

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

APPROVING A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF THE LEASE WITH KAREN ZIMMERMAN AND KEN EDGERLY, DBA ABC PRESCHOOL FOR FIVE YEARS WITH FIVE ONE-YEAR RENEWAL OPTIONS ON LAND ADJACENT TO MASTIC SENIOR CENTER

WHEREAS, ABC Preschool ("ABC Preschool") has operated a preschool in two modular buildings and play yard ("Premises") behind the Mastick Senior Center ("Mastick") at 1525 Bay Street since 1983; and

WHEREAS, Karen Zimmerman and Ken Edgerly, dba ABC Preschool have been the proprietors since 1995 and are licensed to provide childcare services to children between the ages of two and six years of age and currently occupy the Premises under a Lease Agreement, dated November 11, 2011, as amended by that certain First Amendment dated November 1, 2014, as amended by that certain First Amendment dated November 2014, and as further amended by that certain Second Amendment dated November 1, 2015 ("Existing Lease"); and

WHEREAS, Effective as of November 1, 2011 the Existing Lease term expired and ABC Preschool has since occupied the premises as a month-to-month tenant; and

WHEREAS, to allow ABC Preschool to continue to operate the preschool in the Premises, the new Lease Agreement provides for a new five-year term, with five one-year extension options, with an initial base monthly rent of \$2,374, subject to annual increases based upon Consumer Price Index, San Francisco-Oakland-Hayward for all Urban Consumers; and

WHEREAS, the security deposit in the amount of \$2,100 currently held under the Existing Lease shall be held as security for the new lease and the lease contains standard insurance, indemnity, and assignment clauses; and

WHEREAS, the new lease requires minimal staff management and the revenue generated will be allocated to Mastick's budget to offset its operating expenses.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four affirmative votes that:

Section 1. The City Manager of the City of Alameda or his designee is hereby authorized to negotiate, execute, for and on behalf of the City of Alameda, a lease with Karen Zimmerman and Ken Edgerly, dba ABC Preschool for two adjoined modular buildings and outdoor play area at 1525 Bay Street for five years with five one-year renewal options, subject to such technical or clarifying revisions as are reasonably

determined necessary by the City Manager and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern, City Attorney  
City of Alameda