

Legislation Text

File #: 15-3984, **Version:** 1

AMENDED AGREEMENT GOVERNING THE OPERATION OF CONCESSION IN LAKE SACAJAWEA PARK

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

In 2013, the city council approved Resolution No. 2045 adopting policies for food and beverage concessions in Lake Sacajawea Park. In February 2015, a request for proposals for a food and beverage concessionaire was issued. An ad hoc committee consisting of department staff, park and recreation board members, and council members met to discuss the single proposal that was submitted. The committee reviewed the proposal and aided in suggesting contract language to ensure the city would be able to provide the vendor service this year.

The terms of the contract were reviewed and agreed upon by the city and the vendor prior to presenting the agreement to council for approval. Council authorized the city manager to finalize and sign the food and beverage concession agreement with Big Kahuna Shave Ice on June 11. Big Kahuna began operation on July 6 in Lake Sacajawea Park. From the start of the operation, Big Kahuna Shave Ice has been unable to comply with the requirement to provide containers made from biodegradable materials. In an effort to continue to provide this trial concession operation to the community and to be able to evaluate the success of an entire season of operation, the city has offered amended terms for the agreement that have been agreed upon with the intent of benefiting both parties.

The amended terms include eliminating the requirement to use containers made of biodegradable materials, which enables the concessionaire use the inventory on hand and not to have to purchase additional containers. As a trade-off, the concessionaire agrees to pay the city \$100 each month, or portion of a month, of operation from July 6 through September 30 to reimburse the cost of providing trash receptacles, water and electrical utilities, and exclusive use of restroom facilities; those costs had previously been considered to be the city's responsibility (partially offsetting the percentage of concession sales received by the city). The concessionaire will be required to make the utilities payment on or before the 10th day of each succeeding month during the term of the permit.

RECOMMENDED ACTION:

Motion to authorize the city manager to finalize and sign the amended food and beverage concession agreement with Big Kahuna Shave Ice