

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF KEY WEST, FLORIDA, AND THE CONCH REPUBLIC INDEPENDENCE CELEBRATION, AIDS HELP, INC., THE KEY WEST CULTURAL PRESERVATION SOCIETY, BOURBON STREET PUB, 801 BOURBON STREET BAR & XENA FUND FOR THE 2011 CONCH REPUBLIC INDEPENDENCE CELEBRATION FROM APRIL 22 THROUGH MAY 1, 2011; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCES PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCE DURING THE CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED by the City Commission of the City of Key West, Florida, as follows:

Section 1. That the attached agreement among the City of Key West and the Conch Republic Independence Celebration, Aids Help, Inc., Key West Cultural Preservation Society, Bourbon Street Pub, 801 Bourbon Street Bar and Xena Fund is hereby approved, conditioned upon the applicant providing notice to all residents within 300 feet of the Bourbon Street Pub for the event to take place at the 700 & 800 blocks of Duval Street. The City Manager is hereby authorized and directed to execute the agreement on behalf of the City of Key West; and the City Clerk is hereby authorized and directed to execute said agreement on behalf of the City of Key West; and the City Clerk is hereby authorized and directed to attest to his signature and affix the Seal of the City thereto.

Section 2. That all neighboring property owners and/or tenants shall be notified of the events approved in the attached agreement.

Section 3. That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and Clerk of the Commission

Section 4. The Conch Republic Independence will adhere to the recycling plan of the City of Key West.

Passed and adopted by the City Commission at a meeting held this _____ day of _____ 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

AGREEMENT

THIS AGREEMENT made between the CITY OF KEY WEST, FLORIDA (City) and the CONCH REPUBLIC INDEPENDENCE CELEBRATION (CRIC), AIDS HELP, INC. AND THE KEY WEST CULTURAL PRESERVATION SOCIETY (CPS), BOURBON STREET PUB , 801 BOURBON BAR AND XENA FUND (COLLECTIVELY THE "SPONSORING ORGANIZATIONS") for the Conch Republic Independence Celebration activities April 22 through May 1, 2011;

WITNESSETH:

WHEREAS, CRIC will hold a celebration known as the Conch Republic Independence Celebration in the City of Key West April 22 through May 1, 2011; and

WHEREAS, the Sponsoring Organizations will be conducting various celebration activities specifically cited herein; and

WHEREAS, some of the celebrations will require the provision of additional or extraordinary support services from City in order that the celebration may be held in Key West, Florida;

WHEREAS, each organization will be responsible for paying the costs of the event; and

NOW, THEREFORE, it is mutually agreed between City and the Sponsoring

Organizations as follows:

- A. **CONCH REPUBLIC INDEPENDENCE CELEBRATION**
Impromptu Parade on Duval Street Thursday, April 28, 2011, from 8:00 p.m. to 10:00 p.m.

1. The parade will begin at Duval and South Streets, following the route shown on the map attached hereto as Exhibit "A." The City will close the 1300 block of Duval Street from 7:00 p.m. to 8:00 p.m. for use as a staging area for the parade.
2. Police officers will provide security and temporary traffic control with a front and rear escort and block-by-block street closures at the Duval Street intersections until the parade has cleared each intersection.
3. CRIC shall contract for the number of law enforcement officers required by the Key West Police Department for the parade, proof of contracted security to be provided to the Key West Police Department no later than **Wednesday, April 13, 2011**. Should the Chief of Police determine additional security is necessary, CRIC will pay to City the payroll costs (including the City's portion of FICA taxes and pension contributions), and the actual billed cost of the additional services provided.
4. CRIC shall hold the City harmless from any and all claims for damages, actions or causes of actions arising from the activities and/or events approved by City, and shall furnish to City a certificate of insurance for liability insurance in amounts no less than \$1 Million bodily injury and \$50,000 property damage, such certificate naming the City of Key West as additional insured during the event. This certificate of insurance must be on file in the Office of the City Manager no later than **Wednesday, April 13, 2011**.

