



# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### AGENDA TITLE:

Approval of parking management plan with the Sausalito Yacht Club

### RECOMMENDED MOTION:

Move to approve the parameters of the Sausalito Yacht Club's parking agreement with the City and the outlined plan for working with the leadership of the Sausalito Yacht Club to resolve ongoing concerns regarding parking issues.

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### SUMMARY

The OMIT Committee has recommended: That the monthly charges for SYC overflow parking be changed from variable to a fixed \$400.00 per month, retroactive to September 2007; that the SYC be allowed to create up to 5 "Committee Member Cards" to be part of the 26 spaces; and that the parking staff conduct monthly meetings with the SYC for the current fiscal year to address any issues that may arise. The flat monthly charge of a fixed \$400 will be reviewed at the end of the fiscal year.

### BACKGROUND

Currently, the Sausalito Yacht Club issues non-resident members proximity parking cards (SYC cards) that allow members to park in the parking lot adjacent to the SYC, entering and exiting through Municipal Parking Lot #1. The installation of the current computerized parking system has allowed the City to monitor the usage of SYC members, both resident and non-resident.

As detailed in a letter dated November 23, 2003 that was sent to the Commodore of the SYC, it was determined 26 cars could fit in the SYC lot. This same letter from the City also outlined an agreement for the SYC to pay a flat charge of \$360.00 per month for unlimited "overflow" parking in Municipal Parking Lot #1 on "Tuesday, Thursday and Friday nights between 6:00 and 11:00 PM."

That agreement was changed by mutual agreement between the City and the SYC by action of the City Council on June 28, 2005. The current lease and subsequent agreements allow 26 SYC members to park in the SYC lot for free. Then, beginning with the 27<sup>th</sup> SYC card, the parking computer starts accruing a charge at the retail rate for

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parking in Municipal Parking Lot #1. The SYC is responsible for payment of the resulting invoice for any and all "overflow" parking charges.

The SYC has questioned the reliability of the invoices, citing faulty data that has resulted in unquantified overbilling. Parking staff has determined that some errors have occurred, resulting in overbilling of an undetermined amount. "Passback" errors resulting from software errors have occurred, and the entrances and/or exits of vehicles have therefore not been reported (and subsequently invoiced) with 100% accuracy.

In addition, the SYC has indicated that a number of members or employees are present at the SYC for extended period of time. The SYC has requested that they be able to create 5 "Committee Cards" which would (presumably) be used by resident SYC members. This is a change of the current issuance restrictions of the SYC cards. These cards would be counted against and be included with the allotted 26 free spaces.

## ISSUES

### *SYC Overflow Parking*

Invoices issued to the SYC for overflow parking dating from October 2007 to July 2008 totaling \$6,198 remain unpaid. This total does not include invoices for August 2008 and further does not include any finance charges. Staff is recommending that \$400.00 per month payments (\$4,800.00) be accepted as payment in full for overflow parking for the period of October 2007-September 2008. Furthermore, staff recommends that \$400.00 per month payments be accepted as payment in full for overflow parking for the current fiscal year. In accordance with the current agreement, this payment would only apply to parking overflow on Tuesday, Thursday and Friday nights from 6:00 to 11:00 PM.

## FISCAL IMPACT

It is difficult to assess the financial impact of the actions proposed above, aside from an immediate loss to the City of approximately \$1,200 (plus finance charges) for amounts previously invoiced. However, a large amount of staff time currently used for report and invoice generation will be saved as the result of the implementation, which will then be available to address other priorities.

## STAFF RECOMMENDATIONS

1. Approve staff's recommendation to set the monthly overflow parking charges from variable to a fixed \$400 per month charge, retroactive to October 2007.
2. Approve staff's recommendation to allow the creation of up to five "Committee Member Cards" to be part of the existing 26 free spaces.

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3. Direct parking staff to conduct monthly meeting with SYC for a period of at least nine months (thru June 2009) to address issues, if any.

