Report to Mayor and City Council

Tuesday, December 07, 2021

Consent

SUBJECT:

CONSIDER APPROVING CONTRACT AMENDMENT NO. 4 TO CHOURA VENUE SERVICES TO PROVIDE EXCLUSIVE CATERING SERVICES AT THE CONGRESSWOMAN JUANITA MILLENDER-MCDONALD COMMUNITY CENTER FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

I. SUMMARY

City Council is asked to consider approving the proposed Amendment No. 4 to the Choura Venue Services contract, which would extend the contract term expiration date by one year, to December 31, 2022.

Amendment No. 4 also contains the following additional changes:

- All service charges (beyond menu pricing) charged by the Caterer to clients in connection with services shall be subject to prior written approval of the City Manager or designee. No service charge shall be approved unless it is supported by documentation. No service charge once approved may be increased more than once in a twelve-month period.
- Caterer shall be available for all inquiries or requests during the regular operating hours of the Community Center.
- Caterer shall be provided two cubicles designated by the Contract Officer for its use in conducting business.
- The Caterer's use of the "Shared Office," "Ticket Office" and "Coat Room" is eliminated.

II. RECOMMENDATION

1. APPROVE the proposed "Amendment No. 4 to Contract Services Agreement to Provide Exclusive Catering Services at the Congresswoman Juanita Millender-McDonald Community Center at Carson" between the City and Choura Venue Services (Exhibit

No. 4; "Amendment No. 4"); AND

2. AUTHORIZE the Mayor to execute Amendment No. 4 after approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE a contract amendment to Choura Venues Services.

2. Take another action the City Council deems appropriate.

IV. BACKGROUND

On December 6, 2011, the City Council approved a five-year contract with Choura Venue Services (Caterer or Choura) to provide exclusive catering services at the Congresswoman Juanita Millender-McDonald Community Center. The initial contract term began on January 1, 2012. On November 4, 2015, the City and Caterer entered into Amendment No. 1 to the agreement, whereby the City exercised its option to extend the term of the agreement for an additional five years, from January 1, 2017 to December 31, 2021. Amendment No. 1 erroneously stated that the five-year term extension would conclude on December 31, 2022, which was a miscalculation and would have represented a six-year extension, which was not the parties' intent. On November 1, 2018, the City and Caterer entered into Amendment No. 2 to the agreement, whereby the City engaged the Caterer to perform services related to decorating the Civic Center for the 2018-2019 holiday season.

On September 23, 2021, the City and Caterer entered in Amendment No. 3, which amends the agreement to (without limitation): (i) require the Caterer to mirror the City's refund policy; (ii) require Caterer to address patron complaints within 30 days; (iii) remove the minimum monthly rent obligation of $11,000.00; and (iv) establish an installment payment plan for repayment of outstanding rent then-due the City from January & February 2020 totaling $35,766.95. During City Council discussion when considering Amendment No. 3, staff was directed to explore a one-year extension to the contract requested by the Caterer due to the Center being closed for normal business for 15 months in 2020/2021 because of the pandemic.

The agreement is currently set to expire December 31, 2021; the proposed Amendment No. 4 would extend the agreement term for one additional year, through December 31, 2022.

It should be noted that the modifications previously approved in Amendment No. 3 would be continued and extended throughout the term of the proposed Amendment No. 4. This includes the removal of the minimum monthly rent payment obligation, which means that the City would be relying strictly on sales revenue for payment from Choura on the percentages outlined in the original agreement.

Staff recommends that the City Council approve the proposed Amendment No. 4 to extend

powered by Legistar™

the Choura contract from January 1, 2022 through December 31, 2022.

V. FISCAL IMPACT

No additional funds are being requested at this time.

VI. EXHIBITS

1. Original Agreement for Contract Services (Pgs. 5-30)
2. Amendment No. 1 to the agreement for Contract Services (Pgs.31-33)
3. Amendment No. 2 to the agreement for Contract Services (Pgs. 34-44)
4. Amendment No. 3 to the agreement for Contract Services (Pgs. 45-55)
5. Proposed Amendment No. 4 to the agreement for Contract Services (Pgs. 56-62)

Prepared by: Adrian Reynosa, Community Center Manager; Robert Lennox, Community Services Director

powered by Legistar™