




MEMORANDUM

Date: October 12, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Gary Moreira
Senior Property Manager

Subject: **Revocable License Agreement for Tropic Cinema's "Movies Under the Stars on Eaton Street"**

Introduction

This is a request to approve a revocable license agreement between the City of Key West and the Key West Film Society, Inc., DBA the Tropic Cinema, for the use of one city block located on Eaton Street between Duval Street and Whitehead Street for one Saturday per month starting November 4, 2023 through April 6, 2024. The revocable license agreement is to allow the Tropic Cinema use of Eaton Street adjacent to the Tropic Cinema property located at 416 Eaton Street, Key West, Florida 33040.

Background

The Key West Public Library, in cooperation with Tropic Cinema, request to present 'Movies Under the Stars on Eaton Street,' a free, open to the public, family-friendly outdoor movie series. Due to the timing, the Tropic Cinema was issued a Special Event Permit for their first movie night which occurred on November 12th, 2022, with a free screening of 'The Karate Kid'. The Tropic Cinema has coordinated with the Eaton Street neighbors to facilitate a friendly and communal atmosphere.

Pursuant to Section 2-939 of the Code of Ordinances the City may enter into a revocable license agreement for the use of city property which may be unilaterally terminated by the City with or without cause. The proposed terms of the revocable license agreement are as follows:

Procurement

- Demised Premises:** The area to be used by Licensee is shown on Exhibit A.
- Term:** One Saturday per month beginning November 4, 2023 through April 6, 2024.
- Use:** The operation of monthly free outdoor movie night one Saturday a month from 5:30 pm to 9:30 pm (Setup/Teardown times are 5:00 pm to 10:30 pm), dates are shown on Exhibit B. The City will have the right to institute blackout dates and the Tropic Cinema will provide trash and recycling receptacles. Amplified music will be in accordance with City Code Sec. 26-192.
- Use Fee:** As per City Code Sec. 2-939 the annual fee has been prorated to \$50.00.
- Miscellaneous:** Revocable License Holder must arrange inspection with the Fire Marshal's Office to determine that the area can be cleared for KWFD in case of emergency. This will be arranged directly with the Fire Marshall's office.
- Insurance/Indemnification:** The licensee will indemnify the City to the fullest extent permitted by law and will procure insurance with limits as prescribed in the license agreement and keep the policy in full force and effect at all times, naming the City as an additional insured.

Financial:

All City expenses are minimal, which include parking revenue for 5.5 hours a month. The Tropic Cinema has arranged for security by using off-duty KWPD Officers they pay directly.

Recommendation

Request the City Commission approve the license agreement with the Tropic Cinema to conduct their Movie Under the Stars events.

Exhibits:

Exhibit A
Exhibit B