

REGULAR MEETING.

Berkeley, California,
Tuesday, November 22, 1938.

1. A regular meeting of the Council of the City of Berkeley was held in the Council Chamber of the City Hall on the above date. The meeting was called to order at 10:00 a.m. Present - Councilmen Berg, Gaines, Herrick, Hoyt, Martin, Mork, Porter, President Ament and City Manager Thompson. Absent - Councilman French.
2. The minutes of the regular meeting of November 15, 1938, were approved as recorded on motion made, seconded and carried by unanimous vote.

BIDS:

3. Pursuant to Notice to Insurance Companies for furnishing Fleet, General Public Liability and Property Damage Insurance bids were received, publicly opened, examined and declared from the following, each bid being accompanied by a certified or cashier's check as below shown:

<u>Bidder</u>	<u>Amount</u>	<u>Check</u>
Carroll & Trefts (Pacific Indemnity Company)	\$10,822.49	\$500
General Insurance Company of America	\$10,587.56	\$500
Glenn-Connolly Company	\$ 9,342.29	\$500

On motion of Councilman Berg, seconded by Councilman Porter, a resolution was adopted referring the bids to the City Manager for compilation and report.

HEARINGS:

4. At 10:10 a.m. the Council took up the hearing on the proposed reclassification of the property of the Golden Gate Academy bounded by Harmon-King-Ellis Streets and Alcatraz Avenue from Class I to Class IV, under Ordinance No. 2180-N.S.

The recommendation of the City Planning Commission was read that the petition be granted with the understanding that the playhouse be constructed at the southeast corner of Harmon and King Streets adjacent to the auditorium which location was agreeable to both the property owners and the petitioner.

The Clerk reported that notices of this hearing had been duly posted.

Mrs. F. H. Hafley, 1710 Harmon Street, owner of property adjacent to the school protested against this reclassification stating that the school has depreciated her property and that she has had to reduce the rent of her house \$10.

Mrs. Leona E. Oberg, 3237 Harmon Street, protested against the reclassification stating that the school is supported by the Seventh Day Adventists and that Saturday is their Sabbath day and on Sunday the children sing and are noisy which is upsetting to them as they usually like to sleep late on Sunday morning. She strongly objected to the reclassification.

Mrs. H. Young and others also opposed the reclassification of this property.

W. O. Baldwin, Principal of the School, stated that they wanted to construct what they termed a gymnasium so that on rainy days the children would have some place to play and

November 22, 1938.

that it would not be used at night except on rare occasions.

City Planning Secretary Haug stated that it was necessary to classify this property to Class IV in order to have it conform to the use for school purposes; that the Commission referred to the building as a playhouse as the height of the structure would not be high enough for a gymnasium and felt this building would relieve a lot of the noise which is now on the open playground; that he posted notices in the District as required by the Ordinance a week in advance on both hearings and the second hearing was advertised in the Berkeley paper and that no one appeared to object.

Councilman Berg stated that this property had been used for school purposes for fifty years before it was taken over by the Golden Gate Academy and moved that the reclassification be granted. There was no second.

Councilman Martin stated that he would like to investigate the situation and would like to have the hearing continued for one week. He further stated that he did not feel it would be necessary to hold another hearing as they now know the sentiment of the neighborhood. He moved that the hearing be continued. The motion was seconded by Councilman Herrick and a resolution was adopted continuing the hearing to 10:10 a.m., Tuesday, November 29, 1938.

5. At 10:15 a.m. the Council took up the hearing on the request of the Vedanta Society of San Francisco for permission to use the property at the southeast corner of Haste and Bowditch Streets for church purposes.

The Clerk read the request of the Vedanta Society, also, the recommendation of the City Planning Commission that it be granted. Letters were presented from Dr. Francis S. Downs, T. R. Hyde, Emily V. Marshall, Mrs. Agnes V. Stanley, Secretary, First Church of Christ Scientist, Mary E. Wilson, Harry Goodridge, Winston D. Conn and others objecting to the construction of this church.

A petition was, also, presented signed by about 160 property owners and residents objecting to this church and petitions requesting the removal of certain names from the petition favoring the church were also presented.

A petition was, also, presented signed by approximately 20 property owners and residents in the vicinity favoring the location of the church at this corner, also, a letter from Violette Hawkinson and Wendell Osborn favoring the granting of this permit.

A. J. Woolsey, Attorney for the petitioner, stated that the Society had conformed with all laws and ordinances and was ready to start construction of the building and with the recommendation of the City Planning Commission favorable to them he did not see how the Council could repudiate their recommendation.

