




MEMORANDUM

Date: March 14, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Steve McAlearney
Director, Port & Marine Services

Subject: **24-5573 Ratifying a Temporary Use Agreement Addendum for Submerged Lands at Mallory Square**

Introduction

Request ratification of a Temporary Use Agreement Addendum (TUA) for use of submerged state lands at the Mallory T-Pier.

Background

Due to the impending expiration of our current TUA Addendum, the Director of the Southeast District of the Florida Department of Environmental Protection (FDEP), in a letter dated February 5, 2024, recommended that the City sign a TUA Addendum, extending our ability to use submerged State lands at the Mallory T-Pier. This Addendum will allow the City to continue to host vessels at the Mallory T-Pier while awaiting a more permanent submerged lands lease. The requested submerged lands lease is at the State Lands level for approval. This TUA Addendum will allow uninterrupted use of the Mallory T-Pier by American Cruise Lines vessels, benefitting both the City and many local businesses.

The City was given twenty (20) calendar days from issuance to sign the TUA Addendum. The agenda for the February 7, 2024 meeting had been published, with the next available Commission meeting thirty-eight days away. The City Manager executed the TUA Addendum within the deadline in accordance with FDEP recommendation. (This recommendation from the State conflicts with their previous direction to forgo a TUA, which was briefed to the Commission at the Nov. 9 meeting.)

The previous TUA Addendum and Commission approval is attached for reference.

Procurement

There is no fee to execute this TUA Addendum, and the lease itself is exempt from fees.

Recommendation

Ratify the Temporary Use Agreement Addendum for use of submerged state lands at the Mallory T-Pier.