

**BOARD OF HARBOR COMMISSIONERS
CITY OF SANTA BARBARA
MINUTES**

Regular Monthly Meeting
May 21, 2015

City Council Chambers - City Hall 6:30 p.m.

CALL TO ORDER 6:30 p.m.

ROLL CALL

Commissioners Present

Bill Spicer, Chair
Jim Sloan, Vice Chair
Cory Bantilan
Betsy Cramer
Stephen MacIntosh
Dennis Power
Helene Webb

Staff Present

Scott Riedman, Waterfront Director
Brian Bosse, Business Manager
Mick Kronman, Harbor Operations Manager
Karl Treiberg, Facilities Manager
Jeanette Prusinski, Commission Secretary

Councilmembers Present

Frank Hotchkiss, Harbor Commission Liaison to City Council

CHANGES TO THE AGENDA – None

PUBLIC COMMENT – None

CONSENT CALENDAR

1. Approval of the Minutes

Moved RECOMMENDATION: That Harbor Commission waive further reading and approve the Minutes from the Regular Meeting of April 16, 2015.

Jim Sloan/ Betsy Cramer 6-0

Abstained: Dennis Power

DEPARTMENT UPDATE

2. Director's Report

- Council Actions
- Finance Committee & Council Budget Work Session
- Tentative Agenda Items for the June Meeting

3. Facilities Management Report

- Water Conservation
- Marina Four Restroom Remodel

4. Harbor Operations Report

- Spring Cruise Ship Report
- Operation Clean Sweep Recap
- Harbor Nautical Swap Meet / Hazmat Turn-in Recap

NEW BUSINESS

5. Proposed Lease Agreement with Santa Barbara Sailing Club

Brian Bosse presented the Commission with the basic terms of the Sailing Club's lease agreement. Most of the terms are similar to the Club's previous lease, but the City's Risk Management Department now requires a Lessee to maintain a general liability insurance policy in the amount of \$2M, as opposed to \$1M. Staff will update the Commission on the status of the lease term negotiations at the next meeting.

Speaker:

- Charles Kaska, Santa Barbara Sailing Club, requests a waiver of the increased insurance coverage. Submitted two documents.
 1. Letter dated May 14, 2015, to Mark Howard, City Risk Manager; a request for a waiver from increased insurance coverage
 2. Certificate of Liability Insurance. \$1M each occurrence, expires 5/19/15

Moved RECOMMENDATION: That Harbor Commission review and recommend to the City Council, upon timely completion of the negotiations of the terms of the insurance, approval of a five-year lease agreement with Santa Barbara Sailing Club for 8,677 square feet of dry boat storage area in the Santa Barbara Harbor.
Cory Bantilan/ Betsy Cramer 7-0

6. Request for Proposal: Commercial Lease Space at 117-G Harbor Way

Brian Bosse described the three proposals for the 490 square foot commercial lease space available at 117-G Harbor Way. The Request for Proposal (RFP) Committee met on May 11th to interview the three entities and weighed each business proposal.

Speakers:

- Eric Parsons, Marine Services, thanked the Commission the opportunity and consideration to be an entity in the harbor.
- Jon Payne, Allied Voyage, disappointed that his company was not selected but he wishes Eric Parsons success and looks forward to bidding on a lease space in the future.

Moved B. Accept the recommendation from the RFP Selection Committee that Marine Services is the most responsive and appropriate business to lease the commercial space.
Jim Sloan/ Stephen MacIntosh 7-0

Moved C. Direct staff to negotiate a lease agreement with Marine Services based on the business terms outlines in the RFP and return to Harbor Commission with a proposed lease agreement.

Jim Sloan/ Stephen MacIntosh 7-0

7. Local Coastal Program Update

Karl Treiberg discussed a Policy Tracking Table that describes changes to policy because they are no longer relevant to the Waterfront, and new policy that should be included in the updated LCP. Planning staff continues to prepare additional sections of the LCP and will meet again on June 8 to discuss concepts and draft policies for Biological Resources and Coastal Hazards & Adaption.

Moved B. Recommend approval of draft LCP policies related to the Waterfront to the Planning Commission and City Council.

Helene Webb/ Jim Sloan 7-0

Moved C. Consider and provide direction to staff on changes to draft policies recommended by LCP Committee members and/ or members of the public.

Helene Webb/ Jim Sloan 7-0

8. Special Event Camping Permit – Wine and Roses Regatta

Brian Bosse presented a request for a special permit to allow event participant camping in the Harbor West parking lot from 5 p.m. Friday, August 14th until 5 p.m. Sunday, August 16th during the 2015 Wine and Roses Regatta.

Moved B. Approve Wine and Roses Event Chairman Steve Leo's request for participant camping for the upcoming event, as allowed per Santa Barbara Municipal Code Section 15.16.090.