Attorney Morse Erskine stated that it was the purpose of the Society to build this fine structure and add to the cultural life of the City; that at their last hearing they were told if they could find a site near other churches they did not think there would be any objection and now they have found another site which is near churches and they believed there would not be any objections; that the objection now seems to be along the line of racial and religious prejudices; that he believed the objections are due to a misunderstanding; that it is inconceivable anyone having the slightest understanding of this philosophy should oppose it. He read a list of names of professors and other citizens favoring this church and that he believes that if they had sat down and talked the matter over with the Christian Science Church the objections would be withdrawn and

November 22, 1938.

he feels it is a big mistake for the Pastor of the First Presbyterian Church to write a letter with even the slightest suggestion of immorality without any basis and that surely the Council is not going to take the position of intolerance, bigotry and scandal.

Mrs. Edith B. Soule, Treasurer of the Vedanta Society, read a paper outlining the teachings of the Society stating that it is not a cult and it is world-wide in scope; that there is nothing secret or mysterious as all their meetings are open to the public; that most of their membership reside in Berkeley, Albany, Richmond, Walnut Creek and El Cerrito. She further stated that when she obtained the signatures to the first petition she was met with courtesy and frankness and that a friend of her's who is a Christian Scientist made statements which led her to believe they would not object to the construction of their church.

A. S. Wollberg, President of the Vedanta Society and also one of the founders of the Society in San Francisco, read a paper and urged the Council to grant the petition stating that the membership is composed entirely of white Americans and does not contradict other religions.

H. H. Gutterson, Architect for the Church Building, explained the drawings of the church and just how the plans were laid out.

Mrs. Lela Leidig, property owner within 200 feet urged the granting of the petition stating that she thought it would be one of the finest intellectual centers on the Pacific Coast.

Mrs. Violette Hawkinson and Norman A. Harris urged the granting of the petition.

Gordon Johnson, representing his family who own property within the 200 foot area, urged the granting of the permit stating that the neighborhood was suitable for the church as there is one church there and he does not see why it is not good for another one and that through all the objections religious and racial prejudices have been stressed,

Ralph Eltse, Attorney for the protestants, stated that it was practically impossible to find any information on the Vedanta Society of San Francisco as he went to the County Clerk's Office in San Francisco and they could not find any copy of the Articles of Incorporation; that he realizes everyone in this country has a right to worship as he pleases but under the same Constitution there is such a thing as police power regulating and controlling the manner in which church edifices, temples, etc. are managed and in this case it is the Council which has this power; that the proponents state that only a caretaker will reside in the building but as a matter of fact there are two bedrooms leading off the library and approximately 40% of the total building is developed to residential area; that 74% of the property owners in the 200 foot area are opposed and only 26% are in favor and that real estate agents have informed him property values depreciate from 25% to 50% when churches are permitted in residential areas. He filed additional petitions in the immediate vicinity, original petitions in addition to those who reside and live in the vicinity and signatures of Christian Science Church members who object.

Mrs. Emily V. Marshall, owner of a large apartment house in the district, Mrs. A. A. Gamble, Mrs. Elizabeth O'Nions, Mrs. W. T. Cleverdon, Dr. Harbach, Mrs. Dorothy Knapp and others all spoke protesting the construction of this church.

T. R. Hyde, Principal of the Anna Head School, presented about 60 signatures of parents of children going to the school objecting on the grounds that the members of the Society

November 22, 1938.

do not reside in Berkeley; that a church should be erected in the community it serves; that traffic conditions are already serious because of the University and traffic congestion would be caused if another church was constructed in that neighborhood; that a majority of the property owners in this district object to the construction and the parents do not believe a Hindu Temple belongs in such close proximity to a young girls' school.

Councilman Gaines asked Mr. Eltse if he thought the two churches now located in the neighborhood had depreciated it and he answered that he felt they had. He then asked him where he thought this church could be located in Berkeley. Mr. Eltse stated he thought there would be neighborhoods where there would be no objection but that this neighborhood was solid against it. Councilman Gaines then asked him if there was any specific objection to any member of the Society. Mr. Eltse stated that he had no specific objection to any member as he knows a few people who belong and there are a great many very fine intellectual people in the group who are interested in the study of the philosophy.

Councilman Berg, thereupon, moved that the petition be denied. The motion was seconded by Councilman Martin.

