

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 042-2018**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF CLOVERDALE AND NORCAL SKYDIVING, LLC FOR LEASED PREMISES LOCATED AT THE CLOVERDALE MUNICIPAL AIRPORT

WHEREAS, City of Cloverdale ("City") and NorCal Skydiving, LLC ("Lessee") entered into a lease agreement ("2009 Lease Agreement") on March 24, 2009 for approximately 2.28 acres and improvements ("Leased Premises") of the Cloverdale Municipal Airport, Cloverdale, California (the "Airport"), to be used for limited service commercial operations; and

WHEREAS, the term of the 2009 Lease Agreement was three (3) years with two (2) options to extend the lease term by three (3) years; and

WHEREAS, the parties exercised the first option to extend the lease term in 2012 for three (3) years ("First Option"). The term of the 2009 Lease Agreement under the First Option was extended to June 30, 2015;

WHEREAS, instead of exercising the second option under the 2009 Lease Agreement, the parties decided to enter into a restated three (3) year lease to reflect changes in the operations of the Airport, increases in rent and update the insurance requirements given Lessee's operations; and

WHEREAS, City and NorCal Skydiving entered into a lease agreement on June 30, 2015 ("2015 Lease Agreement"), for approximately 2.28 acres and improvements of the Cloverdale Municipal Airport, Cloverdale, California, to be used for limited service commercial operations; and

WHEREAS, NorCal Skydiving's use of Leased Premises included operating an office in a trailer located at the Airport for which they obtained a Conditional Use Permit (CUP); and

WHEREAS, NorCal Skydiving no longer utilizes an office trailer and therefore no longer requires a CUP; and

WHEREAS, the 2015 Lease Agreement makes reference to and requires compliance with the CUP as condition of the Lease; and

WHEREAS, the NorCal Skydiving installed an American with Disabilities Act (ADA) paved parking space and accessible pathway to their hanger, as well as installed and maintains an ADA complaint toilet for all airport users; and

WHEREAS, on August 23, 2016, the City Council authorized the City Manager to amend the 2015 Lease Agreement to reflect NorCal Skydiving's operations including removing references to the CUP, reducing property being leased, and incorporating language regarding the improvements Lessee will be required to complete in order to operate in their new location at the Airport; and

WHEREAS, the 2015 Lease Agreement expires on June 30, 2018; and

WHEREAS, On May 8, 2018, Tyler Wareham, CEO of NorCal Skydiving provided e-mail notice of Norcal LLC's request to continue operating NorCal Skydiving at the Cloverdale airport; and

WHEREAS, on June 9, 2018, the Airport Subcommittee reviewed the 2015 Lease Agreements and recommended that certain terms and conditions be included in a new Lease agreement including an updated term of three years with three one-year renewals and updated rental payments that includes adjustments based on the Consumer Price Index; and

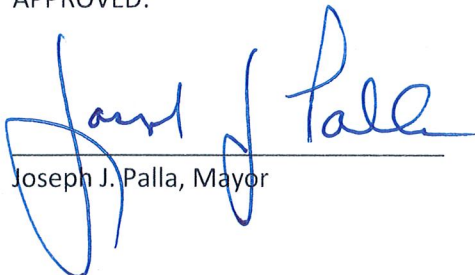
WHEREAS, City and NorCal Skydiving desire to enter into a new 2018 Lease Agreement with updated terms;

BE IT RESOLVED that the City Manager is hereby authorized to execute the 2018 Lease Agreement between the Norcal Skydiving, LLC and the City of Cloverdale.

It is hereby certified that the foregoing Resolution No. 042-2018 was duly introduced and adopted as amended by the City Council of the City of Cloverdale at its regular meeting held on the 26th day of June, 2018, by the following voice vote: (Ayes- 5; Noes-0; Absent-0; Abstain- 0)

AYES: Councilmember Bagby, Vice Mayor Russell, Councilmember Brigham, Councilmember Wolter, and Mayor Palla
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



Joseph J. Palla, Mayor

ATTESTED:



Linda Moore, Deputy City Clerk