

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE LEASE WITH SMALL SIZE BIG MIND, INC., A CALIFORNIA CORPORATION, SUBSTANTIALLY IN THE FORM OF EXHIBIT 4, TO EXTEND THE TERM FOR ONE YEAR WITH ONE 12-MONTH EXTENSION OPTION FOR BUILDING 35, LOCATED AT 2450 PAN AM WAY AT ALAMEDA POINT.

WHEREAS, Small Size Big Mind, Inc. is an established preschool that provides year round infant and preschool care serving children from eight weeks to five years old; and

WHEREAS, Building 35 consists of approximately 2,764 square feet of rentable space; and

WHEREAS, the Alameda Point Small Size Big Mind, Inc. location will continue to serve as a temporary location on the City's west end; and

WHEREAS, Building 35 is located in the second phase of the West Midway Project; and

WHEREAS, the second amendment shall extend the term of the lease for one (1) year; and

WHEREAS, the monthly base rent is \$4,525.00 for months one to twelve; and

WHEREAS, Small Size Big Mind, Inc. shall have one 12-month extension option; and

WHEREAS, Small Size Big Mind, Inc. must provide at least 6 months and no more than 12 months prior notice of its intent to exercise the extension option;

WHEREAS, the City has the right to relocate Small Size Big Minds, Inc. with 90 days prior written notice; and

WHEREAS, the hold over rent is 200% of base rent in the event that Small Size Big Minds, Inc. fails to vacate the premises when the lease expires; and

WHEREAS, the City contends that these terms are consistent with the West Midway Project Phase 2 development timeline.

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 execute on behalf of the City of Alameda, a second amendment to the lease with Small Size Big Mind, Inc., a California Corporation, to extend the term for one year with one 12-month extension option for Building 35 located at 2450 Pan Am Way 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 _____ 2021, 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 _____ 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda