vertical bars of the sort seen in gardens and recreational areas. It would be four feet high with a top rail, painted black, with the vertical elements four inches apart. This is a standard kind of fence with an upscale look. See Appendix A.

The other proposal is a custom design for a horizontal cable fence, also four feet tall, with a metal top rail, and stainless steel cables running horizontally four inches apart. The steel posts and the top rail would be galvanized and powder coated any desirable color, for example forest green. See Appendix B.

Each design has particular strengths and weaknesses. Both designs bring a combination of security for the birds with an artful visual appeal and high transparency for park visitors viewing the owls.

Both designs will amend the route of the old fence on the southern end to maintain year-round public access to the Open Circle seating area. No owl has resided in the southern extremity of the sanctuary for at least eight years. There is no reason to keep it closed.

The Open Circle is the only vantage point from which Burrowing Owls on the rip-rap at the edge of their sanctuary can be viewed. It is also the prime bird viewing hotspot on the east side of the park, and a popular seating area year round. When it is closed off, the south gate is frequently overstepped and sometimes vandalized. The public's evident desire to use the Open Circle year round can and should be accommodated.

The Chavez Park Conservancy will pay for the fence. It will cost the City nothing. But construction needs to be complete by Oct. 1, as a condition of the grant.

The two fence design quotes currently on the table are each in excess of \$30,000. The vertical iron fence quote is at \$33,950 and the horizontal cable fence at \$32,228.

The Chavez Park Conservancy understands and is sympathetic to the City's financial issues with the Marina Fund and the City budget generally. To make this Burrowing Owl safety fence feasible for the City in this time of financial tightness, the Conservancy has obtained a commitment from a local donor who wishes to remain anonymous. As a result, the Conservancy is in a position to cover the full cost of either of the two current fence proposals.

In other words, the new owl fence will cost the City nothing. The Conservancy is not asking the City to spend money on this project. The Conservancy is bringing the money to the City.

There is one condition on the grant. Construction of the new fence has to be completed before the owls are likely to arrive for the winter. In recent years the most recent owl arrival was dated Oct. 3. To be on the safe side, construction should be completed by October 1 this year.



APPENDIX A

TRI-CITY FENCE CO., INC.

1175 Benicia Rd. VALLEJO, CA 94591 Phone (510) 758-4954 or (707) 644-5764 Fax (707) 644-0422

CONTACT

JOB NAME: JOB LOCATION:

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CITY, STATE:

47328

Chavez

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BILLING ADDRESS:

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Park Conservancy

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LINE

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The Buyer assumes all responsibility for all utility lines upon the Buyer's property. The Buyer shall indemnify and hold harmless Tri-City Fence from any and all damages or liabilities resulting from any cut or damaged utility lines including, but not limited to, gas, water, electric, telephone, and cable lines. Buyer agrees that if rock is encountered, a special per hole digging charge may be assessed.

NOTICE TO OWNER

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, California. Mailing address: P.O. Box 26000, Sacramento, California 95826.

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APPENDIX B

WORK ESTIMATE



IVS Fences & Iron Work

A beautifully crafted fence does more
then boost your home's curb appeal.

Ph. (510) 377-4628

Estimate: #0806 Date: June 20, 2022

Customer(s): Martin Nicolaus Cesar Chavez Park Berkeley, CA. 94710 Ph. (510) 717-2414

PROJECT DESCRIPTION

This estimate is to build and install a new 450' W x 4' H ornamental fence made of 2" x 2" x 6' iron post 2" x 1" x 14G for two swing gates one of this gates will be 8' opening x 4' tall and one more of 36" opening using a 3/16 / 4.8 mm stainless steel cable making 4" of separation in between cables . Also using 2" x 1" x 11G for top rails all iron is powder coated & galvanized. . .

Material: (6) 3 /16 / 4.8 mm x 1,000 stainless steel rolls (300) Luloth 3/16 stainless steel tensioner (59) 2" x 2" x 11G x 6' iron post (22) 2" x 1" x 14G x 24' iron gate frame and top rail (206) 50 lb post concrete (Hardwere) for three swing gates (Green) powder coating all will be galvanized as well.

I.V.S. REMOVE THE EXISTING METAL POST AND CABLES TO THE RECYCLING PLACE.

IVS Fence will perform the installation at Cesar Chavez Park. Berkeley, CA. 94710

DESCRIPTION	Qty	PRICE	TOTAL
Material	1	\$17,600.00	\$17,600.00
Labor	1	\$13,000.00	\$13,000.00
	I	SUBTOTAL SALES TAX	\$30,600.00 \$1,628.00
		TOTAL ESTIMATED	\$32,228.00

DISCLAIMER: IVS Fences is not liable for any damages involving weather/climate changes, natural disasters etc..

Above information is not an invoice and only an estimate of services described above. This estimate is non-contractual.

We do require 15% deposit, 35% to commence the project

If you have any questions concerning this estimate, contact Ignacio V., 510.377.4628, ivsfences@gmail.com

Thank you for your business!



