

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF LEASE WITH WONKY KITCHEN LLC FOR TEN YEARS IN BUILDING 44 LOCATED AT 2400 MONARCH AT ALAMEDA POINT

WHEREAS, the City entered into the original lease agreement with Wonky and Wonky Kitchen LLC for Building 119 in August 2012 and the initial term of the lease was for one year; and

WHEREAS, the proposed lease is for a new building, Building 44 located at 2400 Monarch Street; and

WHEREAS, the new lease will expire ten years after the Commencement date; and

WHEREAS, Building 44 is approximately 5,073 square feet; and

WHEREAS, the tenant will make improvements to the building to accommodate its commercial kitchen use and receive a capital credit not to exceed \$27,384; and

WHEREAS, the rent under the proposed lease amendment will be slightly increased from two thousand two hundred eight two (\$2,282) monthly or \$27,384 annually to three thousand one hundred twenty three dollars and seven cents (\$3,123.07) monthly or \$37,476.84 annually; and

WHEREAS, the sole use for which the premises may be used by the tenant is for commercial kitchen use for food production and packaging. Additionally, the tenant will provide location for food trucks who use the commercial; and

WHEREAS, in addition to the base rent, the tenant has provided a \$3,123.07 security deposit, representing one month's rent under the previous agreement and the tenant will comply with all other leasing requirements including providing insurance that is satisfactory to the City.

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 Wonky Kitchen LLC for ten years in Building 44 located at 2400 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 ____ day of _____, 2016, 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 ____ day of _____, 2016.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda