

Return to: CITY CLERK
333 West Ocean Blvd.
Long Beach, CA 90802

CLAIM FOR DAMAGES AGAINST CITY OF LONG BEACH

L42 (1-88)

RESERVE FOR FILING STAMP
FILE NO. _____

1. Claims for death, injury to person or to personal property must be filed not later than 6 months after date of occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim for before filing.
4. Fill in each line completely.
5. Attach separate sheets, if necessary, to give full details.

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CITY CLERK
LONG BEACH CALIF
98 JAN -7 AM 9:43

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|----------------------------------|-------------------------|-----------------------|
| <u>MICHAEL LESNER</u> | <u>1-15-49</u> | <u>NS107840</u> |
| Name of Claimant (type or print) | Date of Birth | Driver License # |
| <u>203 MARINA DRIVE</u> | <u>LONG BEACH 90803</u> | <u>(562) 430-7678</u> |
| Home Address of Claimant | City, State, Zip Code | Telephone # |
| <u>SOME</u> | | |
| Business Address of Claimant | City, State, Zip Code | Telephone # |

Give name and address to which notices or communications are to be sent regarding this claim.

| | | |
|---|---|---|
| Date of incident: <u>AUG. 8 1997</u> (month) (day) (year) | Time of occurrence: A.M. _____ P.M. <u>2:30</u> | Exact location of occurrence: <u>BERTI #4</u> <u>LONG BEACH MARINA</u> <u>ACAMITOS BAY</u> |
|---|---|---|

License number and make of vehicle(s) involved (if applicable)

What happened?

SEE ATTACHMENTS

Were Police at scene? Yes No

Why is City of Long Beach responsible? Give name of public employee involved, if known.

MR. RALPH CRYBER, DIRECTOR - PARKS & RECREATION

Give total amount of claim. (Include estimated amount of any prospective injury or damage):

\$ 7527.00

How was amount of claim computed. (Be specific. List doctor bill, wage rate, repair estimates, etc.):
PLEASE ATTACH ESTIMATES.

SEE ATTACHED

List names and addresses of witnesses; Doctors and Hospitals; insurance companies:

WICORIA McEMY, 7464 SKYLINE DR., STANTON, CA 90680
PAUL BIER, MARINE SALVOR (L.B.F.D.), 225 MARINA DR. LONG BEACH, CA 90803

Return ORIGINAL (white) and
DUPLICATE (yellow) To City Clerk.
TRIPLICATE (pink) for your file.

CLAIMS MUST BE FILED with CITY CLERK
(Cal. Gov. Code Sec. 915a)
(Claim may be mailed to Clerk)

I certify under penalty of perjury that the foregoing is true and correct.

(Signed) _____

IF MINOR (UNDER 18) PARENT OR GUARDIAN MUST SIGN FORM

Signature of Claimant or person filing on his behalf, giving relationship to Claimant
NOTE: Presentation of a false claim is a felony (Cal. Pen. Code Sec. 72)

LOCAL NEWS

ALSO INSIDE
BUSINESS

Press-Telegram / Saturday, August 16, 1997

SERVING THE SOUTHLAND

Rocking the boat in the marina

When TV writer-producer Mike Lesner was looking for a place to dock his 92-foot pleasure yacht back in 1987, Long Beach's Alamitos Bay Marina was his first choice.

A Chicago native with Midwestern values, he says he never coveted the Newport Beach/Marina del Rey glitz.

"I've got a lavish yacht, but I built it," says the glib and articulate liveboarder. For the most part, Lesner hasn't regretted it. Until lately.

It all started when the city decided luxury yachts fit the changing image of the waterfront and began allowing oversized and huge commercial vessels to dock in the state-designated "recreational" areas.

Tour boats and "bed & breakfasts," which the city has allowed without changing the zoning or getting permits

"I give up fighting City Hall. They've lied and they're vindictive."

*Mike Lesner,
owner of damaged yacht*

from the Coastal Commission, ruin views, create a strain on parking and invite pedestrian traffic and looky-loos. They're also a safety hazard.

Consider the recent incident involving the Rusalka, a 147-foot, mega-ton yacht docked on the end of gangway 4.

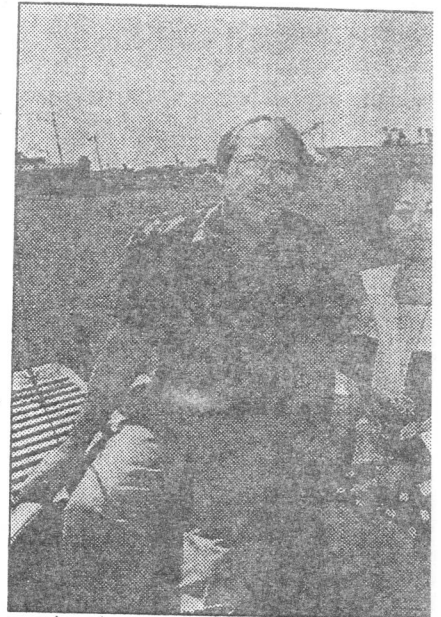
It was 11 a.m. Aug. 8 and Lesner was overseeing two woodworkers on his boat when the phone rang. It was Marine Bureau Manager Mark Sandoval saying there was an emergency involving the Rusalka and he (Lesner) would have to

vacate his slip to make room for it.

