

RESOLUTION NO. R-2014-286

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN JCD GOLF OF FLORIDA, INC. AND NIKKI'S ON THE GREEN, INC. FOR THE OPERATION OF FOOD AND BEVERAGE SERVICES AT ORANGEBROOK GOLF AND COUNTRY CLUB.

WHEREAS, JCD Golf of Florida, Inc., ("JCD") is the Management Company currently operating Orangebrook Golf and Country Club ("Orangebrook") under a Management Agreement with the City of Hollywood ("City"); and

WHEREAS, Section 21 of said Management Agreement permits JCD to sublease its food and beverage operation to a third party, upon the approval of the City Commission; and

WHEREAS, Section 17 states that JCD will make recommendations to the City regarding the food and beverage service, with the "intent of operating it as a profit generating operation"; and

WHEREAS, on September 7, 2011, the City Commission passed and adopted Resolution No. R-2011-215, approving and authorizing JCD's sublease agreement with Nikki's on the Green, Inc. (Nikki's) for two years beginning August 1, 2011 with option for three (3) one (1) year renewals; and

WHEREAS, on June 20, 2012 City Commission passed and adopted Resolution No. R-2012-192, which approved and authorized an amendment to the Agreement between JCD and Nikki's to reduce the contract payments paid by Nikki's to JCD; and

WHEREAS, in accordance with Resolution No. R-2012-192, the contract payments are as follows:

\$8,000.00 per month from December 1, 2011 – April 30, 2012

\$6,000.00 per month from May 1, 2012 – November 30, 2012

; and

WHEREAS, Nikki's has requested a second amendment to the terms of their current agreement with JCD for the food and beverage operation at Orangebrook Golf Club which would reduce the contract payments as follows:

\$5,000.00 per month from December 1, 2014 - April 30, 2015

\$4,000.00 per month from May 1, 2015 - November 30, 2015

; and

WHEREAS, JCD feels the proposed amendment is necessary due to the actual revenue numbers that have been produced from December through February and the lack of revenue and customers in the "off season" months; and

WHEREAS, the agreement also provides for a renewal rate to be negotiated which will go into effect October 1, 2014; and

WHEREAS, Nikki's has also expressed the desire to exercise the second one (1) year renewal option of the agreement; and

WHEREAS, City staff recommends approval of the agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes a second amendment embodying the terms and conditions described above to the agreement between JCD Golf of Florida, Inc., and Nikki's on the Green, Inc. for the operation of a food and beverage service at Orangebrook Golf and Country Club.


Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED This 1 day of Oct, 2014.




PETER BOBER, MAYOR

ATTEST:


PATRICIA A. CERNY, MMC
CITY CLERK

Approved as to form and legality
for the use and reliance of the
City of Hollywood, Florida, only.


JEFFREY P. SHEFFEL *af*
CITY ATTORNEY