



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Adoption of a Resolution approving: (1) the Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel; (2) the Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin; (3) the Lease of Premises by and between the City of Sausalito and Michael Childs; and (4) the Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito

RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito approving (1) the Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel; (2) the Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin; (3) the Lease of Premises by and between the City of Sausalito and Michael Childs; and (4) the Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito

BACKGROUND

1. Lease with David Maisel. The City and David Maisel entered into an Amended and Restated Lease of Premises dated as of July 1, 2005 which provided for the lease of Suite 320 in Building 3 at 100 Ebttide. The proposed Second Amendment provides for the term of the lease to continue on a month to month basis and provides for basic monthly rent of \$1,401 (\$1.00 per square foot). The monthly rental rate will increase based on CPI on February 1, 2010 and each year thereafter.
2. Lease with Community Action Marin ("CAM"). The City and CAM entered into a Lease of Premises dated as of November 1, 2000. Under the Lease and subsequent amendments, CAM leases Suites 550, 560 and 570 in Building 5 at 100 Ebttide. The proposed Third Amendment provides for the term of the lease to be extended from May 1, 2009 until December 31, 2009 and provides for basic monthly rent at \$4,274. (\$1.00 per square foot).
3. Lease with Michael Childs. Under the proposed Lease of Premises, Childs will lease Suite 750 in Building 7 at 610 Coloma. The Lease provides for a term of one year and provides for basic monthly rent of \$759.00.
4. Lease with Jonathan Westerling. Under the proposed Lease of Premises, Westerling will lease Suite 110B in Building 1 at 100 Ebttide. The Lease provides for a term of two years and provides for basic monthly rent of \$180.00. The monthly rental

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rate will increase based on CPI on February 1, 2010, but not less than 4% and not more than 7%.

FISCAL IMPACT

The proposed amendments and new leases will collectively generate revenue of \$6,614 per month.

STAFF RECOMMENDATIONS

Staff recommends that the City Council:

Adopt a Resolution of the City Council of the City of Sausalito approving (1) the Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel; (2) the Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin; (3) the Lease of Premises by and between the City of Sausalito and Michael Childs; and (4) the Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito.

ATTACHMENTS

1. Resolution of the City Council of the City of Sausalito approving (1) the Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel; (2) the Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin; (3) the Lease of Premises by and between the City of Sausalito and Michael Childs; and (4) the Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito.

PREPARED BY:

Mary A. Wagner, City Attorney

REVIEWED AND SUBMITTED BY:

Adam W. Politzer, City Manager

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SAUSALITO, CALIFORNIA
APPROVING (1) THE SECOND AMENDMENT TO AMENDED AND RESTATED
LEASE OF PREMISES BY AND BETWEEN THE CITY OF SAUSALITO AND DAVID
MAISEL; (2) THE THIRD AMENDMENT TO LEASE OF PREMISES BY AND
BETWEEN THE CITY OF SAUSALITO AND COMMUNITY ACTION MARIN; (3)
THE LEASE OF PREMISES BY AND BETWEEN THE CITY OF SAUSALITO AND
MICHAEL CHILDS; AND (4) THE LEASE OF PREMISES BY AND BETWEEN THE
CITY OF SAUSALITO AND JONATHAN WESTERLING DBA RADIO SAUSALITO**

WHEREAS, the City of Sausalito owns certain real property located in the City which is available for lease; and

WHEREAS, the City desires to enter into agreements for the lease of such real property pursuant to the following agreements: the Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel; (2) the Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin; (3) the Lease of Premises by and between the City of Sausalito and Michael Childs; and (4) the Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito. Such lease documents are collectively referred to herein as the "Leases," and

WHEREAS, the approval of the Leases is exempt from the application of the California Environmental Quality Act (California Public Resources Code Section 21000, et seq., "CEQA"), pursuant to Section 15301 (Class 1 Categorical Exemption) of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, et seq.).

Now, therefore, the City Council of the City of Sausalito does hereby resolve as follows:

1. The City Council hereby finds that the Leases are exempt from the application of CEQA pursuant to Section 15301 (Class 1 Categorical Exemption) of the State CEQA Guidelines and the City Clerk, or designee, is directed to cause a Notice of Exemption to be posted in accordance with CEQA.
2. The Second Amendment to Amended and Restated Lease of Premises by and between the City of Sausalito and David Maisel which is attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute such Second Amendment on behalf of the City.
3. The Third Amendment to Lease of Premises by and between the City of Sausalito and Community Action Marin which is attached hereto as Exhibit "B" is hereby approved and the Mayor is authorized to execute such Third Amendment on behalf of the City.

4. The Lease of Premises by and between the City of Sausalito and Michael Childs which is attached hereto as Exhibit "C" is hereby approved and the Mayor is authorized to execute such Lease on behalf of the City.
5. The Lease of Premises by and between the City of Sausalito and Jonathan Westerling dba Radio Sausalito which is attached hereto as Exhibit "D" is hereby approved and the Mayor is authorized to execute such Lease on behalf of the City.
6. Upon execution of the Leases by the Mayor, the City Manager (or his designee), is authorized, on behalf of the City, to approve and/or sign all documents necessary and appropriate to carry out and implement the Leases, and to administer the City's obligations, responsibilities and duties to be performed under the Leases and related documents.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the ____ day of _____, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MAYOR OF THE CITY OF SAUSALITO

DEPUTY CITY CLERK