Before the vote was taken, President Ament stated that he believed in religious freedom but because of the majority of the people in this district opposing this church he felt he would have to vote against the granting of the petition.

Councilman Mork stated this Country was founded on freedom of thought and speech and that he knows how the other countries are founded on hatred and bigotry and until this ordinance regulating churches was adopted they could build anywhere and now this Society has found a place which they thought usable and still there are objections but that he does not feel any specific objection has been voiced on which the petition should be denied; that he believes in constitutional rights and will vote in favor of the petition.

Councilman Herrick stated that all those who contacted her during the past week on this question stressed the fact that it was a Hindu Temple although they stated they had no racial or religious prejudices; that this organization met in the Women's City Club for months and all of its members were white and everything was conducted in an orderly manner.

Councilman Berg stated that the majority of the people in the neighborhood do not want this church and for that reason he moved that it be denied; that he feels the same way as Councilman Mork about religious freedom but that if it was his own church he would vote the same way as the majority of the people in the neighborhood do not want it.

Councilman Martin stated that he concurred in the sentiments of Councilman Mork and deplors the fact that the racial question has crept in but feels that this Society can still meet in this City at the Women's City Club or some hall and that there is, also, the question of democracy and in this case the facts show a majority of the people are opposed to it and he will back up this majority.

Councilman Hoyt stated she agreed with the sentiments of the other Council members and has no feeling against any religious organization and believes in democracy and rule of the majority and in this case an overwhelming majority is not in favor.

November 22, 1938.

Councilman Gaines stated that he felt it is a most tragic thing not to have tolerance and that at no time in the history of the Country do we need greater religious tolerance than today when one realizes this Country was founded on religious freedom and tolerance and it is a step back not to have this tolerance and a most tragic situation in an enlightened city like Berkeley.

Councilman Porter stated that he concurred in everything that had been said by the other Council members but that he was voting in favor of the petition.

On call of the roll, the motion failed. Councilmen Berg, Hoyt, Martin and President Ament voting "aye" and Councilmen Gaines, Herrick, Mork and Porter voting "no".

COMMUNICATIONS:

The following communication was read and action taken thereon as below shown:

6. From Mrs. A. C. Lange requesting permission to withdraw her petition to encroach on City property in front of 3014 Benvenue Avenue as the matter had been adjusted. On motion of Councilman Martin, seconded by Councilman Hoyt, a resolution was adopted granting the permission.

REPORTS OF CITY MANAGER:

City Manager Thompson verbally reported on the following matters:

7. Transfer of Money.
That \$3,000 be transferred from the General Fund to the Police Pension Fund. On motion of Councilman Martin, seconded by Councilman Mork, a resolution was adopted transferring the money.

RESOLUTIONS:

The following resolutions were, on motions made and seconded, adopted by the votes as below shown:

8. RESOLUTION NO. 23,027-N.S.
Referring the bids received for furnishing Fleet, General Public Liability and Property Damage Insurance to the City Manager for compilation and report. Ayes - unanimous. Noes - none. Absent - Councilman French.
9. RESOLUTION NO. 23,028-N.S.
Continuing the hearing on the petition for the reclassification of the property bounded by Ellis-King-Harmon Streets and Alcatraz Avenue. Ayes - unanimous. Noes - none. Absent - Councilman French.
- 10.- RESOLUTION NO. 23,029-N.S.
Transferring \$3,000 from the General Fund to the Police Pension Fund. Ayes - unanimous. Noes - none. Absent - Councilman French.
11. RESOLUTION NO. 23,030-N.S.
Granting permission to Mrs. A. C. Lange to withdraw her petition to encroach on City property in front of 3014 Benvenue Avenue. Ayes - unanimous. Noes - none. Absent - Councilman French.

November 22, 1938.

12. RESOLUTION NO. 23,031-N.S.
 Adopting the lists of Bills and Claims dated
 November 12th and 14th, 1938. Ayes - unanimous. Noes - none.
 Absent - Councilman French.

13. RESOLUTION NO. 23,032-N.S.
 Adjourning this meeting upon adjournment to 10:15
 a.m., Wednesday, November 23, 1938. Ayes - unanimous. Noes -
 none. Absent - Councilman French.

On motion of Councilman Martin, seconded by Council-
 man Hoyt, the meeting adjourned to 10:15 a.m., Wednesday,
 November 23, 1938, upon unanimous consent.

Edward H. Conest
 President of the Council.

ATTEST: Florence E. Turner
 City Clerk and Clerk of the
 Council.