

RESOLUTION NO. \_\_\_\_\_ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE UPHOLDING THE WATSONVILLE MUNICIPAL AIRPORT DIRECTOR'S DECISION TO DENY A LEASE ASSIGNMENT AND SALE TO CHIELO APAC OF NANCY'S AIRPORT CAFÉ, WILLOWS/GLENN COUNTY AIRPORT – APPEAL FILED BY TIFFANY ELLA KING AND SERGIO ANGELES, INDIVIDUALLY, AND DBA ELLA'S AT THE AIRPORT**

**WHEREAS**, on November 28, 2017, Council adopted Resolution No. 168-17 (CM), approving a four-year Lease with one four-year option term between the City and Tiffany Ella King and Sergio Angeles dba Ella's at the Airport (EATA) located at 100 Aviation Way; and

**WHEREAS**, the Lease required EATA to notify the City of its intent to exercise its option to extend the term of the Lease by April 30, 2021; and

**WHEREAS**, while EATA did not exercise its option by the deadline, the City was willing to negotiate a new Lease; and

**WHEREAS**, in August 2021, the City contracted with a commercial real estate broker to negotiate a lease renewal with EATA; and

**WHEREAS**, on September 20, 2021, Airport staff was notified by EATA, of a potential assignee; and

**WHEREAS**, the Airport retained the services of the Santa Cruz Small Business Development Center (SBDC) to assist with the evaluation of the proposed assignee; and

**WHEREAS**, an assessment of the potential assignee was immediately started by Airport staff and restaurant consultant from the SBDC; and

**WHEREAS**, per Section 20 (Assignment or Subletting) of the Lease, an Assignment is allowed with advance approval of the City, and articulates certain factors on which the City may condition its consent; and

**WHEREAS**, after site visit to assignee's café and SDBC's independent review, Airport staff recommended to the City Manager not approving an assignment to the requested assignee; and

**WHEREAS**, EATA continues to occupy the Airport restaurant facility pursuant to the Lease's holdover provision in a month to month tenancy on the same terms and conditions of the expired Lease; and

**WHEREAS**, per Section 1-4.01 of the Watsonville Municipal Code, "any person excepting to the denial to any administrative decision made by any official of the City to any provisions of this Code, may appeal in writing to the Council by filing with the City Clerk a written notice of such appeal."

**WHEREAS**, on November 29, 2021, a Notice of Appeal was received by the City Clerk's office from the appellant's attorney.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

That the City Council upholds the Watsonville Municipal Airport Director's decision to deny a Lease Assignment and Sale to Chielo APAC of Nancy's Airport Café, Willows/Glen County Airport based on, and supported by, the actual data provided by, or lack of information not provided by, the proposed assignee. Appeal filed by the appellants Tiffany Ella King and Sergio Angeles.

\*\*\*\*\*