

**JUNE 10, 2021
AIRPORT COMMISSION MEETING
ADDITIONAL MATERIALS**

REQUESTED REVISIONS TO THE AGENDA/PACKET:

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>
Add Item 6.c	Discussion/Recommendation – Fourth Amendment to Restaurant Concession Agreement	Airport Admin. Assistant Erica Brincefield



"Serving the Greater Kenai Peninsula"

305 N. WILLOW ST. SUITE 200 KENAI, ALASKA 99611
TELEPHONE 907-283-8281

FAX 907-283-3737

Memo

To: Airport Commission
From: Erica Brincefield – Assistant
Date: June 8, 2021
Subject: Fourth Amendment to Restaurant Concession Agreement

On August 1, 2018 the City of Kenai entered into an Agreement for a Restaurant Concession with Situla LLC (d/b/a Brother's Café) from August 1, 2018 through June 30, 2020 with the option to extend for an additional three (3) one-year terms if the City and concessionaire mutually agree in writing.

The Concessionaire requests to renew under the same terms and conditions. The Airport has a current Certificate of Insurance on file.

Attached for your review and recommendation is the Fourth Amendment to Agreement for Restaurant Concession Agreement which shall be effective July 1, 2021.

Does Commission recommend Council approve the Fourth Amendment to Agreement for Restaurant Concession with Situla LLC (d/b/a Brother's Café)?

Attachment

**FOURTH AMENDMENT TO CITY OF KENAI MUNICIPAL AIRPORT
RESTAURANT CONCESSION AGREEMENT**

James Hamilton and **Zachary Hamilton**, Co-Owners (Concessionaire), Situla LLC (d/b/a/ Brother's Cafe, 1510 Kittiwake CT, Kenai, Alaska 99611, and the **CITY OF KENAI**, a municipal corporation, organized and existing under the laws of the State of Alaska (City), 210 Fidalgo Avenue, Suite 200, Kenai, Alaska 99611, entered into a contract for restaurant concession services at the Kenai Airport, beginning August 2, 2018.

Whereas: on August 1, 2018, the Kenai City Council adopted Resolution 2018-42, authorizing the City Manager to enter into a Restaurant Concession Agreement with Concessionaire; and,

Whereas: on March 6, 2019, the Kenai City Council adopted Resolution 2019-14, authorizing the City Manager to amend the Agreement with Concessionaire to reflect a temporary adjustment to the fees and payments due; and,

Whereas: on June 3, 2020 the Kenai City Council adopted Resolution 2020-34 authorizing the City Manager to extend the Agreement through June 30, 2021; and,

Whereas: on December 16, 2020 the Kenai City Council adopted Resolution 2020-94 authorizing an additional change to the fee structure of the Agreement; and,

Whereas: pursuant to Article II of the Agreement, the City and Concessionaire mutually desire and agree to extend the Agreement for the second successive one-year term.

Now, therefore, the City of Kenai and Concessionaire agree as follows:

1. Pursuant to Article II of the Restaurant Concession Agreement for the Kenai Municipal Airport, this Agreement is extended for the second one-year term extension beginning on July 1, 2021 and ending on June 30, 2022.
2. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

LESSOR:

CITY OF KENAI

Paul Ostrander, City Manager

CONCESSIONAIRE:

Situla LLC (d/b/a/ Brother's Café)

Situla LLC (d/b/a/ Brother's Café)

James Hamilton – Co-Owner

Zachary Hamilton – Co-Owner

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, James Hamilton, Co-Owner, Situla LLC (d/b/a/ Brother's Café), being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said Corporation.

Notary Public for Alaska
My Commission Expires:_____

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, Zachary Hamilton, Co-Owner, Situla LLC (d/b/a/ Brother's Café), being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said Corporation.

Notary Public for Alaska
My Commission Expires:_____

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, personally appeared before me, **PAUL OSTRANDER**, known to me and to me known to be the City Manager of the City of Kenai, Alaska, and who acknowledged before me that the foregoing instrument was freely and voluntarily executed on behalf of the City of Kenai, for the uses and purposes set forth and with full authority of the City of Kenai to do so.

Notary Public for Alaska
My Commission Expires:_____

Approved by Kenai City Council on _____

Approved as to lease form by City Attorney _____

Approved by Finance Director _____

Approved by City Manager _____



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-xx

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE CITY MANAGER TO EXTEND THE RESTAURANT CONCESSION AGREEMENT IN THE KENAI MUNICIPAL AIRPORT FOR AN ADDITIONAL YEAR.

WHEREAS, on August 1, 2018, Council passed Resolution 2018-42 authorizing the City Manager to enter into a restaurant concession agreement with the Brothers' Café; and,

WHEREAS, on March 6, 2019 Council passed Resolution 2019-14 authorizing the City Manager to enter into an amended concession agreement with the Brothers' Café recognizing decreased business due to the terminal rehabilitation project; and,

WHEREAS, on December 4, 2019, Council passed Resolution 2019-78 authorizing the City Manager to enter into an amended concession agreement with the Brothers' Café recognizing a necessary business closure due to the terminal rehabilitation project; and,

WHEREAS, on June 3, 2020 Council passed Resolution 2020-34 authorizing the first one year extension of the agreement until June 30, 2021; and,

WHEREAS, on December 16, 2020, Council passed Resolution 2020-94, further adjusting the fee arrangement with Brother's Café; and,

WHEREAS, the City of Kenai and Brother's Café both desire to extend Agreement for the second one year extension; and,

WHEREAS, at its regular meeting of June 10, 2021 the Airport Commission recommended Council approve a further one year extension; and,

WHEREAS, it is in the best interest of the City of Kenai to authorize the City Manager to extend the term of the agreement for one additional year pursuant to ARTICLE II of the Restaurant Concession Agreement as Brother's Café provides a valuable service to the Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City Manager is authorized to execute a Fourth Amendment to the Restaurant Concession Agreement with the Brothers Café, extending the term of the Agreement for the period of July 1, 2021 and ending June 30, 2022.

Section 2. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of June, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk