

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: January 19, 2010

SUBJECT: Second Extension of the Regional Park Lease for the Woodland-Davis
Aeromodelers

Report in Brief

The City Council authorized the City Manager to enter into an extension of the limited lease agreement with the Woodland-Davis Aeromodelers on January 5 2009. This extension recognized the Aeromodelers' challenges in finding a new and permanent site to conduct model aviation activity and provided the organization with an additional year to work out the details associated with their relocation. The terms of the extension required the Aeromodelers to modify their activities by reducing flying hours and changing the flight pattern. In addition, the extension recognized the need to keep the residents of the Heritage Park neighborhood within the Spring Lake Specific Plan Area informed regarding the Aeromodelers' activities. Similar to the original limited lease agreement, the Aeromodelers were required to cease flying by the end of November and remove improvements and clean up the site by the end of January.

Representatives of the Aeromodelers have requested that the City approve a second extension of the lease for up to one full year to November 30, 2010 with removal of site improvements and clean up completed by January 31, 2011. This request was generated by continuing complications associated with the Aeromodelers' efforts to purchase a permanent site for their activity. The organization was in the process of finalizing the purchase of a site in Yolo County between Woodland and Davis. This purchase has been delayed and will likely not be completed. Therefore, the organization has requested a lease extension in order to provide the necessary time to find an alternative site that they may purchase and improve in order to continue model aviation.

Staff recommends that the City Council direct and authorize the City Manager to amend the lease agreement between the City of Woodland and the Woodland-Davis Aeromodelers to extend the lease term for up to one year to November 30, 2010 with the time period for the clean-up and removal of their improvements on the leased property extended to January 31, 2011.

Background

In September 1995 the City of Woodland entered into an agreement with the Woodland-Davis Aeromodelers for use of a 30 acre portion of the Regional Park site at County Road 102 near County Road 25A. The Aeromodelers utilized the site to provide model airplane flying activities, including meets wherein similar clubs are invited to participate, flying instruction for adults and children and general use by members of the organization during designated operating hours. When the Aeromodelers began their flying activities on the property, there were few homes in the area and little opportunity for use conflicts.

With the development of the Spring Lake Specific Plan Area, conflicts with residential use would eventually become an issue for the Aeromodelers and Los Caporales de Woodland, a Hispanic non-profit equestrian organization that also used the Regional Park site. In recognition of this conflict, the City Council extended a limited term lease agreement with Los Caporales for 24 months at a monthly rent of \$1,000. The term of the lease agreement began on October 3, 2006 and ended on September 30, 2008. Los Caporales then had sixty (60) days following the expiration of the lease to remove their improvements from the leased premises to the satisfaction of the Director of Parks & Recreation. If the improvements were removed in accordance with this condition, Los Caporales would receive a refund of the monthly lease payments paid during the lease term of \$24,000 plus accumulated interest. These conditions were satisfied in early 2009 and Los Caporales has vacated their area of the Regional Park site.

In June 2007, similar conditions were approved by the City Council for the Aeromodelers. The Aeromodelers agreement also provided for monthly rent of \$1,000 which would be refundable if the site was cleaned up and improvements were removed to the City's satisfaction. The lease term was slightly different; the Aeromodelers use of the site began on June 5, 2007 and ended on November 30, 2008 with site clean up and removal of improvements completed sixty days thereafter by January 31, 2009. If these conditions were met, the Aeromodelers would receive a refund of their monthly lease payments of \$18,000 with interest.

In December 2008, staff received a letter from the Aeromodelers requesting that the lease be extended for an additional year to November 30, 2009 with site clean up and removal of improvements completed by January 31, 2010. This request was based on the Aeromodelers efforts to secure a site to continue their flying activities. These efforts led them to the potential purchase of a 40 acre site in the vicinity of County Road 28H and County Road 104 near the Yolo County Landfill. This transaction involved the Aeromodelers, Yolo County, City of Davis and Lewis Homes. At the time of their request, the Aeromodelers believed that the transaction would be completed by March 2009.

Staff facilitated the City Council's review of the Aeromodelers request for the first extension of their lease on January 6, 2009 and recommended that the City Manager be authorized to amend and extend the lease for one year. Prior to the Council meeting, staff notified residents of the Heritage Park neighborhood and three residents attended the meeting to state concerns regarding noise and other nuisances associated with model aviation. In response to residents' concerns and other issues identified by staff, the City Council directed the City Manager to amend and extend the lease with the following conditions:

