

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF A LEASE WITH PACIFIC AUTOMATED, LLC DBA BRIX BEVERAGE FOR FIVE YEARS WITH AN ADDITIONAL FIVE YEAR OPTION IN A PORTION OF BUILDING 25 LOCATED AT 1951 MONARCH STREET AT ALAMEDA POINT

WHEREAS, Pacific Automated, LLC, dba Brix Beverage, is a privately owned Bay Area business that provides one-stop services to food service management companies, nightclubs and restaurants; and

WHEREAS, Pacific Automated provides fountain soda, juice, teas, and mixers to its clients, as well as servicing and repairing beverage dispensing machines; and

WHEREAS, Brix Beverage plans to launch its new line of bottled watered beverages named BXZero later this year. BXZero has zero sugar and zero impact on the environment. Brix has plans to partner with a local well-known organic brewing company to begin brewing and eventually distributing from the Alameda Point; and

WHEREAS, the lease is for five years with an additional five year option; and

WHEREAS, the premise is in one of the three bays of Building 25, a 54,450-square-foot former airplane maintenance hangar, and its adjacent yard area located at 1951 Monarch Street; and

WHEREAS, the monthly base rent is \$6,356 for months one to twenty-three; \$8,535 for months twenty-four to forty-three; and \$8,818 for months forty-four to sixty; and

WHEREAS, in addition to Base Rent, the tenant shall pay its share of common area maintenance costs, all costs for services, utilities and taxes for the Premises, and comply with lease requirements for insurance; and

WHEREAS, under the lease the tenant is required to make a security deposit of \$8,818 and the lease contains the standard insurance, indemnity, assignment and termination clauses the ARRA required in its leases and compliant with the Lease in Furtherance of Conveyance (LIFOC) with the United States Navy.

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 Pacific Automated, LLC dba Brix Beverage for five years with an additional five year option in a portion of Building 25 located at 1951 Monarch Street at Alameda Point, 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, for any reason, is 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.

Presiding Officer of the City Council

Attest:

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 Council of the City of Alameda in regular meeting assembled on the 17th day of June, 2014, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of June, 2014.

Lara Weisiger, City Clerk
City of Alameda