



Office of the City Manager

CONSENT CALENDAR  
June 10, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Waiver of Annual Marina Berth Fees for Non-Profits

RECOMMENDATION

Adopt a Resolution:

1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and
2. Approving the annual waiver of berth fees for the three groups for FY 2015.

FISCAL IMPACT

The table below provides the current value of the free berths at the Berkeley Marina for three non-profit organizations: Berkeley Racing Canoe Club (“Dragon Boats”), Cal Sailing Club, and The Pegasus Project. The total annual value of the berth waivers amounts to \$40,615. The Parks and Waterfront Commission and City staff affirm that the value of community service provided by these organizations (\$217,900) far exceeds the value of the berths they occupy at the Berkeley Marina.

Organization	Berth	Length	\$/Month	\$/Year	Total Annual Berth Fee Waived	Annual Value of Community Service
Cal-Sailing Club	J 360	25	\$258.75	\$3,105	<b>\$18,630</b>	<b>\$60,000</b>
Cal-Sailing Club	J 362	25	\$258.75	\$3,105		
Cal-Sailing Club	J 364	25	\$258.75	\$3,105		
Cal-Sailing Club	J 366	25	\$258.75	\$3,105		
Cal-Sailing Club	J 368	25	\$282.25	\$3,387		
Cal-Sailing Club	J 398	25	\$235.25	\$2,823		
Pegasus Project	K 146	65	\$874.25	\$10,491	<b>\$10,491</b>	<b>\$130,000</b>
Dragon Boats & Floats	M 001/2	106	\$957.84	\$11,494	<b>\$11,494</b>	<b>\$27,900</b>
<b>Totals</b>					<b>\$40,615</b>	<b>217,900</b>

### CURRENT SITUATION AND ITS EFFECTS

Council Resolution No. 66,544-N.S. ("the Resolution", which replaced Reso. No. 58,859-N.S. effective April 29, 2014) contains the criteria by which non-profit organizations at the Berkeley Marina receive a waiver of the annual berth fee. The Resolution requires that the Parks and Waterfront Commission review the applications of non-profit organizations in order to affirm compliance with the Resolution, and that each group appears before the Parks and Waterfront Commission on an annual basis to report on its past year's activities, and provide financial statements. On March 12, 2014, at a regular meeting, the Parks and Waterfront Commission made the following conclusions:

1. The Parks and Waterfront Commission reasserted that all three organizations have met with the Waterfront Manager, and have stated their commitment to continue to meet the condition of providing community service (see the Commission's motion in the BACKGROUND section below).
2. Waterfront staff has reviewed the non-discrimination policies for each organization and has also reviewed the staff report and finds that these organizations comply with the conditions of the Resolution regarding the promotion of cultural and ethnic diversity. Specifically, staff determined that the organizations comply with the non-discrimination criteria included in the Resolution as described as follows: "membership policy and practices; recruitment strategy; outreach to under-represented minorities; and Mission Statement." All three organizations have written policies that are consistently enforced that prohibit discrimination based on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition. Accordingly, the Parks and Waterfront Commission finds that the Berkeley Racing Canoe Center ("Dragon Boats"), Cal Sailing Club, and The Pegasus Project are in specific compliance with the Resolution and recommends that the three organizations be provided waivers of berthing fees for an additional year.

### **Review and Determination by City staff**

The Waterfront Manager has reviewed the required annual reports and met with staff and members of the three non-profit organizations throughout the year. In addition, the three non-profit organizations have submitted annual reports detailing their activities. The Waterfront Manager has confirmed that the three non-profit organizations, The Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project, fully comply with the criteria in the Resolution.

### BACKGROUND

On March 4, 1997, Council adopted a resolution (since amended, currently Reso. No. 66,544-N.S.) that provides a policy of the free use of berths at the Berkeley Marina by non-profit organizations providing community services that meet specific criteria. The Berkeley Racing Canoe Club has received a waiver of the Marina Berth Fee since 2004 (Resolution No. 62,619-N.S.) The Cal Sailing Club has received a waiver of the Marina

Berth Fee since 1999 (Resolution No. 59,986-N.S.) The Pegasus Project (initially of the Nautilus Institute) has received a waiver of the Marina Berth Fee since 2002 (Resolution No. 59,623-N.S.)

