

STAFF REPORT*CITY OF OCEANSIDE*

DATE: November 19, 2008

TO: Honorable Mayor and City Councilmembers
Honorable President and Board of Directors

FROM: Harbor and Beaches Department

SUBJECT: **AUTHORIZATION OF A ONE-YEAR SLIP SUBLEASE EXTENSION
FOR MR. AND MRS. SMALE**

SYNOPSIS

Staff recommends that the City Council and Harbor Board of Directors authorize a one-year slip sublease extension for Mr. and Mrs. Smale.

BACKGROUND

Mr. and Mrs. Smale have been slip renters since 1999 and the permit is in good standing. They have been on a cruise since December 2007 and desire to take a sailing cruise to Mexico and stay for the winter. His sublessee, Bill Chapman in his sailboat Peregrine, would also like to continue to sublease the slip until Mr. and Mrs. Smale's return on June 15, 2009. Mr. Chapman has been subleasing the slip since June 12, 2008.

Harbor District Resolution 89-04H authorizes slip permittees to sublease their slip when their boat is temporarily away from the slip upon approval by the Harbor District. The maximum period a slip may be subleased is 12 months.

ANALYSIS

The slips in Oceanside Harbor are a public asset and should be available for use by the general public on a first-come, first-served basis. As a general practice, the reserving of a public facility, which is in limited supply, by a person not actually using it for an extended period is not equitable to the people on the slip waiting list.

Precedence for granting this type of extension took place on November 13, 1991, January 8, 2003, August 3, 2005, and December 13, 2006. The Harbor Board took action to authorize a second year of sublease for the slip renters who were taking an extended cruise in Mexico and the South Pacific. Mr. and Mrs. Smale have presented appropriate justification for granting the one-year sublease extension.

FISCAL IMPACT

Mr. and Mrs. Smale will be responsible for paying all slip fees during their absence. The fiscal impact will be neutral.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

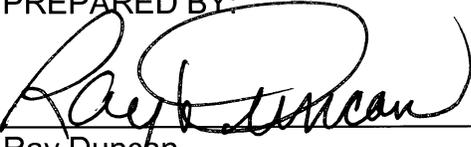
CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

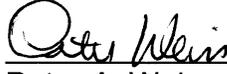
Staff recommends that the City Council and Harbor Board of Directors authorize a one-year slip sublease extension for Mr. and Mrs. Smale.

PREPARED BY:



Ray Duncan
Harbor and Beaches Manager

SUBMITTED BY:

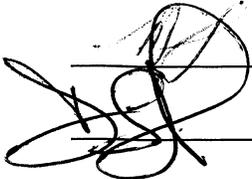


Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Donald L. Hadley, Deputy City Manager



Attachments

August 27, 2008

City of Oceanside
Dept. of Harbor and Beaches
1540 Harbor Drive North
Oceanside, CA 92054

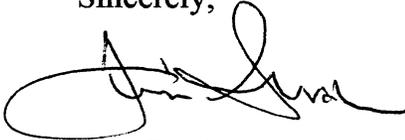
Dear Harbor staff,

Per my wife Jenna's telephone conversation with Mike on August 26th, we would like to request an extension to our vessel inspection. Our boat is currently located in Mexico, it is not available for inspection.

We have sublet our slip, S-15, to Bill Chapman on his sailboat *Peregrine* while we are away. We have also sent a letter today to Mr. Duncan to request permission to bring our boat back to Oceanside Harbor from Mexico on June 15th, 2009, and can then have it inspected upon our return.

Please let us know if you approve this request or have any questions using our contact information below. Thank you for your assistance.

Sincerely,



Tim Smale
s/v "Freestyle"
Permit #7991

e-mail: capedoryskipper@hotmail.com

Mailing Address:
22 Hophornbeam Lane, North Yarmouth, Maine 04097

Tel: 760-424-6755

August 27, 2008

Mr. Ray Duncan
Harbormaster
City of Oceanside
Dept. of Harbor and Beaches
1540 Harbor Drive North
Oceanside, CA 92054

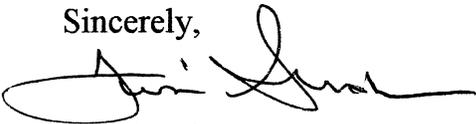
Dear Mr. Duncan,

Congratulations on your new position as Oceanside Harbormaster. I have been enjoying Oceanside Harbor as a slip renter since 1998 on our Cape Dory 36' sailboat and are liveaboards on Slip S-15. My wife had dreamed for many years to take a cruise and departed Oceanside Harbor on our sailboat in mid-December 2007 to cruise in Mexico, subleasing our slip. We would like to continue our cruise in Mexico for the winter season and return back to our slip on June 15th, 2009, subject to your approval. Our boat is our home and we very much would like to continue residing in Oceanside Harbor upon our return.

I understand that the current policy allows for 4 consecutive quarters before we are required to return back to our slip. Prior to our departure, we had a discussion with Don Hadley about the possibility of extending that period by six months, and he informed us that we would need to receive permission in advance. We are hopeful that our request to receive two additional consecutive quarters to sublease our slip and then return back to our slip on our boat can be approved. Our sublessee, Bill Chapman in his sailboat *Peregrine* would also like to continue to sublease the slip until our return on June 15th, 2009.

If our request is not approved, then we would be required to bring the boat back to Oceanside in November 2008 instead of staying in Mexico for the winter. Therefore, we respectfully request that we receive your decision by October 1st 2008 if possible. Thank you for your consideration of this request.

Sincerely,



Tim Smale
s/v "Freestyle"
Permit #7991

e-mail: capedoryskipper@hotmail.com

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