

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

ESTABLISHING THE CITY OF ALAMEDA'S POLICY REGARDING  
THE IMPLEMENTATION OF THE COVID-19 ENFORCEMENT  
PROVISIONS OF ITS ALAMEDA POINT RENT ABATEMENT  
LEASE AMENDMENTS

WHEREAS, on December 15, 2020, the City Council approved on final passage an Ordinance authorizing lease amendments with Alameda Point Beverage Group, Auctions By the Bay, Building 43 & Associates, Faction Brewing, Group Delphi, Proximo Spirits, Saildrone and USS Hornet Air & Space Museum via the Non-Profit Spirits Alley Program for Rent Relief in response to the Covid-19 Pandemic; and

WHEREAS on January 5, 2021, the City Council approved additional similar lease amendments with Pacific Pinball Museum and Wonky Kitchen; and

WHEREAS, at the January 5 City Council Meeting, the City Council directed staff to return with a proposed policy on implementation of the above lease amendments, with a focus on the City Council's authority to exercise remedies and enforcement of lease penalties for violations of COVID-19 restrictions; and

WHEREAS, subsequently in the same meeting, when addressing similar rent relief lease amendments with Rock Wall Winery and St. George Spirits on first reading, the City Council modified Section 4 of the Rock Wall Winery lease amendment and Section 5 of the St. George Spirits lease amendment to make clear that the City Council, not City staff, shall retain the sole authority to exercise remedies and enforce lease penalties for non-compliance with COVID-19 restrictions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda does resolve, declare, determine, and order the following:

Section 1. The City Manager and the City Attorney are directed to not take any enforcement action with respect to lease penalties for non-compliance with COVID-19 restrictions (Enforcement of COVID-19 Violations) of the above-mentioned leases until they have received City Council direction to do so at an open and publicly noticed meeting.

Section 2. In considering whether and how to enforce Section 4, the City Council shall consider the severity of the violation(s), the numerosity of the violation(s), prior warnings, and the impact of the violation(s). It is the express intent of the City Council to not impose substantive penalties for violations that are minor in nature and/or singular in occurrence (e.g. one employee accidentally failing to wear a mask one time). The enforcement provisions are intended to be triggered for serious violations, such as operating a night-club or rave, or instituting and/or consistently permitting a business practice in clear violation of applicable State and/or County health orders.

Section 3. This resolution is effective immediately upon its passage and adoption.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 2<sup>nd</sup> day of February 2021 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 3<sup>rd</sup> day of February 2021.

---

Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

---

Yibin Shen, City Attorney  
City of Alameda