Jim Sloan/ Cory Bantilan 7-0

9. Special Event Camping Permit – Santa Cruz 27 Regatta

Brian Bosse presented another request for a special permit to allow event participant parking in the Harbor West parking lot from Thursday, July 16th until Monday, July 20th for the Santa Cruz 27 Regatta.

Speaker:

- Doug Stelk, representative of the Santa Cruz 27 regatta, says he has no knowledge of any law enforcement issues in the other host cities.

Moved B. Approve the Santa Cruz 27 Regatta's request for participant camping for

the upcoming event, as allowed per Santa Barbara Municipal Code Section 15.16.090.

Cory Bantilan/ Jim Sloan 7-0

10. Fiscal Year 2016 and 2017 Slip Transfer Fee Recommendation

The Slip Transfer Fee Recommendation was presented at the March 19 Harbor Commission Meeting, but was not voted on due to a lack of a quorum. Brian Bosse detailed the slip transfer fee to be increased by \$25 per linear foot for all sizes except 20' and 25'.

Moved A. Recommend approval of a \$25 per linear foot slip transfer fee increase in Fiscal Year 2016 and Fiscal Year 2017 on all slip categories except 20-foot and 25-foot slips.

Stephen MacIntosh/ Bill Spicer 3-1

No: Betsy Cramer

Abstained: Dennis Power, Jim Sloan, Helene Webb

Moved B. Forward a recommendation to City Council for approval of the Waterfront Department's proposed Fiscal Year 2016 and Fiscal Year 2017 transfer fees and incorporation into the City budget process.

Stephen MacIntosh/ Bill Spicer 3-1

No: Betsy Cramer

Abstained: Dennis Power, Jim Sloan, Helene Webb

COMMISSION/STAFF COMMUNICATIONS

- Director Riedman shared resource information concerning the oil spill at Rufugio that occurred on March 19. An estimated 2,500 barrels (105,000 gallons) of crude oil was released from the pipeline. The portion of the spill into the ocean covers 9 square miles as of March 21. The Waterfront Department is accommodating trailers, booms, trucks, etc, in the launch ramp area and is ready to assist as a staging area.

Resource information:

- www.RefugioResponse.com
- www.CalSpillWatch.dfg.ca.gov
- To report oiled wildlife, call 877-823-6926
- Volunteers, call 800-228-4544

ADJOURNMENT

Chair Spicer Moved ADJOURNMENT at 8:20 p.m.

Unanimous Roll Call Vote 7-0



Mark Howard
City of Santa Barbara Risk Manager
P.O. Box 1990
Santa Barbara CA 93102

May 14, 2015

Dear Mr. Howard

The Santa Barbara Sailing Club would like to request a waiver from the additional Automobile Liability [Item VII, B] clause in the new Lease, which would increase the coverage One Million Dollars.

Furthermore, we are requesting, under the new Lease that Item VII, C and D be removed. All of the above effect liability and insurance premiums.

We, as sailors understand that responsibility and safety is of the utmost importance. Our sport requires us to be very aware and meet the “everyday” preparedness of boating with PFD’s, running lights, flares, radios, etc. each time the boat goes out sailing. And this concept of safety and caution carries over to our Club.

Our situation requires that the Club Member’s trailered boats be moved from our Leased yard to the hoist or launch ramp for launching. In the past, to use the hoist, autos were used to move the boats, i.e. hook up at the yard, tow to dock and back into dock/hoist for launching. On occasions, this above described operation continues today. In October of 2007, the Club decided that this operation of towing the boats from yard to hoist with autos was very cumbersome and sometimes caused congestion at the dock.

The Club investigated another apparatus that would tow the trailered boats safely to and fro and found a battery operated Loadmaster dolly. One Dolly (enclosed picture) was purchased and proved its worth: a stable towing platform, maneuverable for our yard, yet with enough power to pull J24s and had controls on handle similar to a motorcycle (release handle and dolly stops). These dollies are used around the country to safely move planes and mobile homes (trailers), etc..

The trailered boats can safely and easily be maneuvered in the yard as well as at the dock/hoist area. The dolly also provided a 360 degree vision reducing the risk of collisions, unlike the auto tow. Typically the crew of the boat walks along side as an extra measure of safety. The first dolly was such a success that the Club purchased another dolly six months later.

To be clear, the Club has two electric powered dollies and recently (February 2014) purchased a gas dolly. After using the gas dolly as an experiment to supplement the electric dollies, we have

decided that it is not exactly the one for our needs and was rarely used. Besides being noisy, it is more difficult to operate. And we have decided to trade it in for another electric dolly.