**B. CULTURAL PRESERVATION SOCIETY STREET FAIR
Conch Republic Celebration Crafts Fair on Greene Street between Duval**

Whitehead Streets and Fitzpatrick from Green Street to Front Street on Saturday, April 30, 2011 from 10:00 a.m. to 5:00 p.m.

1. The City will close those streets and blocks of streets and prohibit parking on such streets from 8:00 a.m. to 6:00 p.m., as indicated on the map attached hereto as Exhibit "B." The Festival will begin at 10:00 a.m. and end at 5:00 p.m.
2. CPS agrees to keep one lane of all blocked streets open at all times during the festival to allow access to any areas of the blocked streets for emergency vehicles.
3. There will be entertainment, arts, crafts, food, and juice drinks. There will be no alcoholic beverages sold/served and/or consumed in the designated areas of the Street Festival.
4. CPS will meet all city, state, and federal sanitation regulations.
5. CPS will advise all vendors not to discard used cooking oils, grease, or any other materials onto City streets or into storm drains. No vendors will be permitted in the projected pedestrian right-of-way at intersections.
6. CPS shall hold the City harmless from any and all claims for damages, actions or causes of actions arising from the activities and/or events approved by City, and shall furnish to City a certificate of insurance for liability insurance in amounts no less than \$1 Million bodily injury and \$50,000 property damage, such certificate naming the City of Key West as additional insured during the event. This certificate of insurance must be on file in the Office of the City Manager no later than **Wednesday, April**

13, 2011.

7. CPS will provide a clean-up crew to remove any and all debris and/or litter resulting from the event and leave the premises in equal or better condition than prior to the event.

C. CONCH REPUBLIC DAYS DRAG RACE AT BOURBON STREET PUB

Saturday, April 23, 2011 – 12:00 noon until 6:00 p.m.

1. The City will close the 700 & 800 block of Duval Street from 10:00 a.m. to 6:00 p.m. and prohibit parking.
2. Bourbon Street Pub will hold the City harmless from any and all claims for damages, actions or causes of actions arising from the activities and/or events approved by City, and shall furnish to City a certificate of insurance for liability insurance in amounts no less than \$1 Million bodily injury and \$50,000 property damage, such certificate naming the City of Key West as additional insured during the event. This certificate of insurance must be on file in the Office of the City Manager no later than **Wednesday, April 13, 2011.**
3. Bourbon Street Pub shall contract for the number of law enforcement officers required by the Key West Police Department for the parade, proof of contracted security to be provided to the Key West Police Department no later than **Wednesday, April 13, 2011.** Should the Chief of Police determine additional security is necessary, CRIC will pay to City the payroll costs (including the City's portion of FICA taxes and pension contributions), and the actual billed cost of the additional services

provided.

4. Bourbon Street Pub, and Petronia Street Neighborhood Association will provide a clean-up crew to remove any all debris and/or litter resulting from the event and leave the premises in equal or better condition than prior to the event.

**D. 801 BOURBON BAR BED RACE
Annual Conch Republic Bed Race
Saturday, April 30, 2011 from 2:00 p.m. to 5:00 p.m.**

1. The City will close those blocks of Duval Street from 2:00 p.m. to 5:00 p.m. and prohibit parking on those blocks as indicated on the map attached as Exhibit "C." The race shall begin at the intersection of Duval and Fleming Streets and continue down Duval Street to the finish line on Olivia Street.
2. 801 Bourbon Street Bar, and Aids Help, Inc. will hold the City harmless from any and all claims for damages, actions or causes of actions arising from the activities and/or events approved by City, and shall furnish to City a certificate of insurance for liability insurance in amounts no less than \$1 Million bodily injury and \$50,000 property damage, such certificate naming the City of Key West as additional insured during the event. This certificate of insurance must be on file in the Office of the City Manager no later than **Wednesday, April 13, 2011.**
3. 801 Bourbon Street Bar, and Aids Help, Inc. shall contract and pay for the number of law enforcement officers required by the Key West Police

Department to be present during the entire event, proof of contracted security to be provided to the City Manager no later than **Friday, April 13, 2011.**

4. Should the Key West Police Department determine additional security is necessary, 801 Bourbon Street Bar will pay to City the payroll costs (including the City's portion of FICA taxes and pension contributions), and the actual billed cost of additional services provided.
5. 801 Bourbon Street Bar, and Aids Help, Inc. will provide a clean-up crew to remove any all debris and/or litter resulting from the event and leave the premises in equal or better condition than prior to the event.