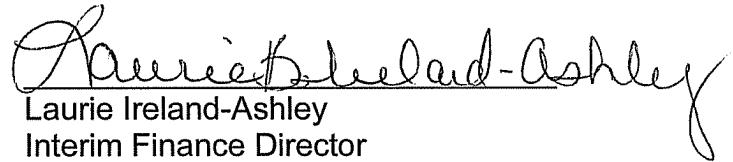
**ATTACHMENTS**

- City letter to the SYC dated November 24, 2003
- Staff Report to City Council for June 28, 2005 City Council meeting


PREPARED BY:

\_\_\_\_\_  
Jean Schurtz  
Parking Analyst

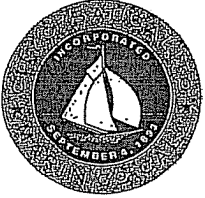
REVIEWED BY (Department Head):

  
Laurie Ireland-Ashley  
Interim Finance Director

SUBMITTED BY:

  
Adam W. Politzer  
City Manager

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# CITY OF SAUSALITO

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Commodore Ernie Lacey  
Sausalito Yacht Club  
P. O. Box 267  
Sausalito, CA 94965

November 24, 2003

Dear Commodore Lacey,

Thank you for taking the time to meet Dana Whitson and me on October 30, 2003 to discuss the Yacht Club parking issues. As you know, the former configuration of the parking system made it very difficult to distinguish between Yacht Club users and general public usage of City Parking Lot #1. Consequently, I am very pleased that we are now able to move forward with a system that will clearly allow continuing free access to your lot and at the same time ensure that the City will receive the required payment for usage of our parking lot. Your cooperation in effectuating this new system is very much appreciated.

First, I would like to address the issue of the capacity of your lot. The lot has 23 marked spaces, one of which is a disabled person space. Three are tandem spaces and we have no problem with their use as such. This provides a total of 26 spaces. For that reason, the City can only credit a lot capacity of 26 spaces in assessing any charges to the Yacht Club. The parking staff has monitored the usage at the Yacht Club Lot and has validated that usage rarely, if ever, exceeds that capacity. To credit the Yacht Club for 31 spaces, as you have suggested, would result in further subsidy of the Yacht Club parking by the City.

You mentioned that the Yacht Club has 300 proximity cards. We show numbers 2501 through 2798 have been issued. There are apparently 3 cards that have not been issued yet. Yacht Club members who are Sausalito residents and who use their "Resident Cards" will be billed individually for any parking in excess of two hours during daytime hours. This is our standard practice for residents.

It is my understanding that the City and Yacht Club have agreed to allow unlimited evening parking for Yacht Club members on Tuesday, Thursday and Friday nights between 6:00 and 11:00 PM, for which the Yacht Club pays a monthly charge. The City's Finance Committee has directed that we monitor the Yacht Club parking usage for those evenings now that the new system is in place, and make a recommendation for any modifications of that agreement in the Spring. The Finance Committee was particularly concerned that the Friday

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FAX NUMBERS:

Administration: (415) 289-4167

Recreation: (415) 289-4189

Community Development: (415) 339-2256

Library: (415) 331-7943

Public Works: (415) 289-4138

night usage during peak season causes both a scarcity of parking for other customers as well as a revenue loss. Ultimately, we may recommend that the agreement be modified to apply only during the off-peak season (November through April.)

To recap, effective in early December 2003 it is our intention to bill the Yacht Club for any parking usage in excess of the 26 spaces and the existing evening exceptions. I will let you know the exact date when the software has been modified.

If you have any questions, I can be reached at 289-4128. Thanks for your continuing cooperation.

Sincerely,

Doug Miller  
Interim Parking and Transportation Manager

Cc: Dana Whitson



# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### RECOMMENDED MOTION:

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### SUMMARY/BACKGROUND

The parking privileges afforded to the Sausalito Yacht Club (SYC) are outlined in the lease dated October 19, 1995. Within this lease, the description of parking privileges is described in section "5.04 Public Parking Lot." A copy of section 5.04 is attached to this staff report for your reference.

Section 5.04 of the SYC lease includes the following language. 1) "Tenant is permitted access to the Premises through Parking Lot 1, but is not provided with any rights to park in Parking Lot 1 other than those accorded the public generally." And, 2) "At such time as the City of Sausalito has developed the means to monitor individual use of Parking Lot 1 by Tenant and is able to identify those persons affiliated with Tenant who are using Parking Lot 1 in conjunction with their use of the Premises or by means of Tenant provided identification, Tenant agrees to remit to the City any and all regular parking fees from such persons."

