

RESOLUTION NO. 22-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED THREE-YEAR (2022-2024) "AGREEMENT" WITH KEY WEST TOURIST DEVELOPMENT ASSOCIATION, INC. FOR CERTAIN FANTASY FEST EVENTS AND ACTIVITIES IN THE CITY OF KEY WEST; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 22-090, the City Commission provided guidance and direction to the City Manager to negotiate an agreement for certain Fantasy Fest events and activities in the City of Key West with the Key West Tourist Development Association, Inc. (TDA); and

WHEREAS, the City Manager presented the attached agreement at the Commission Meeting of June 7, 2022 for review and approval; and

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

Section 1: That the attached "Agreement" between the City and the Key West Tourist Development Association, Inc. for certain Fantasy Fest activities is hereby approved for a term of three years (2022-2024).

Section 2: That the City Manager is authorized to execute the Agreement, upon consent of the City Attorney.

Section 3: 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 22st day of June, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on 22nd day of June, 2022.

Filed with the Clerk on June 22, 2022.

Mayor Teri Johnston	<u>No</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Absent</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

ATTEST:


CHERYL SMITH, CITY CLERK


TERI JOHNSTON, MAYOR

AGREEMENT

THIS AGREEMENT made between the CITY OF KEY WEST, FLORIDA Hereinafter called "City" and the KEY WEST TOURIST DEVELOPMENT ASSOCIATION, INC. hereinafter called "Association" for the annual Fantasy Fest celebration during October 2022-2024.

WITNESSETH

WHEREAS, Association will hold a celebration known as Fantasy Fest in the City of Key West; and

WHEREAS, the celebration will require the provision of additional Support Services from City in order that said celebration may be held in Key West, Florida; and

NOW, THEREFORE, it is mutually agreed between City and Association as follows:

- A. Masquerade March, the Friday before the parade.**
 - 1. There will be a pedestrian procession, being led by a musical band, leaving the Key West Cemetery at 5:30 p.m. and arriving on Duval Street at approximately 7:30 p.m. The exact route of the procession will be as indicated on the map attached hereto as Exhibit "A".**
 - 2. Association shall contract and pay for a total of eight law enforcement officers from the Key West Police Department and Monroe County Sheriff's Department to ensure traffic control and the safety of the participants. Each pedestrian procession must have a law enforcement escort vehicle at the front and at the rear of each procession.**
 - 3. Trash and recycling receptacles shall be placed at the staging area and at suitable locations throughout the route to ensure adequate collection.**
 - 4. Shall provide port-a-potties as directed by the City Manager.**

- B. Saturday Night Parade**
 - 1. Saturday evening. The parade will begin at 7:00 p.m. and end at approximately 9:30 p.m. as indicated in Exhibit "B". Nudity and lewd acts will not be permitted as specified by Section 42-9 of the City of Key West Code of Ordinances which may be amended from time to time.**
 - 2. Association shall contract and pay for law enforcement officers from the Key West Police Department and the Monroe County Sheriff's Office for the required number of law enforcement officers. The number is to be determined by the City Manager.**

3. City agrees to provide any additional cost estimates, as a result of additional labor or equipment provided by the City of Key West as soon as possible but no less than four (4) months prior to the event.
4. The City department spokesperson or contact person providing the services shall immediately advise the City Manager of the action to add extra labor or equipment.
5. Requirements for the employment of off-duty Key West Police Officers. City will provide Association with the list of Key West Police Officers working the events.
6. Association will provide portable toilets to be available to the public during all events, as required by the City Manager or designee Friday and Saturday only.
7. City will provide extra trash receptacles for use during the events. Association shall pay costs for two pickups and disposal charges for referenced trash and recycle receptacles.
8. City will provide clean-up crews to remove all litter resulting from the events, with costs of said clean-up to be paid by the Association, and included in good faith estimate of costs from the City.

C. Insurance and Indemnity requirements.

Association shall:

1. Provide comprehensive liability insurance insuring itself and City against all claims of damages or injury to persons or property arising for any reason as a result of the activities associated with events permitted by City. The insurance policy shall be written by a solvent insurance company in good standing and shall provide a minimum of \$2 Million coverage for bodily injury arising out of one incident and \$10 Million Dollars aggregate. This policy shall show City as an additional named insured and a copy shall be provided to the Special Events Section of the City Manager's Office no later than three weeks before the Fantasy Fest's first event.
2. Indemnify and hold City harmless from all losses, claims, damages/liabilities, and expenses which may be incurred by City or which may be claimed against City by any person, firm, to the person or property of any person, firm, corporation, or entity, which are consequent or arise from the negligent actions of Association's employees, agents, licensees, for which damages/injuries are consequent or arise from negligence arising from failure to comply with all applicable laws, statutes, ordinances, and regulations.

D. Payment for City Services

1. The City is requested to provide a good faith estimate of costs for City services for the Fantasy Fest events approved under this agreement. It is understood this estimate is based on actual services provided by City during past Fantasy Fest Events and the information provided by Association.
2. City will provide to Association an itemized invoice of actual costs incurred for all services rendered in connection with the events approved by this Agreement.

3. Association will remit payment to City within forty-five (45) days of invoice date an amount up to the sum of \$50,000.00 for those services itemized on the invoice with the understanding Association will remit payment directly to all contracted off-duty law enforcement officers and its fire department personnel. The Association shall make arrangements for privately contracted clean-up services to assist with the clean-up during the Fantasy Fest events on Friday and Saturday. Each year thereafter, Association will be billed in an amount up to the sum of \$50,000, and shall increase by 3% each year through 2024.