The Club would like for you to be aware that we have strict operating requirements and safety procedures for the dollies and hoist operations. A new user must be trained to operate both. The dolly and hoist operations are typically used on Wednesday nights in the summer and three main regattas a year. However, there are Club members that will launch at other times; point being, this is not a daily operation.

To date, after almost eight years of dolly use, we have had zero collisions, zero complaints and the fact is that the Club has reduced the risk of collisions using the electric powered dollies, which results in increased safety and reduced liability.

The Club has contacted our Insurance Co. discussing the increased policy requirements for the new Lease. The Agent is aware of the fact that we own a marks boat and the dollies and use the hoist. Our current policy has a \$1 million per occurrence and \$2 million aggregate for liability coverage.

The current coverage does include dolly and hoist liability under the Marine General Liability/Yacht Club Operator's Legal Liability.

Furthermore, the Club's Insurance Co. insures over 1,000 clubs across the country and has history and experience.

I'd like to quote the Insurance Agent:

"..... 1) We insured over 1000 clubs across the United States. Most of our small clubs with no buildings and/or contents (paper clubs) do not have increased limits of liability as for the most part they are small with very few members and running on a shoestring. The additional premium to add the 1 million in coverage would cost approximately \$1300 annually which is almost as much as they are paying for all their coverages they currently have.
2) The insured does not have a building that they are using and therefore, the improvements and betterments clause should be removed....."

We do not have owned autos (but the Club does have "... hired and non-owned auto coverage...") - [Item VII, B.]; we have no employees, so Workers' Compensation clause is not necessary [Item VII, C.]; we have no improvements or betterments [Item VII, D.], so property insurance is not necessary.