With the installation of the current computerized parking system in late 2002, the City gained the ability to monitor the usage of SYC members, both residents and non-residents. Now that the City had the ability to track how many members had entered Parking Lot 1, it had to determine the number of cars that could reasonably fit in the SYC lot so that that number of cars could park free of charge and subsequent cars could be charged the retail rate, as it would be assumed they were parking in Parking Lot 1. It was determined by the City that 26 cars could fit in the SYC lot, and this was documented by the City in a letter dated November 24, 2003, which was sent to the Commodore. This same letter from the City also outlined an agreement for the SYC to pay a flat charge of \$360 per month for unlimited overflow parking in Parking Lot 1 on "Tuesday, Thursday and Friday nights between 6:00 and 11:00 PM." A copy of this letter is attached to this staff report for your reference.

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To permit access to the 26 free spaces in the SYC lot, the SYC was issued specially programmed cards (SYC cards). The computer system was programmed to allow 26 cars using SYC cards to enter the lot for free. Then, beginning with the 27<sup>th</sup> SYC card, the computer starts accruing a charge at the retail rate for parking in Parking Lot 1. These charges are detailed in a report that it run periodically from the system and used as the basis for an invoice issued to the SYC.

The City did not directly issue SYC cards to members; it was left to the club's discretion to issue the SYC cards as it wished. The club determined that it would issue SYC cards only to members who were not residents of Sausalito. The rationale behind this decision was that club functions were almost exclusively in the evening and that club members who were residents of Sausalito would be able to park for free in Parking Lot 1 at those times with a Resident Proximity Card, which affords residents two hours of free parking between 8:00 am and 6:00 pm and unlimited free parking from 6:00 pm to 8:00 am. SYC members who are Sausalito residents obtained Resident Proximity Cards in the same fashion as all other residents, which included the signing of an agreement that explicitly stated the aforementioned parameters.

Pursuant to these agreements with the club itself and with resident members, the City has produced invoices for parking charges. The SYC was invoiced on March 4, 2005 for times from 4/1/04 through 12/31/04 during which more than 26 SYC cards were in the parking lot. A copy of this invoice letter is attached for your reference. The City and the SYC are currently in negotiations regarding payment of this invoice.

Residents who are SYC members have been billed, along with all other Resident Proximity Card holders, on two occasions. One billing was in March 2004 for usage in 2003, and one was in May 2005 for usage in 2004. Many resident SYC members protested these invoices. They argued that as SYC members they were entitled to free parking. Some have only requested that charges for parking during SYC events be waived, but some have insisted that their status as an SYC member should entitle them to a waiver of all charges.

## ISSUES

### *Parameters Governing SYC Parking*

Staff is requesting approval of its interpretation that the language in the October 19, 1995 lease and November 24, 2003 letter clearly establish 26 as the number of cars that should be allowed to park for free. Please note that staff has recently re-surveyed the SYC lot and confirmed this count. Twenty-six cars are able to park in the SYC lot if all marked spaces (24) are occupied (including the one accessible parking space) and two additional cars are stacked behind other parked cars toward the entrance to the SYC lot.

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### *SYC Overflow Parking*

The invoice issued to the SYC on March 4, 2005 totaled \$3,632. Not included in this amount was \$2,097 in charges for overflow parking that occurred on Tuesday, Thursday and Friday night from 6:00 pm to 11:00 pm, because this parking was paid for by the club's \$360 monthly payment, as outlined above. The time period of the invoice is April through December 2004. During this time, the \$360 monthly payments added up to a total of \$3,240. Staff is recommending that the SYC be credited the difference between what it has already paid (\$3,240) and the retail value of its actual usage during Tuesday, Thursday and Friday evenings (\$2,097). This credit amounts to \$1,143 and would reduce the SYC's outstanding balance from \$3,632 to \$2,489. Furthermore, by mutual consent of the City and the SYC, the SYC has discontinued the \$360 monthly payment and will henceforth pay the posted rate for actual overflow usage of Parking Lot 1.

