



CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

DATE: September 03, 2024
TO: City Council
FROM: Steve Williams, Interim City Administrator
RE: **Approving Resolution No. 24-66, Authorizing an Amendment to the Lease Agreement between the City of Angels and Pickled Porch Café.**

RECOMMENDATION:

Staff recommends the City Council approve Resolution No. 24-66, authorizing an amendment to the Lease Agreement between the City of Angels and Pickled Porch Café.

BACKGROUND:

On October 17, 2023, the City of Angels (“City”) and Pickled Porch Café entered into a Lease Agreement for the property located at 1192 South Main Street. The ten (10) public restrooms adjacent to Pickled Porch Café were not included in the leased property under the Lease Agreement, but the Lease Agreement permitted Pickled Porch Café to use the restrooms, subject to requirements outlined in the Lease Agreement. Under the Lease Agreement, Pickled Porch Café is required to clean and maintain the restrooms, unlock the restrooms during Pickled Porch Café’s business hours, and lock the restrooms at all times if vandalism occurs, and requires repair above and beyond normal wear and tear.

Yummy Ha Ha operates in the vicinity of Pickled Porch Café and has no restrooms available for their customers. To comply with Calaveras County Environmental Health Department requirements, Yummy Ha Ha asked Pickled Porch Café if Yummy Ha Ha can use the restrooms adjacent to Pickled Porch Café. Yummy Ha Ha’s business hours are different than Pickled Porch Café’s business hours, and Yummy Ha Ha requested to use the restrooms during times when Pickled Porch Café is closed, and the restrooms are locked. The City, Pickled Porch Café, and Yummy Ha Ha initially discussed a three-party agreement to address Yummy Ha Ha’s use of the restrooms, but Pickled Porch Café and Yummy Ha Ha now prefer to work out an agreement amongst themselves since Yummy Ha Ha does not want to secure separate insurance for the restrooms.

Pickled Porch Café requests to open the restrooms early and close the restrooms later than Pickled Porch Café’s normal business hours to accommodate Yummy Ha Ha’s requested use. Pickled Porch Café agrees to amend its Lease Agreement with the City to indemnify the City for any claims that may arise from Yummy Ha Ha’s use of the restrooms.



Home of the Jumping Frog - Angelscamp.gov



CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

DISCUSSION:

The Lease Agreement allows changes to its provisions with written agreement from both parties.

The existing Lease Agreement only contemplates Pickled Porch Café using the restrooms during Pickled Porch Café's business hours. The proposed Resolution amends the Lease Agreement to allow Pickled Porch Café to open the restrooms early and close the restrooms after Pickled Porch Café's normal business hours to accommodate Yummy Ha Ha's schedule.

The proposed Resolution also amends the Lease Agreement to specifically require Pickled Porch Café to include the restrooms in its general liability insurance coverage. Further, the existing Lease Agreement contains an indemnity provision, and the proposed Resolution amends the Lease Agreement to require Pickled Porch Café to indemnify the City for Yummy Ha Ha's use of the restrooms.

FINANCIAL IMPACT:

There is no anticipated financial impact on the City.

ATTACHMENTS:

1. Resolution No. 24-66, Authorizing an Amendment to the Lease Agreement between the City of Angels and Pickled Porch Café.
2. Amendment to the Lease Agreement between the City and Pickled Porch Café.

