

RESOLUTION NO. 22-042

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING "AMENDMENT (1<sup>ST</sup> AMENDMENT) TO AGREEMENT" ID #2485 TO EXTEND THE TERMINATION DATE TO APRIL 30, 2023 FOR TOURIST DEVELOPMENT COUNCIL FUNDING OF THE MALLORY SQUARE SUNSHADES (PUBLIC FACILITIES CATEGORY) PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Resolution 21-028 the City of Key West accepted a Grant Award from the Tourist Development Council to assist with a tourism impact study and with the purchase and installation of sunshades at Mallory Square (Agreement ID #2485); and

WHEREAS, City staff recommends approving the attached Amendment to Agreement ID #2485, which grants a no-cost time extension for the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Amendment (1<sup>st</sup> Amendment) to Agreement" (ID #2485), to extend the termination date for the Mallory Square Sun Shades (Public Facilities Category) project to April 30, 2023, is hereby approved.

Section 2: That no cost adjustments are associated with this time extension.

Section 3: That the City Manager is authorized to execute any necessary documents, upon consent of the City Attorney.

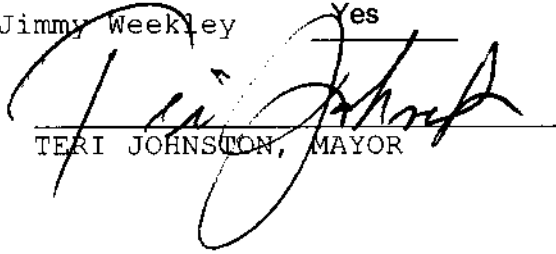
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 1st day of February, 2022.


Authenticated by the Presiding Officer and Clerk of the Commission on 2nd day of February, 2022.

Filed with the Clerk on February 2, 2022.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
TERI JOHNSTON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

# EXECUTIVE SUMMARY

**TO:** Patti McLaughlin, City Manager

**CC:** Todd Stoughton, Assistant City Manager  
Mark Finigan, Chief Financial Officer

**FROM:** Carolyn Sheldon, Senior Grants Administrator

**DATE:** January 19, 2022

**RE:** Approving the attached 1<sup>st</sup> Amendment to Agreement ID #2485 to extend the termination date to April 30, 2023.

### ACTION STATEMENT:

This resolution will approve the attached 1<sup>st</sup> Amendment to Agreement ID #2485 between the Tourist Development Council (TDC) and the City of Key West for the Mallory Square Sunshades (Public Facilities Category) Project to extend the termination date to April 30, 2023.

### BACKGROUND:

Grant funding in the amount of up to \$167,890.00 to assist with a tourism impact study and with the purchase and installation of sunshades is available through an agreement with the TDC (Resolution 21-028, March 2, 2021). The current grant termination date of the agreement is April 30, 2022.

### PURPOSE AND JUSTIFICATION:

City Staff requested a 12-month extension to April 30, 2023 to allow ample time for this project to be incorporated into the master plan for Mallory Square, RFQ #22-002 Sunset Celebration/Mallory Square Master Plan.

### STRATEGIC PLAN:

This resolution supports the Mallory project identified in the Key West Forward Strategic Plan as the #3 Major Project by the community in the January 2021 survey.

### FINANCIAL IMPACT:

This is a no-cost time extension.

### RECOMMENDATION:

Staff recommends the City Commission approve the attached 1<sup>st</sup> Amendment to Agreement ID #2485 between the Tourist Development Council (TDC) and the City of Key West for the Mallory Square Sunshades (Public Facilities Category) Project to extend the agreement termination date to April 30, 2023.

*Key to the Caribbean - Average yearly temperature 77° F.*

MEMORANDUM

## **AMENDMENT (1<sup>st</sup> AMENDMENT) TO AGREEMENT**

**THIS AMENDMENT** to Agreement dated this 16th day of March 2022, is entered into by and between the Board of County Commissioners for Monroe County, on behalf of the Tourist Development Council, and **The City of Key West** a Government agency organized and operating under the laws of the state of Florida (Grantee).

**WHEREAS**, there was an Agreement entered into on March 17, 2021 between the parties, awarding \$167,890 to Grantee for the **Mallory Square Sunshades (Public Facilities Category)** ("**Agreement**"); and

**WHEREAS**, it has become necessary to revise the termination date of the project to April 30, 2023 due to delays, and

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein the parties agree to the amend Agreement as follows:

1. Paragraph 1 of the agreement shall be revised to read as follows: This Agreement is for the period of **March 17, 2021 to April 30, 2023**. This Agreement shall remain in effect for the stated period unless one party gives to the other written notification of termination pursuant to and in compliance with paragraphs 7, 12 or 13 of the original Agreement dated March 17, 2021.

2. Reimbursement request for Segment 2 of the project, in an amount not to exceed \$155,890, may not be submitted until October 1, 2022.

3. Any references to termination date and submission of invoices shall be revised to read April 30, 2023.

4. The remaining provisions of the agreement dated March 17, 2021 shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have set their hands and seal on the day and year first above written.

(SEAL)

Attest: Kevin Madok, Clerk



*Gardner*  
Deputy Clerk

Board of County Commissioners  
of Monroe County

*W. B. King*

Mayor/Chairman

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Christine Lambert-Barrow*  
CHRISTINE LAMBERT-BARROW  
ASSISTANT COUNTY ATTORNEY  
DATE: 2/15/22

CLENN CIR. CT.  
MONROE COUNTY, FL

FILED FOR RECORD  
2022 MAR 23 AM 11:59

The City of Key West



By  
City Clerk

Print Name

Date:

*Cheryl Smith*

*2-2-22*

By  
Mayor

Print Name

Date:

*Teri Johnston*

*2-2-22*



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/5/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> World Risk Management, LLC a Member of: Ballator Insurance Group 20 N. Orange Ave., Suite 500 Orlando FL 32801	<b>CONTACT NAME:</b> Jenna Jennings
	<b>PHONE (A/C, No, Ext):</b> 4074452414 <b>FAX (A/C, No):</b> 407-445-2868
	<b>E-MAIL ADDRESS:</b> jennifer.jennings@wrmlc.com
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>
	<b>INSURER A:</b> Public Risk Management of FL (
	<b>INSURER B:</b>
	<b>INSURER C:</b>
	<b>INSURER D:</b>
	<b>INSURER E:</b>
	<b>INSURER F:</b>

**COVERAGES** **CERTIFICATE NUMBER:** 1777455676 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		PRM021-008-073  APPROVED BY RISK MANAGEMENT BY DATE <u>3/7/2022</u> WAIVER N/A YES	10/1/2021	10/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ SELF INS. RETENTION \$ 100,000 COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ SELF INS. RETENTION \$ 25,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> APD		PRM021-008-073	10/1/2021	10/1/2022	EACH OCCURRENCE \$ AGGREGATE \$ DED RETENTION \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	PRM021-008-073	10/1/2021	10/1/2022	PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> SIR \$325,000 E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 181, Additional Remarks Schedule, may be attached if more space is required)

RE: Purchase & Installation of Sunshades at Mallory Square / Tourism Impact Study [Resolution # 21-028]

With respects to the listed coverages held by the named insured, as evidence of insurance. Per the Attorney General's Opinion, as Per FL Statute 768.28, governmental entities may not add another party as an additional insured.

**CERTIFICATE HOLDER****CANCELLATION**

Monroe County BOCC & Monroe County TDC  
1100 Simonton Street  
Key West FL 33040

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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