August 12, 2022

Civic Arts Commission Berkeley City Hall 2180 Milvia St Berkeley, CA 94704

Dear Commissioners:

Golden Gate Audubon would like to reconfirm our position as to proposed improvements to the art installation/fencing surrounding the seasonal Burrowing Owl habitat in Cesar Chavez Park.

Golden Gate Audubon strongly supports making repairs to the fencing and gates where necessary, upgrading the design of the gate closure mechanism so the gates can be rolled back and remain onsite during the "open" summer season, and installing extra fencing posts on the northern side that will match the other existing ones. We hope that improvements will include structures for seasonally changing signage if that is possible.

We are not in favor of raising the fencing height, or adding additional cables. We feel this would be detrimental to the burrowing owls, as discussed at length during the initial phases of the art installation design process with the Civic Arts Commission. Please see meeting minutes from those sub-committee sessions (housed with the Civic Arts Commission – 2009) II'm attaching herewith meeting minutes between GGAS and the City of Berkeley during the initial development process. More are available if needed.

Golden Gate Audubon and our thousands of members in Berkeley and surrounding communities are excited that the process is moving forward to contract with the original artists for the maintenance of the art installation fencing and gates. We look forward to celebrating the renewal with Berkeley and the Arts Commission upon its completion.

Sincerely,

Glenn Phillips

Executive Director

Burrowing Owl Project Meeting Minutes 3-10-10

Berkeley Marina 2:00 to 3:30 PM

Attendees

John Mann, Waterfront Manager, City of Berkeley Mary Ann Merker, Civic Arts Coordinator, City of Berkeley Steven Buckley, Principal Planner, City of Berkeley David Snippen, Civic Arts Commissioner Della Dash, Golden Gate Audubon volunteer Frances Dupont, Golden Gate Audubon volunteer

Topic: Update on the Golden Gate Audubon (GGA) burrowing owls (BUOW) project and coordination with the arts project.

- 1. Della Dash reviewed the relevant agenda items from the 3-6-10 BUOW meeting at GGAS, to bring the attendees up to date on issues concerning the burrowing owls.
- 2. The attendees discussed the status of the art project, items that need to be coordinated between the artists, city, and BUOW project, and questions that were raised by the BUOW docents at the 3-6-10 meeting.
 - a. Signage
 - i. Number of signs. The artists will provide stands for 5 to 7 signs.
 - ii. Type of signs. John Mann had information on attractive, sturdy, highly weather resistant signage. See panniergraphics.com for examples. He suggested that it would be good to agree on a general design that could be used throughout the park, that would first be used for the art project. There was some discussion on whether the signs themselves should be permanent or be seasonal "slide in" panels, particularly with regard to two signs about the burrowing owls. The city does not have a graphic artist, so the question of who will design the signs was raised. The question was raised of whether a volunteer from GGAS might design the two owl signs.
 - iii. Budget for the signs. David Sipper indicated that the art project itself will not have the additional money to provide the actual signage, although they would provide the stands for the signs.
 - iv. Separate meeting on signage. It was agreed that Frances Dupont would contact Doug Donaldson and Patti Donald by email to arrange a meeting to specifically discuss signage. Patti Donald would take the lead on signage. The other meeting attendees would also be invited.
 - b. Timing.

- i. Leaving date. The GGAS volunteers are monitoring to determine when the owls leave. The tentative date to take the fence down (but see below) and collect owl pellets is at 10 AM, Friday, April 16.
- ii. Removal of fencing? David Sipper suggested that we leave the fencing up, so that the artist could begin working behind the fencing, and then remove it as necessary.
- iii. The project is expected to be completed by the end of August.

c. Vegetation

- i. There is no vegetation plan for Chavez park, except for cutting back the fennel in the park annually, mowing the off leash dog area occasionally, and mowing the south "kite-flying" area. There is only 6" to 1' of soil over a clay cap, which is not supposed to be disturbed.
- ii. Similarly, there is no vegetation plan for the art project, except to leave the existing vegetation alone, with one exception. David Sipper mentioned that the artists suggested a prostrate Ceanothus at the North and South ends of the project, to delineate the ends of the project. There was a short discussion of native plants, with the question of whether Friends of Five Creeks had any plans for the park, and whether Patti Donald knew more about this.

d. Ground Squirrels

There is bound to be continuing controversy over the ground squirrels because the Water Quality Board threatens to fine the city if ground squirrels destroy the land fill cap, but it is difficult to find a plan for ground squirrel control that the city is likely to agree to.

e. Fund raisers and festivals.

The possibility of a "roll out festival" for the art project was briefly discussed

From: <u>maureen Daggett</u>

To: <u>Civic Arts</u>

Subject: owl fence in Chavez Park Marina in Berkeley **Date:** Thursday, September 15, 2022 1:23:42 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Civic Artists: We are grateful for your input in designing and planting a fence to protect the Owls who migrate here. The fence was installed about ten? years ago and it is now deemed inadequate to protect the Owles. We think they are leaving because of their being unsafe; dogs can enter; so; we would very much appreciate your coming back and working with Chavez Park.org to make a nice fence that actually protects the owls! Contact: Martin Nicolaus at chavezpark.org
Thankyou for helping make Chavez Park a safe and lovely nature reserve for birds and other wildlife. If money is needed we will help.