

Berkeley, California

CITY OF BERKELEY  
CITY CLERK DEPT

March 9, 2020

To: Mayor Jesse Arreguín and City Councilmembers  
 Rashi Kesarwani Cheryl Davila Ben Bartlett Kate Harrison  
 Sophie Hahn Susan Wengraf Rigel Robinson Lori Droste

Cc: City Manager Dee Williams-Ridley City Auditor Jenny Wong  
 City Attorney Farimah F. Brown City Clerk Mark Numainville

Subject: March 10, 2020, Action Calendar Item 23, Directing the City Manager to Lease Caltrans Property at University and West Frontage Road

Dear City Officials,

The Subject item<sup>1</sup> is devoid of reference to the model Property Management Lease Agreement<sup>2</sup> (PMLA) and other documents Caltrans has drafted to implement Governor Newsom's Executive Order N-23-20 of January 8, 2020.<sup>3</sup>

Before this Council directs the City Manager to lease the Caltrans Property (Item 23 recommendation 1), the Council's policy decision should be informed by the full range and magnitude of costs and risks the City would assume under Caltrans' lease terms, which need doing anyway for recommendation 2 (budgeting the Outdoor Shelter).

For example, Item 23's recommendations 3 (toilet and handwashing stations) and 4 (garbage collection) satisfy but two of the PMLA's Article 5.13 requirements. The model PMLA imposes additional obligations on the City that the Item neither identifies nor estimates the cost of. Those should be identified now, in a manner similar to Attachment A below, so the relevant policy decisions can be made.

I understand that the Department of Health, Housing and Community Services' standard practice already implements Item 23's recommendation 5 (outreach for mental health, health, and Coordinated Entry). I support continuing this standard practice.

Failure to acknowledge and estimate the costs and risks of leasing the Caltrans Property would be foolish. Forgo foolishness.

Sincerely,



Charles Clarke  
 District 6

Attachment A: Selected City Obligations for Leasing Caltrans Property

<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/03\\_Mar/Documents/2020-03-10\\_Item\\_23\\_Directing\\_the\\_City\\_Manager\\_to\\_Lease.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-10_Item_23_Directing_the_City_Manager_to_Lease.aspx) (last visited Mar. 8, 2020)

<sup>2</sup> [https://www.bcsb.ca.gov/hcfc/documents/row\\_shelter\\_pm.pdf](https://www.bcsb.ca.gov/hcfc/documents/row_shelter_pm.pdf) (downloaded Mar. 7, 2020)

<sup>3</sup> [https://www.bcsb.ca.gov/hcfc/executive\\_order.html](https://www.bcsb.ca.gov/hcfc/executive_order.html) (last visited Mar. 8, 2020)