E. XENA FUND - Pet Walk Tuesday, April 26 from 4:30 p.m. to 7:30 p.m.

1. Xena Fund will conduct a Pet Walk starting at the Mel Fisher Museum (Clinton Square) Greene Street to the Conch Republic Restaurant. Xena shall contract and pay the number of law enforcement officers required by the Key West Police Department.
2. Xena Fund will provide a clean-up crew to remove any all debris and/or litter resulting from the event and leave the premises in equal or better condition than prior to the event.

- F.** In each instance that the Sponsoring organization closes a street, it shall provide additional garbage cans. The number of additional garbage cans shall be determined mutually by the City Manager and the CRIC.

F. PAYMENT FOR REQUIRED CITY SERVICES

1. Each Sponsoring Organization shall pay to City the total costs for all City services required for their respective event (s) within thirty (30) days of

invoice date.

2. Pursuant to City of Key West Code Section 6.26, the one thousand dollars (\$1000.00) of costs for required City services shall not be charged against any organizer or sponsor which has qualified as a tax-exempt nonprofit organization according to state or federal law. Any nonprofit organization accepting the \$1000.00 waiver shall, within ninety (90) days following the event, submit to the City Manager for distribution to the City Commission, an accounting of expenses and revenues incurred and generated during such event.
3. Any organization not entitled to the exemption in Paragraph D.2, and/or contracting for the required law enforcement officers through the police union shall remit payment to said officers pursuant to terms and conditions set forth by the Police Benevolent Association (police union) attached hereto as Exhibit "D."

IN WITNESS WHEREOF, the parties hereto hereby accept and agree to abide by the terms and conditions set forth herein, and have hereunto executed this Agreement this _____ day of _____, 2011.

CITY OF KEY WEST FLORIDA

BY _____
JIM SCHOLL
CITY MANAGER

ATTEST:

CHERYL SMITH, CITY CLERK

WITNESS:

CONCH REPUBLIC INDEPENDENCE
CELEBRATION

Peter Anderson, Coordinator

WITNESS:

