

## RESOLUTION 2017-116

### RESOLUTION OF THE CITY COUNCIL OF THE CITY SAN PABLO APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF SAN PABLO AND EAST BAY COFFEE COMPANY, INC. FOR THE COFFEE BAR PORTION OF THE SAN PABLO COMMUNITY CENTER TO PROVIDE FOR SIGNAGE

WHEREAS, in June of 2014, the City of San Pablo ("City") celebrated the ribbon cutting of the San Pablo Community Center ("Community Center") located at 2450 Road 20;

WHEREAS, the Community Center included multi-purpose spaces, class rooms, a teen lounge, a computer room, a commercial kitchen and a coffee bar ("Coffee Bar") to be leased out to a private operator;

WHEREAS, on December 1, 2015, the City and East Bay Coffee Company, Inc. ("East Bay") entered into a Lease Agreement ("Lease") to lease the Coffee Bar;

WHEREAS, both the City and East Bay recognize that signage for the Community Center and East Bay would be mutually beneficial and desire to include signage as part of the use of the Lease;

WHEREAS, the proposed Lease Amendment ("Amendment") commits the City to work with East Bay to allow banner signs on the three (3) light poles in the parking lot along Road 20 in front of the Community Center, which are deemed to be official signs pursuant to Chapter 18.06 of the San Pablo Municipal Code;

WHEREAS, the banners shall advertise both the Community Center and East Bay Coffee;

WHEREAS, the City will be responsible for applying for all necessary permits as well as the fabrication and installation of the banners;

WHEREAS, East Bay will reimburse the City one-half of the total cost of the permits, fabrication and installation of the banners;

WHEREAS, all other terms and conditions of the Lease shall remain the same; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Amendment has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines 15301, Existing Facilities, leasing and minor alterations to existing buildings and structures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN PABLO HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein.

Section 2. Approval of First Amendment to Lease Agreement. The City Council hereby approves the First Amendment to Lease Agreement, substantially in the form attached to the staff report accompanying this Resolution. The City Manager is hereby authorized and directed to execute the First Amendment to the Lease Agreement on behalf of the City, and to make such changes or additions thereto with the concurrence of the City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder. The City Manager is further authorized to execute such other documents and take such other actions as are necessary to carry out and implement the obligations of the City under the First Amendment to Lease Agreement.

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PASSED AND ADOPTED this 19<sup>th</sup> day of June, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST: APPROVED:

/s/ Ted J. Denney  
Ted J. Denney, City Clerk

/s/ Cecilia Valdez  
Cecilia Valdez, Mayor