



Office of the City Manager

CONSENT CALENDAR

April 14, 2020

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 four non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club (“dragon boats”), Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation) 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 four groups for 2020.

FISCAL IMPACT

The table below provides the current value of the free berths at the Berkeley Marina for four non-profit organizations: Berkeley Racing Canoe Club (“dragon boats”), Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation. The total annual value of the current allotment of slips amounts to \$40,863. The Parks and Waterfront Commission and City staff affirm that the value of community service provided by these organizations in the amount of \$354,500 far exceeds the value of the berths they occupy at the Berkeley Marina.

**Marina Berth Fee Waivers - Non-profit organizations**  
**Calendar Year 2020**

Organization / (Berth Slip Location)	Annual Berth Fees Waived	Annual Value of Community Service
Berkeley Racing Canoe Club (“dragon boats”) / Slip M001/002 inside ties (106')	\$11,256	\$37,500
Cal Sailing Club / Slips J360; J362; J364; J366; J368; J398 (25' ea)	\$18,000	\$80,000
Pegasus Project / Slip K46 (54')	\$11,606	\$105,000
The Blue Water Foundation / Slip K	\$8,322	\$132,000
<b>Totals</b>	<b>\$40,863</b>	<b>\$354,500</b>

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 11, 2020, the Parks and Waterfront Commission made the following conclusions:

1. The Parks and Waterfront Commission reasserted that all four 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 four non-profit organizations throughout the year. In addition, the four non-profit organizations have submitted annual reports detailing their activities. The Waterfront Manager has confirmed that the four non-profit organizations, The Berkeley Racing Canoe Club, Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation 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 for 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.) The Blue Water Foundation is making their first request for an annual waiver of berth fees for calendar year 2020.

At its regular meeting of March 11, 2020, 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 2020 for the following three non-

profits: a) Cal Sailing Club, b) the Pegasus Project, and c) the Blue Water foundation: (M/S/C: Kamen/Skjerping/U): Ayes: Cox; Diehm; Kamen; McGrath; Raghavan; Skjerping; Wozniak; Noes: None; Abstain: None: Absent: Kawczynska; Landosi; and for the Berkeley Canoe and Racing club (“dragon boats”) (M/S/C: McGrath/Skjerping/U): Ayes: Cox; Diehm; McGrath; Raghavan; Skjerping; Wozniak; Noes: None; Recused: Kamen: None: Absent: Kawczynska; Landosi.

The annual application, the Annual application for waivers of berth fees 2020, the Annual Reports for 2019, and the By-laws for the four non-profits are available in the Parks and Waterfront Commission Agenda Packet for the regular meeting of March 11, 2020, at the following link for Item 9:

[https://www.cityofberkeley.info/uploadedFiles/Parks\\_Rec\\_Waterfront/Commissions/PWC%20Agenda%20-%2002-13-2019.pdf](https://www.cityofberkeley.info/uploadedFiles/Parks_Rec_Waterfront/Commissions/PWC%20Agenda%20-%2002-13-2019.pdf)

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE

The four non-profit organizations, The Berkeley Racing Canoe Club, Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation, have provided community service to the Bay Area (in the amount of \$354,500) that exceeds the value of the berths they occupy at the Berkeley Marina (in the amount of \$40,863).

#### 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 FOUR NON-PROFIT ORGANIZATIONS AT THE BERKELEY MARINA (BERKELEY RACING CANOE CENTER (“dragon boats”), CAL SAILING CLUB, THE PEGASUS PROJECT, AND THE BLUE WATER FOUNDATION) ARE IN FULL COMPLIANCE WITH ALL ASPECTS OF RESOLUTION NO. 66,544-N.S.; AND APPROVING THE ANNUAL WAIVER OF BERTH FEES FOR THE FOUR GROUPS FOR CALENDAR YEAR 2020

WHEREAS, in 2020, the four non-profit organizations (Berkeley Racing Canoe Center (“Dragon Boats”), Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation) submitted annual reports detailing their activities; and the Waterfront Manager has reviewed the required annual reports and met with staff and members of the four non-profit organizations throughout the year; and has confirmed that the four non-profit organizations fully comply with the criteria of Resolution No. 66,544-N.S. (“the Resolution”); and

WHEREAS, the four non-profit organizations, The Berkeley Racing Canoe Center, Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation have provided community service to the Bay Area (\$354,500) that exceeds the value of the berths they occupy at the Berkeley Marina (\$40,863); and

WHEREAS, at its regular meeting on March 11, 2020, the Parks and Waterfront Commission reviewed the detailed analysis that determined that the four 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 four 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 four organizations are in specific compliance with the Resolution and recommends that the four organizations be provided with a fee waiver for 2020; and

WHEREAS, at its regular meeting of March 11, 2020, 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 2020 for the following three non-profits: a) Cal Sailing Club, b) the Pegasus Project, and c) the Blue Water foundation: (M/S/C: Kamen/Skjerping/U): Ayes: Cox; Diehm; Kamen; McGrath; Raghavan; Skjerping; Wozniak; Noes: None; Abstain: None: Absent: Kawczynska; Landosi; and for the Berkeley Canoe and Racing Club (“dragon boats”) (M/S/C: McGrath/Skjerping/U): Ayes: Cox; Diehm; McGrath;

Raghavan; Skjerping; Wozniak; Noes: None; Recused: Kamen: None: Absent: Kawczynska; Landosi.

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, The Pegasus Project, and the Blue Water Foundation for an annual waiver of Marina Berth fees covering 2020 are approved.

