

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A FIRST AMENDMENT TO A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH PACIFIC AUTOMATED, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, dba BRIX BEVERAGE, FOR A PORTION OF BUILDING 25, UNIT 100, A SMALL OUTBUILDING KNOWN AS BUILDING 491, AND ADDITIONAL PARKING COMMON AREAS AS PART OF THE ORIGINAL PREMISES LOCATED AT 1951 MONARCH STREET AT ALAMEDA POINT

WHEREAS, Pacific Automated, LLC, dba Brix Beverage (Brix), is a privately owned Bay Area business that provides one-stop services to food service management companies, nightclubs and restaurants. Brix provides fountain soda, juice, teas, and mixers to its clients, as well as servicing and repairing beverage dispensing machines; and

WHEREAS, Brix was launched in 2011 and the business expanded quickly with the acquisition of Dr. Pepper's existing ice machine leasing business, and subsequently the purchase of Dr. Pepper's fountain beverage sales and distribution line. The company now has over 950 direct sales and delivery customers along 15 service routes from San Francisco to Monterey County and operated debt-free; and

WHEREAS, the lease amendment adds additional premises to the Brix lease for Unit 100 in Building 25 located at 1951 Monarch Street under two separate provisions: First, Brix is adding Building 491 and the use of Common Areas to its lease under the terms (rate and term) of its original lease. Second, Brix is exercising its right of first refusal included in the original lease, to accept the negotiated terms offered to a proposed new tenant for Unit 100 and additional premises; and

WHEREAS, the monthly base rent with the addition of Building 491 at the rate of the original lease is as follows: \$8,964.78 for months 1-43 and \$9,346.26 for months 44-60; and

WHEREAS, the monthly base rent Unit 100 and parking area added is as follows: \$4,540.00 for months 1-12, \$4,540.00 for months 13-18, and \$7,808.37 for months 19-end of term; and

WHEREAS, the rent for Unit 100 and the parking area for months 1-3 are subject to abatement; and

WHEREAS, Brix needs the additional space due to its expanding soda fountain operations, as well as the offering of products in location around Alameda and San

Francisco. As part of its expansion, Brix is developing unique, artistic designs for its soda taps, which are being constructed at Building 25; and

WHEREAS, Brix shall deliver the sum of \$7,808 as the Security Deposit to be held by the Landlord without liability for interest (unless required by Law) as security for the performance of tenant's obligations under the First Amendment.

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 first amendment to a lease with Pacific Automated, LLC, a California Limited Liability Company, dba Brix Beverage, to include a portion of Building 25 (Unit 100), a small outbuilding known as Building 491, and additional parking area as part of the original premises 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 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.

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 the Council of the City of Alameda in a 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