



To: Mayor and City Council
From: Jim Jakel, Interim City Manager
Prepared by: Michael Chandler, Assistant to the City Manager
Subject: Prop SF Access Agreement
Date: April 29, 2016

Recommendation

Motion authorizing the Interim City Manager and City Attorney to prepare an Access Agreement with Prop SF and Almar Marina Management Inc. (“Almar”) to allow use of the Martinez Marina guest dock and a portion of the parking area for private charter ferry service from the Martinez Marina by Prop SF.

Background

The City of Martinez and Prop SF (“Prop”), a private charter business out of Alameda, California, have held discussions during the past two months regarding the potential for Prop to operate a private ferry service out of the Martinez Marina. Initially, this ferry service would involve private charter of two Catamaran vessels, each equipped to transfer 49 people from Martinez to San Francisco and back. Given the low draft requirements of these vessels (only 18”), the guest dock of the Martinez Marina will be sufficient to accommodate this request. In addition to the use of the guest dock, Prop has requested a non-exclusive right to use up to 50 parking spaces in the public parking areas directly south, east and west of the guest dock, between the hours of 5 a.m. and 5 p.m., Monday through Friday.

The initial term of this agreement will be from August 1, 2016 to August 1, 2021. Prop would not be providing compensation to the City or Almar for use of the guest dock during this initial charter phase of operations. It being understood that charter use of the City Marina facilities is intended as a private service to reduce traffic impacts on the I-680 and Highway 4 corridors and to provide a test project for possible future expanded public service. Prop has agreed to construct a simple upgrade of the handrail to the dock in order to allow safe use of the guest dock for these purposes.

The general terms of the agreement are intended to include the following basic provisions:

1. Use of the guest dock during designated drop off and pick up times Monday through Friday and non-exclusive use of up to 50 parking spaces in the public parking areas directly south, east and west of the guest dock, between the hours of 5 a.m. and 5 p.m., on the same days.

2. Prop will be responsible for Prop construction of a simple upgrade of the handrail to the dock, subject to the review and approval of the Public Works Director and Almar.
3. Notification to Prop and through Prop to customers of Prop that areas of the parking lot are subject to flooding and that cars parked during storm and high tide events may be subject to flooding and water damage. The indemnity provisions would be intended to release the City and Almar from liability associated with flooding and water damage.
4. Indemnification of the City and Almar for liability associated with the operation of the ferry service, use of the marina and guest dock, including injury to persons and damage to property associated with the condition of the Marina, guest dock and/or parking area, or the depth of water in the Marina at any time.
5. Insurance coverage for commercial general liability, including personal injury and property damage coverages naming the City and Almar as additional insureds, and worker's compensation coverage including a waiver of subrogation in favor of the City and Almar.
6. Provisions relating to the state legislation transferring ownership of the marina property to the City and notification of the future requirements for the City to develop the Marina Land Use Plan.

The City Attorney's office is working on revisions to the draft Access Agreement in order to incorporate the above provisions. Staff will meet with representatives of Prop and Almar to go over the provisions of the agreement and will bring a final agreement back to the Council for formal approval on June 1, 2016.

Fiscal Impact

The City will bear no direct financial obligation through affording Prop use of the Marina through this Access Agreement. Establishment of this new private ferry service may provide economic development opportunities for the City and its business liaison partner organizations Martinez Area Chamber of Commerce and Main Street Martinez.

APPROVED BY:



Interim City Manager