### *Past Invoices and Future Billing of Resident SYC Members*

Many SYC members were billed along with other Resident Proximity Card holders for time parked in excess of two hours between 8:00 am and 6:00 pm. On a case-by-case basis, the City and representatives of the SYC have been reviewing requests for the waiver of fees by residents who are members of the SYC. In those instances where city staff and SYC representatives agree that the waiver is warranted, the charges in question have been written off. Going forward, representatives of the SYC have offered to lead the process of reviewing further requests for the waiver of charges for parking in 2003 and 2004. If SYC and City staff agree, charges may be waived. However, any charges that the City and the SYC agree should be paid by the resident member will need to be paid in a timely fashion, otherwise the member's parking privileges will be revoked. Billings will continue under this protocol until an updated system can be implemented.

### *Updating the Way Parking by Resident SYC Members is Tracked*

City and SYC staff are working together to come up with a system that will increase the timeliness of the billing and review process required under the existing system. As things are now, someone, either from the City or the SYC, must review in detail the invoice of any SYC member who thinks her/his charges should be waived. This is a very time consuming process.

City staff and SYC representatives have agreed on the following protocol and are working with the parking system vendor to develop a two tier parking system for both resident and non-resident SYC members. Under this system the resident SYC members will exchange their current resident proximity card for a new SYC parking card and:

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1. Up to 26 Yacht Club member vehicles (both resident and non-resident) will be allowed to enter the lot during daytime hours (8 AM to 6 PM) at no fee. The 27th and subsequent Yacht Club member vehicles entering the lot will be charged according to the applicable resident or non-resident rate for the duration of their occupancy in the lot. At any time that the total number of SYC member vehicles within the lot (entries minus exits) goes below 26, subsequent SYC members entering the lot will be allowed to park at no fee until the number of SYC member vehicles in the lot again equals 26. *Important note: Any SYC resident member entering the lot between 8 AM and 6PM and staying less than two hours will be counted toward the 26 spaces but will not accrue a charge. This is in keeping with the privilege of residents to two hours free parking between 8 AM and 6 PM.*
2. Resident Yacht Club member vehicles entering the parking lot after 6 PM will be assumed to be parking in the municipal lot and will not be counted toward the usage in the SYC Lot.
3. Non-resident Yacht Club Members entering the lot after 6 PM will continue to be counted toward the usage in the SYC Lot. Thus, the 27<sup>th</sup> and subsequent Non-resident Yacht Club Members entering the parking lots at any time will be charged the applicable Non-resident Rate.
4. The Yacht Club will advise all members of the rules of usage of the Parking Lots.
5. The SYC has agreed to be responsible for all payments, billings and collections of parking charges incurred by members, both residents and non-residents.

Once such a card is developed, resident SYC members will be eligible to exchange their Resident Proximity Card for the new card.

## FISCAL IMPACT

It is difficult to assess the fiscal impact of the actions proposed above. Staff is recommending waiving charges totaling thousands of dollars that have been accrued on the Resident Proximity Cards of residents who are members of the SYC. However, if a new type of card for resident members can be created, as outlined above, a huge amount of staff time will be saved, which will then be available to address other priorities.

As outlined above, further waiver requests by SYC members are outstanding. Once all waivers pursuant to the recent billing for usage in 2004 are processed, staff will report to the Finance Committee the total dollar value of the waivers.

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## STAFF RECOMMENDATIONS

1. Approve staff's interpretation of the parameters that govern the SYC member parking and the plan outlined by staff for working with SYC staff to resolve issues related to outstanding invoices and create an improved protocol for parking access by SYC members who are Sausalito residents.
2. Direct staff that fee waivers be granted only for usage errors and/or mechanical failures.

## ATTACHMENTS

- Noted sections of the SYC's lease dated October 19, 1995.
- City letter to the SYC dated November 24, 2003.
- City invoice letter to the SYC dated March 4, 2005.

PREPARED BY:

SUBMITTED BY:

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Rob Malone  
Parking and Transportation Manager

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Dana H. Whitson  
City Manager

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