



## MEMORANDUM

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Date: August 8, 2024

To: Honorable Mayor and Commissioners

Via: Todd Stoughton  
Interim City Manager

From: Karen Olson  
Port & Marine Services Director

Subject: Approving City Marina 15-Month Tenancy Dockage Agreement

Legistar File: 23-5132

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### **Introduction**

Resolution approving a new City Marina 15-Month Tenancy Dockage Agreement for up to 28 full-time month-to-month tenants on Kingfish and Wahoo Piers, including a revised pricing structure used solely for this agreement.

### **Background**

There are 28 tenants with expired dockage agreements currently living full-time, on a month-to-month basis, in the City Marina. These dockage agreements are structured for transient use and do not have the same terms and conditions required of our liveaboard leases; for example, the requirement for liability insurance with a hold harmless clause and marine surveys to ensure the vessel is in seaworthy condition. Lack of just these two items places the City at risk, particularly in light of the upcoming hurricane season. The proposed 15-month Tenancy Dockage Agreement is structured around the Marina's standard Liveaboard Dockage Agreement to ensure the City's liability is reduced.

With the onset of COVID many of these tenants were allowed to seek refuge in the Marina, and it was anticipated they would move on once the pandemic was over, which has not occurred. Understanding the lack of affordable housing, conversion to full-time liveaboards will require a study and major upgrades, as these docks were engineered for short term stays and lack the appropriate utilities for full-time use. Also, these month-to-month tenants have had an adverse impact on an already strained upland facility, including limited parking, shower, and laundry facilities.

Approving the proposed 15-Month Tenancy Dockage Agreement would provide the City protection against loss and allow time for a Feasibility Study to be completed, including Planning, submerged lands deed, marina and upland infrastructure. It also gives time for these tenants to find alternate dockage or housing if

the Study is to show the Marina cannot support these tenants in the long-term. The proposed agreement will bring the tenants and their vessels into compliance with liveaboard rules and regulations while maintaining a place to reside in the interim. Failure to enter into the new 15-Month Tenancy Dockage Agreement will result in removal from the Marina. This 15-Month Tenancy Dockage Agreement shall not be issued after October 1, 2024, or at any future date and shall sunset on December 31, 2025.

Staff recommends the current dockage fee of \$31.45 per foot remain but add Solid Waste/ recycling fees to cover additional trash usage generated by long-term occupancy. Additional maintenance due to wear and tear on docks and equipment and water usage will fall on the Marina.

### **Procurement**

The approved dockage fees along with the addition of Solid Waste/ Recycling fees will cover additional costs while still being at 61% of market rate. If the standard liveaboard rate were to be applied to these 28 vessels, the Marina would realize revenue loss in excess of \$265,000 over the next 12 months. Rates shall be adjusted October 1 of each year, by U.S. Department of Commerce Price Index (CPI) including October 1, 2024.

### **Recommendation**

The City Manager's Office recommends the Mayor and Commission approve a new City Marina 15-Month Tenancy Dockage Agreement for up to 28 full-time month-to-month tenants on Kingfish and Wahoo Piers, including the existing pricing structure used solely for the agreement.