

**AMENDMENT NUMBER THREE TO  
HOTEL OCCUPANCY AGREEMENT BETWEEN  
CITY OF COSTA MESA AND  
NICO HOSPITALITY LLC DBA SUNSET INN**

This Amendment Number Three ("Amendment") is made and entered into this 8th day of March, 2024 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and NICO HOSPITALITY LLC, a California limited liability company doing business as SUNSET INN ("Sunset Inn"). City and Sunset Inn are individually referred to as "Party" and collectively as "Parties."

WHEREAS, City and Sunset Inn entered into a Hotel Occupancy Agreement dated September 8, 2021 for City's use of rooms at the Sunset Inn for the purpose of temporarily sheltering individuals experiencing homelessness ("Agreement"); and

WHEREAS, City and Sunset Inn entered into Amendment One to the Agreement on June 30, 2022 to extend the term for one year through June 30, 2023; and

WHEREAS, City and Sunset Inn entered into Amendment Two to the Agreement on November 15, 2022 to increase Sunset Inn's maximum compensation to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, City and Sunset Inn now desire to extend the term of the Agreement for one additional year, for the period of July 1, 2023 through June 30, 2024; and

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 1.0 of the Agreement shall be amended to reflect the rates included in Exhibit "A" to this Amendment Three and to extend the term of the Agreement through June 30, 2024. The parties agree that if the term is extended beyond June 30, 2024, that the rates shown in Exhibit A will continue in place through at least December 30, 2024. All other provisions of Section 1.0 shall remain in full force and effect.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

NICO HOSPITALITY LLC DBA SUNSET INN

*Nikhil A Patel*  
Signature

Date: 3/8/24

Mineshkumar owner/manager  
Name and Title

CITY OF COSTA MESA

*Carol*  
Carol Molina, Purchasing Officer

Date: March 20, 2024

ATTEST:

*Brenda Green* 4/4/2024  
Brenda Green, City Clerk



APPROVED AS TO FORM:

*Kimberly Hall Barlow*  
Kimberly Hall Barlow, City Attorney

Date: 3/25/24

APPROVED AS TO INSURANCE:

*Ruth Wang*  
Ruth Wang, Risk Management

Date: 3/22/24

APPROVED AS TO CONTENT:

*Nate Robbins*  
Nate Robbins, Project Manager

Date: 3/25/24

DEPARTMENTAL APPROVAL:

*Lori Ann Farrell Harrison*  
Lori Ann Farrell Harrison, City Manager

Date: 4/2/2024

**EXHIBIT A**  
**FEE SCHEDULE**

<b>July 1, 2023 – June 30, 2024</b>	
<b>Room Type</b>	<b>Rate</b>
1 king bed	\$139.99/night + tax
2 queen beds	\$139.99/night + tax

  

<b>Added Charges</b>	<b>Rate</b>
Pet Fee	\$10.00/night + tax