The fee includes all services, whether paid for directly by Association or provided by the City.

E. Term

1. The term of this agreement shall be for three (3) years and shall apply to the Fantasy Fest activities for the years 2022 to 2024, inclusive. Each year, no later than 90 days before Fantasy Fest, the Association shall supply to the City this year's schedule of events, which shall become an attachment to this Agreement.

IN WITNESS WHEREOF, Association and City hereby accept and agree to abide by the terms and conditions set forth here, and have hereunto executed this Agreement, this 12th day of August, 2022.

CITY OF KEY WEST


Patti McLauchlin, City Manager

ATTEST:

KEY WEST TOURIST DEVELOPMENT ASSOCIATION


Steve Robbins, Board President TDA

ATTEST:

Secretary

MASQUERADE MARCH

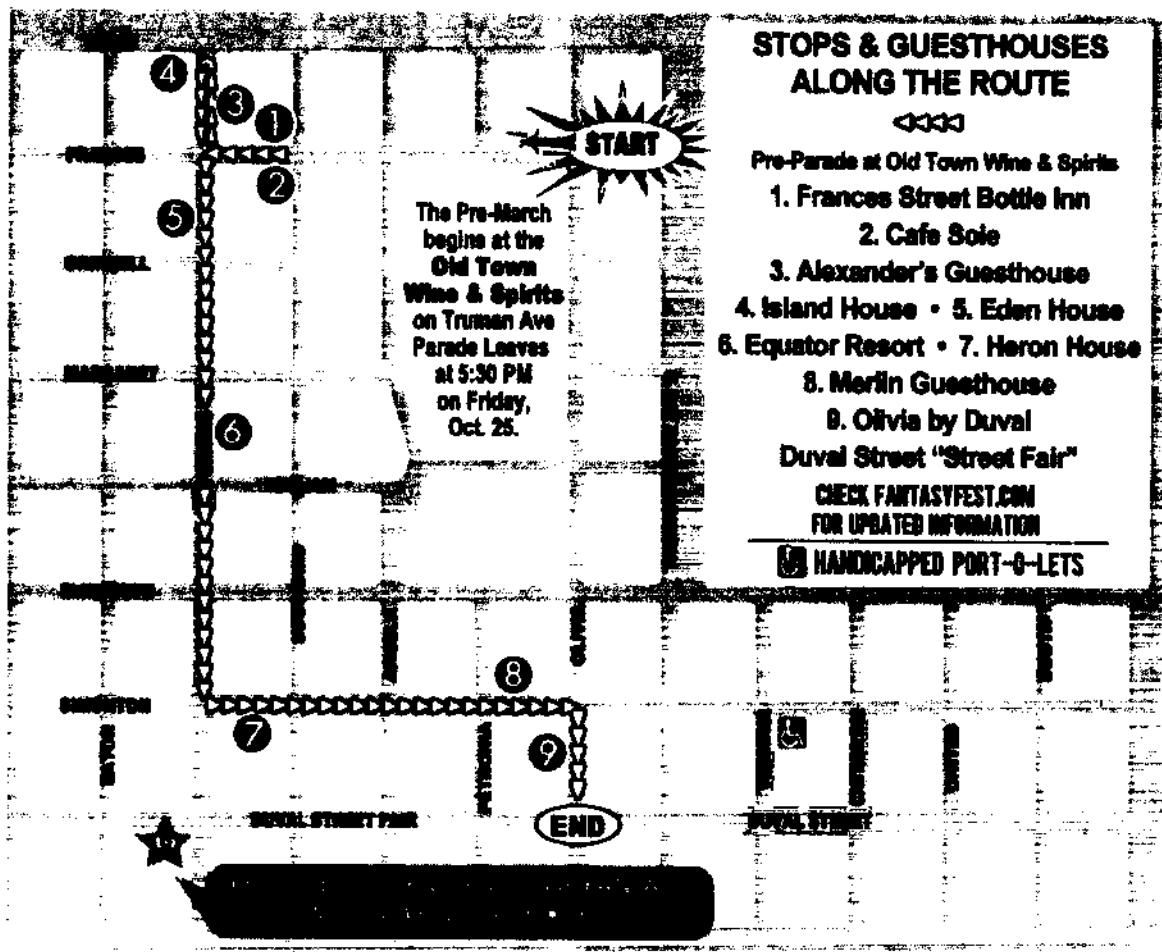


Exhibit "A"

FANTASY FEST PARADE ROUTE

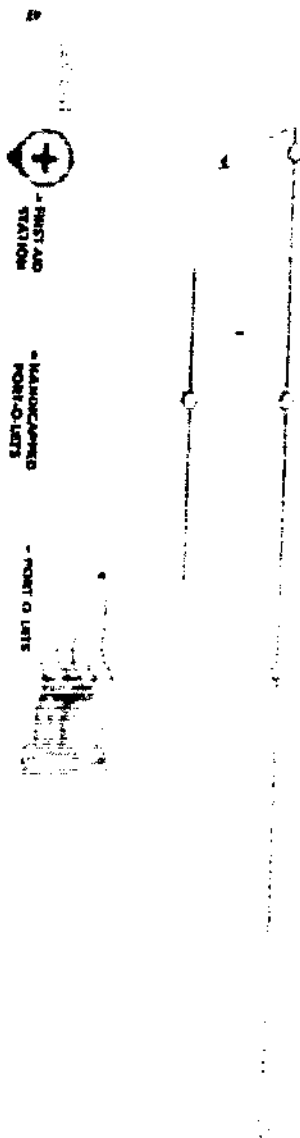


Exhibit "B"