



Agenda Item: Discuss and Consider Amendments to Concessionaire Agreements for 2022 Season

Background: The below current concessionaire partners are seeking amendments to current agreements for the 2022 season.

- 1) A concession agreement for a retail and snack bar concession at Stewart Beach Park was fully executed in March 2020 for three seasons, ending October 31, 2022. Due to the closure of the Harry A. Kahler Pavilion at Stewart Beach Park, the concessionaire is no longer operating out of the structure.

The concessionaire has been offered terms for relocating retail operations to the mobile amenity units being activated at the Park. Terms for amending the existing agreement to reflect the new operational location have been discussed between the concessionaire and Park Board staff.

The following terms have been reviewed by counsel for an amendment:

- Mobile retail unit usage instead of pavilion occupancy
 - \$10,000 base payment split into installments, and due dates of each payment
 - 5% due each month on gross sales; due the 20th of the month following the sales activity; sales reports to be included
 - Mobile unit will be accepted as-is; it does not contain a water supply
 - Any modifications to the mobile unit will be at the concessionaire's expense; specifications must be agreed upon in writing and improvements become property of the Park Board upon termination or expiration of agreement
 - Concessionaire is responsible for all expenses, including utilities
 - In compliance with emergency management, concessionaire must secure all items inside the mobile unit in the event of emergency conditions and/or removal of the unit from property
 - Permission for a storage unit on site, at the concessionaire's expense, with the structure and location approved by the Park Board
 - All other terms and conditions remain the same, including the expiration date of October 31, 2022
 - No guarantee of future agreement, renewal of terms or right of first refusal
- 2) A concession agreement for the umbrella and chair rental operator at Dellanera RV Park is proposed with terms accepting 1) the new administrative rate for 2022 to replace the current rate and 2) all other new terms and conditions. The new administrative rate is less than half of the current rate paid and will be applied only for the remainder of the agreement through October 2022.
 - 3) East Beach Cantina, operating with three agreements at R.A. Apfel Beach Park, was issued the retail agreement with an expiration date not aligned with the other two agreements. An amendment to extend the retail agreement expiration date to October 31, 2022 is requested.

Staff Recommendation: Staff recommends the Board approve the amendments to the existing agreements for the 2022 season.

Funding Source (if applicable):