"As a result of Hurricane Guillermo, a surge condition had developed," Lesner says, "and the Rusalka had snapped a piling and was in danger of breaking up the dock.

"I refused to move because I was not about to accept liability. The city should have made the Rusalka move to the middle of the bay and sit on a hook (drop anchor)."

PLEASE SEE CHRISTENSEN / C2



Tom and Victoria McKemy, left, a the city of Long Beach has begun dock in the state-designated "recreational" areas.

**Lakewood
small owner
purchases
Stonewood**

Lindsay Chaney



CHRISTENSEN: Boat owners upset with policy

CONTINUED FROM C1

In the end, the city moved Lesner's boat, assuming liability.

During the move, a heavy wind caught the vessel broadside and slammed it into the dock, causing thousands of dollars damage to the starboard bow. As the captain of the Rusalka pulled into Lesner's berth, he hit a cement pile and damaged his boat as well.

Lucky no one was hurt. The city pays Lesner's damages, but that's just half the story. The entire incident could have been avoided.

Two months before, a concerned Lesner and fellow boat owner Victoria McKemy, whose 62-foot cabin cruiser is docked near the Rusalka, met with Parks and Rec director Ralph Cryder to discuss the suitability and safety of such oversized vessels in a marina not equipped for them.

"He said he'd look into it, but we never heard from him until I took the concerns to City Council," McKemy says. "Afterward, he wrote me a letter saying the Rusalka's location, 'poses no risk.'"

I contacted Cryder, who put me

in touch with Sandoval. Sandoval agreed with Cryder at first, then admitted, "The problem is that the piles are not strong enough in a violent surge condition," which the Rusalka incident proved.

Lesner and McKemy's are just two of the nearly 100 names on a petition being sent to the state, which owns the marina. Not all are unhappy boat owners. At least one is a city employee, afraid to talk on record for fear of retribution.

"I give up fighting City Hall," says Lesner, who also expects the city to retaliate. "They've lied and they're vindictive."

Dan Walsh, chief marine science technician for the Coast Guard, wouldn't comment, except to say he's looking into the incident.

Lesner could save himself a lot of trouble by taking his boat to another harbor, but that's not his style.

"I'd rather solve the problems than simply walk away," he says.

Chris Christensen's viewpoint appears Tuesdays and Saturdays. She can be reached at (562) 499-1313

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Alamitos Bay Boat Owner Responds To Damaged Marina Article

Editor's Note: This is a condensed version of a four-page letter sent to us by Mike Lesner after last week's story about an incident in the Alamitos Bay Marina. Lesner was out of town at the time the story was researched. In order to run other letters on other topics, and to give Lesner his say, we run this separately.

Our Mailbox

that meeting: "With regards to the safety aspects of the vessel's current location, I am certain that it poses no risk."

I have not had any quarrel with moving my vessel. What was upsetting was that I had a letter from Sandoval instructing me to move my vessel on Aug. 18. The date of the accident was Aug. 8. I was told to move immediately, yet Cryder had given his assurance in his letter that "if there is a period of unusual violent water and/or wind conditions, the vessel's skipper has assured us that he will leave the dock and anchor outside of the bay for the duration of the foul weather."

The safest place for the Rusalka was in front of the Little Ships Fleet Yacht Club? Hardly. The Rusalka, with the most advanced bow-thrusters and navigation equipment, speared one of the pilings at the new dock. This was predictable. The Little Ships Fleet dock is the only marina dock that has its pilings placed to the outside edge of the dock.

With regard to the damage to

my vessel, Sandoval was quoted by you saying, "There was some damage, but it was minimal." Sandoval has not received any damage estimates from me, nor has he called me, nor has anyone from the Marine Bureau inspected my vessel.

The fact is, my 100-ton yacht slammed broadside into the end of the dock, with the front 10 feet from the bow stem back absorbing all of the impact. Consider a Mercedes which is struck on the right front quarter panel by a wide object. The exterior damage might appear superficial or minimal. But under examination by a qualified mechanic, the owner might be horrified to find a bent frame.

The vessel will have to be hauled into the yard, the damaged plank and surrounding planks inspected and changed if necessary. Once a vessel has been hauled into the yard, the bottom paint is deactivated and must be repainted below the water line.

My vessel has had its above-the-water hull painted with four coats of Sterling Linear Polyurethane paint. This paint kit sells for \$400 a gallon.

I liken Sandoval's comments to those of someone who hits your car, then says "there's no

need to contact the insurance company or get estimates. The damage is minimal, so how about I give you \$100 and we call it settled? Just sign here."

My vessel haulout alone is \$1,500. A bottom job is another \$1,500. Because yard employees must do any construction and refastening work, the actual cost could easily be many thousands of dollars.

There is a much larger story here — a story of many unhappy marina permittees. The 100 petitioners who contacted the Coastal and Lands Commissions were an eye-opener, to be sure. But I'm confident we can place many hundreds of signatures in front of the state authorities who own this property and lease it provisionally to Long Beach.

The city is trying hard to put a reverse spin on the Rusalka fiasco. Truth be known, they look like more than idiots. They have proven themselves to be liars and bad politicians.

I'm sorry I was unavailable to speak with you last week. When

I returned, I felt uncomfortable reading your story. It was to me a thinly veiled attempt by the city to hide from responsibility, using your paper as camouflage.

Mike Lesner



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