



Office of the City Manager

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, 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 2019.

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 current allotment of slips amounts to \$40,594. The Parks and Waterfront Commission and City staff affirm that the value of community service provided by these organizations in the amount of \$182,300 far exceeds the value of the berths they occupy at the Berkeley Marina.

Marina Berth Fee Waivers - Non-profit organizations Calendar Year 2019

Organization / (Berth Slip Location)	Annual Berth Fees Waived	Annual Value of Community Service
1. Berkeley Racing Canoe Club (Dragon Boats) / Slip M001/002 inside ties (106'); Slip M102	\$11,494	\$34,800
2. Cal Sailing Club / Slips J360; J362; J364; J366; J368; J398 (25' ea)	\$20,112	\$65,000
3. Pegasus Project / Slip K46 (54')	\$8,988	\$82,500
Totals	\$40,594	\$182,300

CURRENT SITUATION AND ITS EFFECTS

Council Resolution No. 66,544-N.S. 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. At a regular meeting on March 13, 2019, 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 on 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 regular meeting of February 13, 2019, the Parks and Waterfront Commission took the following action: reviewed and affirmed compliance with Resolution No. 66,544, and recommended Council approval of the annual fee waivers for 2017 for the following two non-profits: a) Berkeley Racing Canoe Club, b) Cal Sailing Club, and c) the Pegasus Project: (M/S/C: McGrath/Wozniak/U): Ayes: Brostrom; Diehm; Fogel; Kawczynska; McGrath; McKay; Targ; Wozniak; Noes: None; Abstain: Kamen; Absent: None.

The annual application, the Annual application for waivers of berth fees 2019, the Annual Reports for 2018, and the By-laws for the three non-profits are available in the Parks and

Waterfront Commission Agenda Packet for the regular meeting of February 13, 2019, at the following link for Item 9:

https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Commissions/PWC%20Agenda%20-%202002-13-2019.pdf

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 \$182,300) that exceeds the value of the berths they occupy at the Berkeley Marina (in the amount of \$40,594).

CONTACT

Alexandra Endress, 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 CALENDAR YEAR 2019

WHEREAS, in 2019, 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 (\$182,300) that exceeds the value of the berths they occupy at the Berkeley Marina (\$40,594); and

WHEREAS, at its regular meeting on February 13, 2019, 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 2019; and

WHEREAS, at its regular meeting of February 13, 2019, the Parks and Waterfront Commission took the following action: reviewed and affirmed compliance with Resolution No. 66,544, and recommended Council approval of the annual fee waivers for 2019 for the following two non-profits: a) Berkeley Racing Canoe Club, b) Cal Sailing Club, and c) the Pegasus Project: (M/S/C: McGrath/Wozniak/U): Ayes: Brostrom; Diehm; Fogel; Kawczynska; McGrath; McKay; Targ; Wozniak; Noes: None; Abstain: Kamen; 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 2019 are approved.