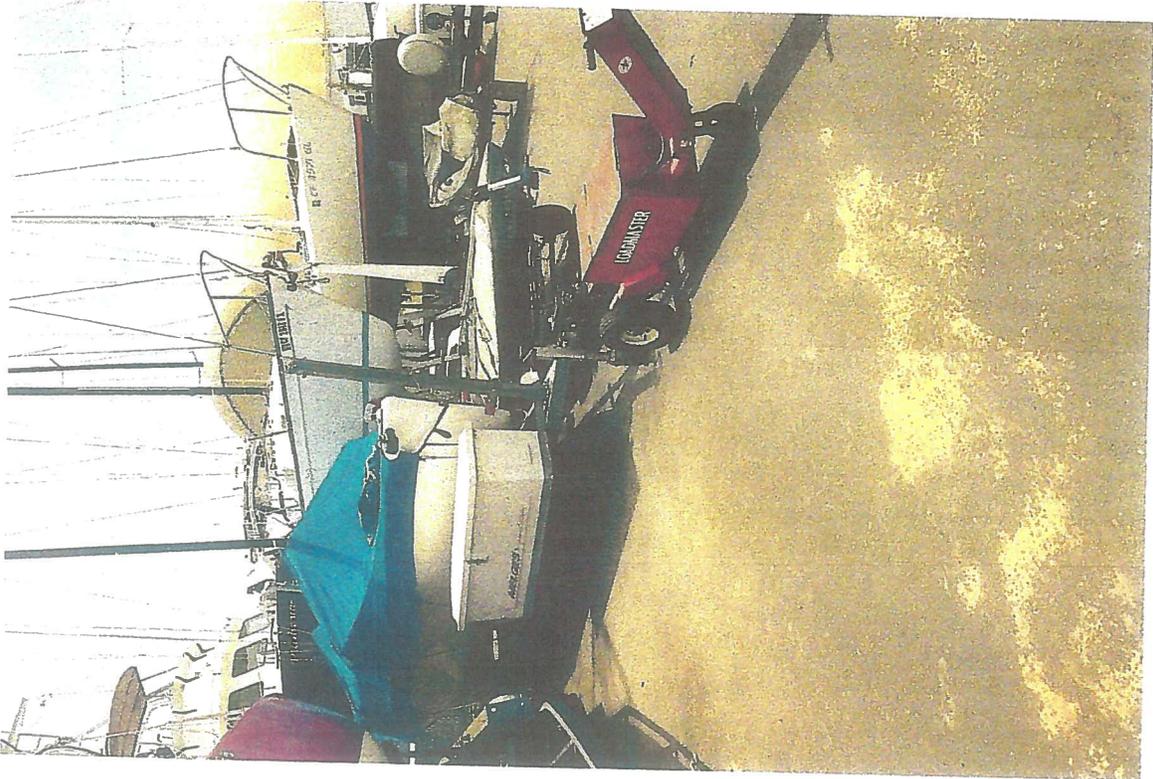
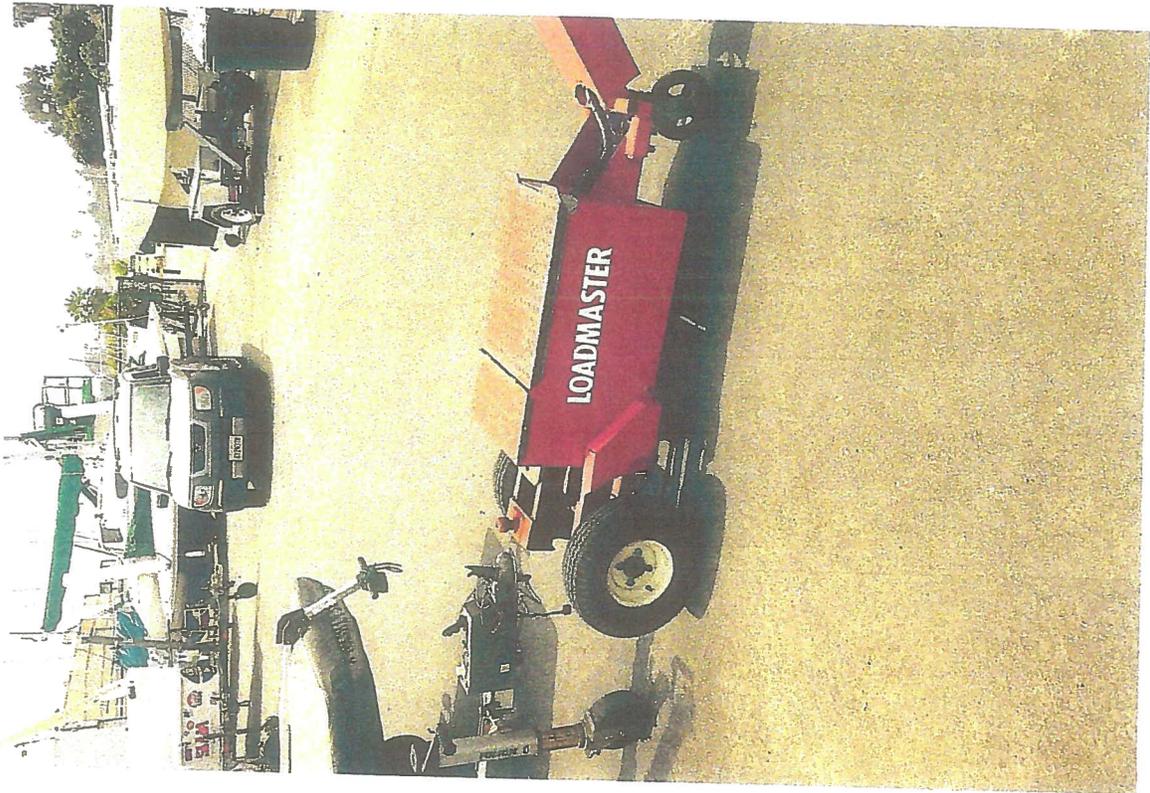
By describing the Club's operations, defining the present coverage (use of dollies) and pointing out the benefits and increased safety by using the dollies - for almost eight accident free years - and identifying what the Club does not have, thus reducing risk, the Club is appealing the additional One Million Dollars Liability [VII, B.] coverage inserted into the new Lease.

Please feel free to contact the Club if you have questions or concerns.

Sincerely,



Steve Hendricks, Commodore
805 712 6981





CERTIFICATE OF LIABILITY INSURANCE

May 21, 2015
Harbor Commission Minutes

5/19/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Gowrie Barden & Brett, Inc. 70 Essex Road Westbrook, CT 06498	CONTACT NAME: Tabitha T. Livernoche
	PHONE (A/C, No, Ext): 1 (800) 262-8911 FAX (A/C, No): (860) 399-3615 E-MAIL ADDRESS: info@gowrie.com
	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Federal Insurance Company 20281
INSURED Santa Barbara Sailing Club P. O. Box 1542 Santa Barbara, CA 93105	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		35810514	12/12/2014	12/12/2015	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ Included
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Marine GL			07319196	12/12/2014	12/12/2015	Each Occurrence	1,000,000
A	Yacht Policy			07319197	12/12/2014	12/12/2015	P&I/Regatta	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Santa Barbara, its officers, employees, and agents are listed as an Additional Insured on General Liability Policy ATIMA as respects to insured use of holders premises. The General Liability extends General Liability coverage over Mobile Equipment (trailer dollies), the Marine General Liability Policy extends liability coverage over the hoist, and the Yacht Policy extends Protection & Indemnity coverage over the 14' Whaler boat.

CERTIFICATE HOLDER	CANCELLATION
City of Santa Barbara/Waterfront 132-A Harbor Way Santa Barbara, CA 93109	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 