CULTURAL PRESERVATION SOCIETY

Don Sullivan, Board Member

WITNESS

801 BOURBON STREET BAR

Brad Buckholt

WITNESS

BOURBON STREET PUB

Jim Gilleran

WITNESS

AIDS HELP

Robert G. Walker

WITNESS

XENA FUND

Wynn Miller

CONCH REPUBLIC INDEPENDENCE CELEBRATION 2011

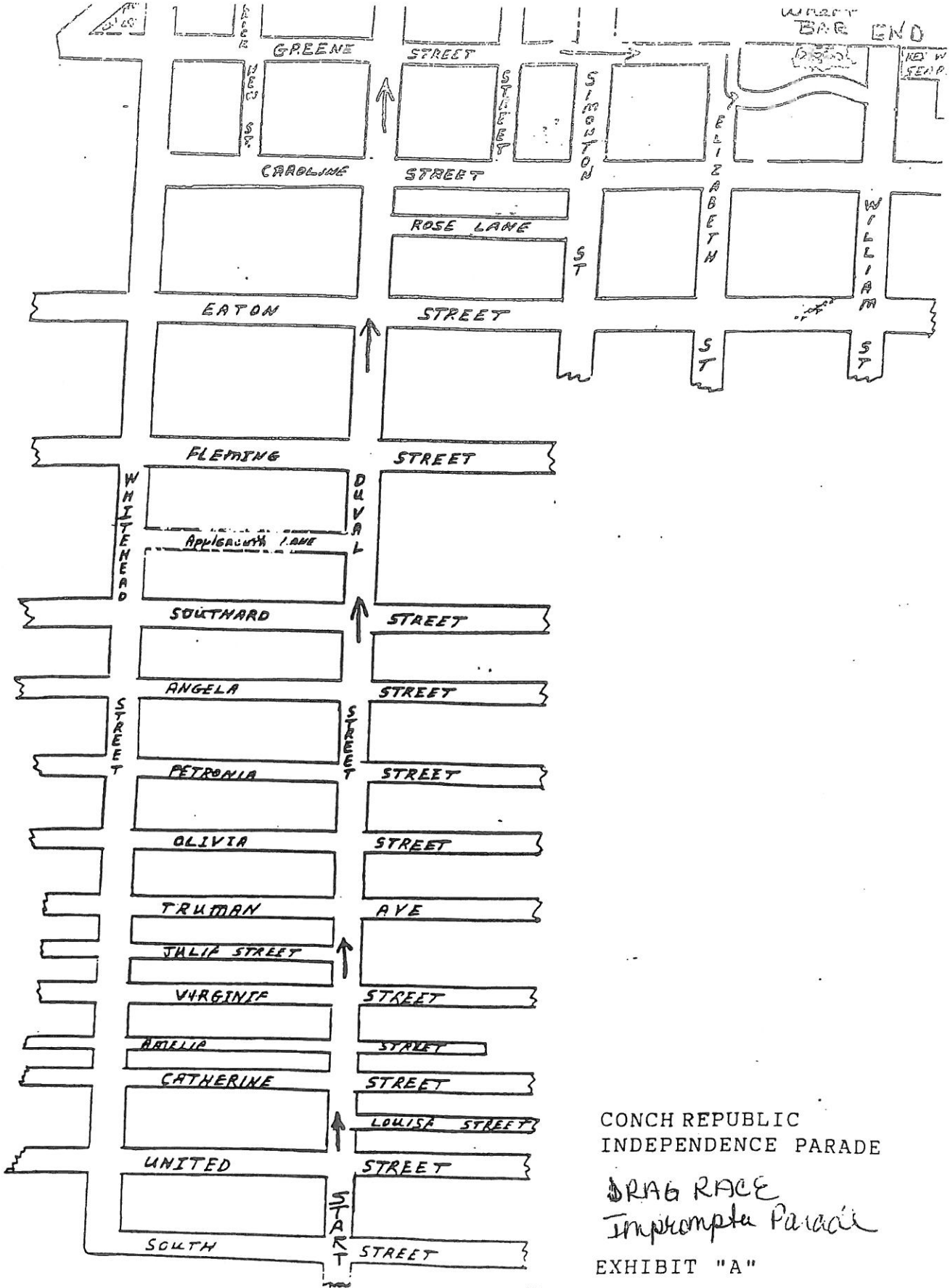
REQUIREMENTS FOR THE EMPLOYMENT OF

OFF-DUTY KEY WEST POLICE OFFICERS

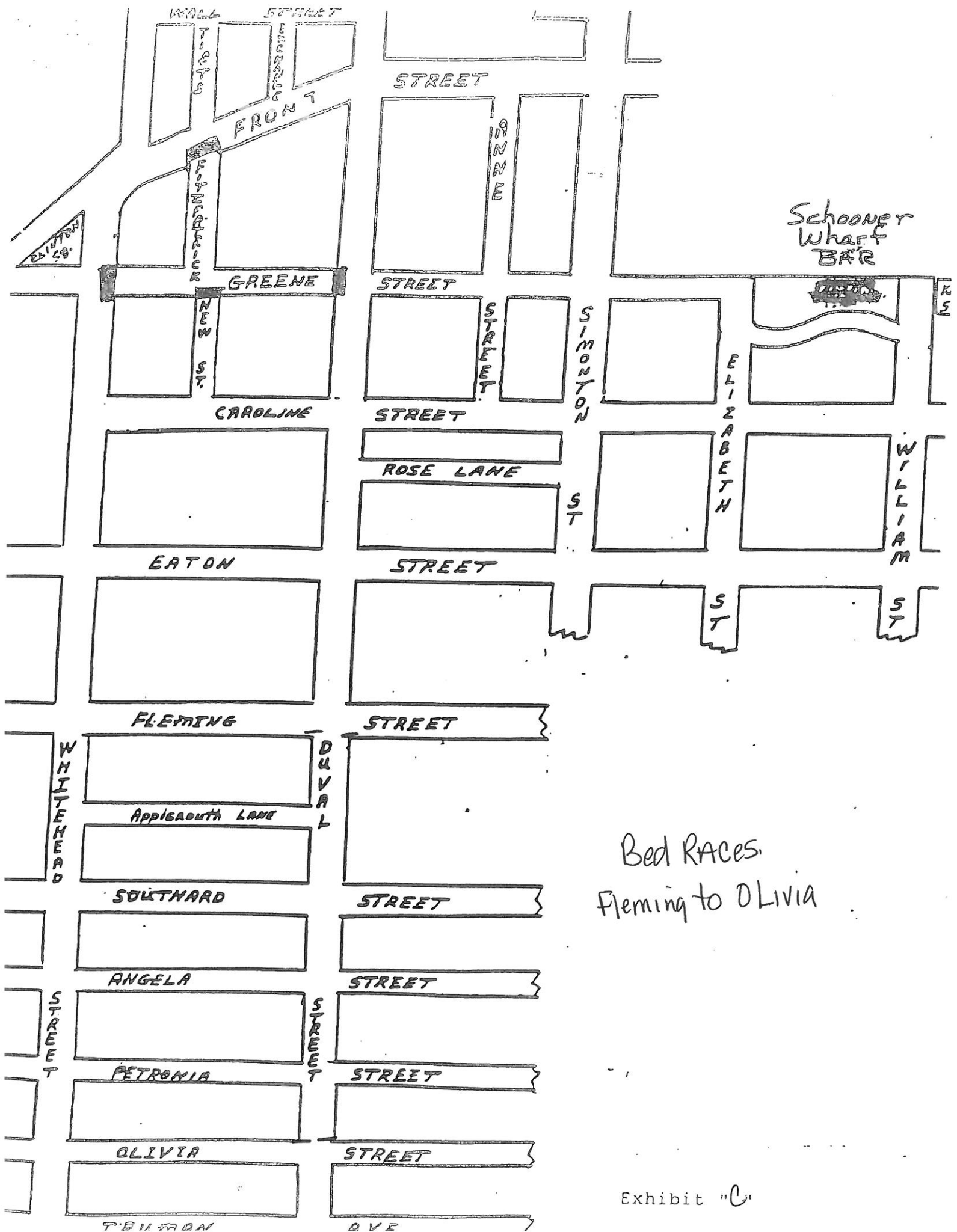
Police Officers working special details are employed through the police union at the hourly rate of \$40.00 per hour per officer, with a four hour minimum; four or more officers require one supervisor to be paid at the rate of \$45.00 per hour with a four hour minimum. If, for any reason, there is a change in the scheduled reporting time for police officers, you must contact Officer Steve Torrence at least twenty-four hours in advance of the scheduled reporting time for police officer(s). Failure to notify Officer Steve Torrence within the specified time will obligate you to pay the officer(s) the four hour minimum required by the police union. All officers are normally to be paid the day of the event at the site.

Should the Key West Police Department determine additional security is required, additional officer(s) will be assigned. Costs for any additional officers will be dependent upon the availability of off-duty officers.

EXHIBIT "D"



CONCH REPUBLIC
 INDEPENDENCE PARADE
 DRAG RACE
 Impromptu Parade
 EXHIBIT "A"



CONCH REPUBLIC INDEPENDENCE CELEBRATION 2011

REQUIREMENTS FOR THE EMPLOYMENT OF

OFF-DUTY KEY WEST POLICE OFFICERS

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