



MEMORANDUM

Date: February 4, 2025

To: Honorable Mayor and Commissioners

Via: Brian L. Barroso
City Manager

From: Gary Moreira
Senior Property Manager

Subject: **File 25-3309 Extension of Agreement term between the City of Key West and the Key West Cultural Preservation Society**

Introduction

This is a request to enter into a Second Amendment to Agreement for extending the term of the agreement between the City of Key West and the Key West Cultural Preservation Society, Inc., (CPS) a Florida Not-for-Profit Organization for the purposes of providing a public “Sunset Celebration” and artisans market at Mallory Square.

Background

The City previously entered into an agreement with the Cultural Preservation Society, Inc. in 2004 Resolution 04-131 for this use, at Mallory Square, in support of the city’s arts and culture. The agreement expired on March 22, 2014, was renewed again for another five years under Resolution 14-349 and again in 2019 under Resolution 19-367. That agreement was amended on December 19, 2024, under Resolution 24-291 extending the Agreement term for three months and providing a monthly rent reduction from \$7,268.00 to \$500.00 per month which will expire on February 28, 2025.

CPS had requested a new five-year agreement with the City, however during the previous term, the CPS board has failed to comply with the audit and reporting requirements of the Agreement. A Second Amendment to Agreement is presented here extending the Agreement term again for another three-month term. Under this Second Amendment, CPS will be required to provide an audit as required under their original agreement with the City on or before July 1, 2025, covering Fiscal Years 20/21, 21/22, 22/23.

Procurement

Demised Premises: Mallory Square and Mallory Square Dock.

Term: Three months commencing March 1, 2025 then month to month in the event a new longer term agreement is not reached by the expiration of the proposed Second Amendment.

Use Fee: \$500.00 per month.

Recommendation:

The Sunset Celebration is a long time Key West tradition celebrating visual and performing arts. Staff recommends execution of the attached Second Amendment to Agreement extending for an additional three months as-is, with an additional requirement to provide the city with an audit covering three specified years of the primary agreement term. Once staff is satisfied with the results of the audit, staff will work with CPS to negotiate a longer term agreement.

Exhibits:

Second Amendment to Agreement