At its meeting of March 12, 2014, the Parks and Waterfront Commission took the following action: reviewed and affirmed compliance with Resolution No. 58,859, and recommended Council approval of the annual fee waivers for FY 2015 for the following three non-profits: Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project. (M/S/C: Catalfo/Brostrom); Aye's : Brostrom; Brower; Catalfo; Howard; McGrath; McKay; Mester; Veneziano; Weinstein; Noe's: None; Abstain: None; Absent: None.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE

The three non-profit organizations, The Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project, have provided community service to the Bay Area (in the amount of \$217,900) that exceeds the value of the berths they occupy at the Berkeley Marina (in the amount of \$40,615).

#### CONTACT

John Mann, Waterfront Manager, 981-6737

Attachments:

1. Resolution

RESOLUTION NO.

-N.S.

AFFIRMING THE DETERMINATION BY CITY STAFF AND THE PARKS AND WATERFRONT COMMISSION THAT THREE NON-PROFIT ORGANIZATIONS AT THE BERKELEY MARINA (BERKELEY RACING CANOE CENTER, CAL SAILING CLUB, AND THE PEGASUS PROJECT) ARE IN FULL COMPLIANCE WITH ALL ASPECTS OF RESOLUTION NO. 66,544-N.S.; AND APPROVING THE ANNUAL WAIVER OF BERTH FEES FOR THE THREE GROUPS FOR FISCAL YEAR 2015

WHEREAS, in FY 2014, the three non-profit organizations (Berkeley Racing Canoe Center (“Dragon Boats”), Cal Sailing Club, and The Pegasus Project) submitted annual reports detailing their activities; and the Waterfront Manager has reviewed the required annual reports and met with staff and members of the three non-profit organizations throughout the year; and has confirmed that the three non-profit organizations fully comply with the criteria of Resolution No. 66,544-N.S. (“the Resolution”); and

WHEREAS, the three non-profit organizations, The Berkeley Racing Canoe Center, Cal Sailing Club, and The Pegasus Project, have provided community service to the Bay Area (\$217,900) that exceeds the value of the berths they occupy at the Berkeley Marina (\$40,615); and

WHEREAS, at its regular meeting on March 12, 2014, the Parks and Waterfront Commission reviewed the detailed analysis that determined that the three organizations have met and have stated their commitment to continue to meet, the condition of providing community service; and

WHEREAS, in addition, the Parks and Waterfront Commission reviewed the non-discrimination policies for the three organizations and also reviewed the staff reports and finds that these organizations fully comply with all the conditions of the Resolution, including the promotion of cultural and ethnic diversity; and

WHEREAS, specifically, staff determined that the organizations comply with the nondiscrimination criteria included in the Resolution as described as follows: “membership policy and practices; recruitment strategy; outreach to under-represented minorities; and Mission Statement.” The organizations have written policies that are consistently enforced that prohibit discrimination based on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition; and

WHEREAS, the Parks and Waterfront Commission finds that the three organizations are in specific compliance with the Resolution and recommends that the three organizations be provided with a fee waiver for FY 2015; and

WHEREAS, at its meeting of March 12, 2014, the Parks and Waterfront Commission took the following action: reviewed and affirmed compliance with the then-current resolution regarding berthing fee waivers, and recommended Council approval of the annual fee waivers for FY 2015 for the following three non-profits: Berkeley Racing Canoe; Club, Cal Sailing Club, and The Pegasus Project. (M/S/C: Catalfo/Brostrom);

Aye's: Brostrom; Brower; Catalfo; Howard; McGrath; McKay; Mester; Veneziano; Weinstein; Noe's: None; Abstain: None; Absent: None.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the applications from the Berkeley Racing Canoe Center ("Dragon Boats"), Cal Sailing Club, and The Pegasus Project for an annual waiver of Marina Berth fees covering FY 2015 are approved.

