

AMENDMENT TO NON-ALCOHOLIC BEVERAGE AGREEMENT

This Amendment ("Amendment"), made effective as of June 1, 2017, is to amend the Non-Alcoholic Beverage Agreement ("Agreement") entered into by and between the City of Clearwater, Florida and Coca-Cola Beverages Florida, LLC, effective June 1, 2017. All capitalized terms not defined herein will have the meanings ascribed to them in the Agreement.

WITNESSETH:

WHEREAS, the parties to the Agreement desire to amend certain of its terms and conditions.

NOW THEREFORE, in consideration of the promises made herein, the parties agree as follows:

A. The following paragraph is added to Section 15:

Monster Fund: Vendor agrees to pay the City an aggregate of Twenty Five Dollars (\$25,000) for the entire Term (the "Monster Fund"). The Monster Fund will be paid in equal annual installments of Five Thousand Dollars (\$5,000) for each of Agreement Years One through Five and will be used for mutually agreed upon marketing and promotion of Monster Products at the City Facilities. The first installment will be payable within sixty (60) days after the date this Amendment is signed by both parties, and subsequent installments will be due on or about the anniversary date of Agreement Years Two through Five. The Monster Fund will be deemed earned evenly over the Agreement Year for which they are paid.

B. Except as modified herein, all other terms and conditions of the Agreement will remain in full force and effect. In the event of a conflict between this Amendment and the Agreement, this Amendment will control. Each of the parties represents, warrants and covenants to the other as follows:

- 1. Authority. It has full power and authority to enter into this Amendment and to grant and convey the rights set forth herein.
2. Binding Obligation. All necessary approvals for the execution, delivery and performance of this Amendment by it have been obtained, and this Amendment has been duly executed and delivered by it and constitutes the legal and binding obligation of it enforceable in accordance with its terms.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be duly executed as of the date first above written.

COCA-COLA BEVERAGES FLORIDA, LLC

CITY OF CLEARWATER

By:

Handwritten signature of Deborah Pond, SVP, General Counsel

By:

William B. Horne, II
City Manager

By:

Handwritten signature of Thomas N. Benford, EVP & Chief Commercial Officer

By:

George Cretekos
Mayor

ATTEST:

Rosemarie Call City
Clerk

Approved as to form:

Owen Kohler
Assistant City Attorney