- The hours of flying operations will be limited to 9AM – 5PM Monday through Friday and 9AM – 7 PM (or dusk, whichever is sooner) Saturday, Sundays, Holidays and scheduled event days. For the months of July-October, the hours on **Thursdays** would be 9AM – 7 PM (or dusk, whichever is sooner) to accommodate instructional activity.
- Jets and larger model aircraft will fly a more northeast pattern in order to reduce noise impacts on residents.
- The Aeromodelers will contribute \$1,000 to the Annual Woodland 4th of July event.
- The Aeromodelers will continue the practice of having all special events reviewed by the City's special events committee coordinated by the Parks & Recreation Department.
- The Aeromodelers lease term will end on November 30, 2009 with clean up and removal of site improvements completed by January 31, 2010 unless the new site is ready sooner; if the new site is ready sooner, the Aeromodelers' lease term will end when the new site becomes usable and clean up and removal of their improvements from the regional park site would be completed sixty days later.
- The Aeromodelers will provide monthly progress reports on the purchase and development of the new site to the City Manager.
- The Aeromodelers representatives shall meet periodically as scheduled with a citizens committee composed of Spring Lake residents that will be formed by the City.

The amendment incorporating the above conditions is attached. All other terms and conditions of the 2007 lease agreement remained in effect. While noise generated by the model aviation activity remained noticeable, the new operating hours seemed to reduce the impact on Heritage Park neighbors. The citizens committee met once with the Aeromodelers and additional information was provided through emails.

Unfortunately, acquisition of the site near the Yolo County landfill was not completed due to complicated negotiations between the owners and the other parties. The Aeromodelers fulfilled all of their obligations and were ready to pay their share of the acquisition costs. Despite their best efforts, the Aeromodelers have been unable to identify an alternative location for model aviation activity and members are concerned that the club will disband if they are unable to remain at the current location or find a new site very quickly.

As a result, the Aeromodelers have asked for a second extension of the 2007 lease agreement. The term of this extension would be for up to one full year in order to provide the club enough time to find an alternate site. If the entire year was needed, the Aeromodelers would cease flying on November 30, 2010 with removal of improvements/site clean up completed by January 31, 2011. All of the reasons associated with the request for the first extension remain sources of concern for the Aeromodelers, including their belief that the club will lose members if there is no place to fly in 2010.

Discussion

One of the concerns expressed by neighbors in association with the Aeromodelers request for the first extension was the need for more time to provide notice to Heritage Park residents. Staff mailed a letter to Heritage Park neighbors on December 23 and conducted a neighborhood meeting on Saturday, January 9. In addition to providing information and hearing concerns, the meeting also provided an opportunity for the Aeromodelers to demonstrate a new flying pattern that will take the aircraft in a southerly direction in order to limit noise impact. A total of six neighbors attended the meeting to observe the new flying pattern and express comments regarding the Aeromodelers' request. The neighbors were generally understanding of the Aeromodelers' situation and supportive of model aviation. However, most of the neighbors stated that the noise does bother them and would like to see the use of the site by the Aeromodelers ended by a date certain. The Aeromodelers stressed that they understand the need to relocate to permanent site and remain committed to doing so.

Based on the neighborhood meeting and the Aeromodelers commitment to relocate their activity, staff believes a second extension would be acceptable to Heritage Park neighbors with the new flying pattern and if this is the last extension.

If the City Council decides not to extend the lease term as described herein, it would be necessary to allow the Aeromodelers extra time in order to complete the site clean up and removal of their improvements. Such consideration was extended to the Los Caporales organization in 2008. The Aeromodelers may need the additional time since site clean up and removal of improvements could be slowed by inclement weather. If such an extension is considered, staff believes a specific condition to prevent flying activity during this period should be included.

It is also important for the City Council to note how staff proposes to utilize the regional park property in the future. As stated in previous staff reports to the City Council, this property is one of two parcels that hold significant future value. In order to generate the resources necessary to establish an irrevocable trust fund that would enable the City to address its currently unfunded future retiree medical obligation with minimal impact on operating expenses, staff has proposed that the regional park property be reserved for sale. The exact land use is unclear at this point and staff has suggested that the General Plan update should be completed in order to consider the use of the property in the context of the entire City. However, the value of the approximate 160 acre property could be significant under certain land use designations when the economy improves and land values increase. Therefore, it is important to keep the property in tact and prepare for its future sale. It is impossible to state a timetable for the sale although it is unlikely that it would occur within three years.

Fiscal Impact

There is no fiscal impact associated with the City Council's approval of the lease term described herein with the exception of the contribution for the 4th of July event that would be received by the Woodland Recreation Foundation.

Public Contact

Posting of the City Council agenda. A copy of the agenda and report was provided to Aeromodelers. Staff also sent letters to residents of the Heritage Park area regarding the City Council's consideration of the Aeromodelers lease extension.

Alternative Courses of Action

1. Direct and authorize the City Manager to amend the lease agreement between the City of Woodland and the Woodland-Davis Aeromodelers to extend the lease term for up to one year to November 30, 2010 with the time period for the clean-up and removal of their improvements on the leased property to January 31, 2011.
2. Direct staff to make specific changes to the lease extension terms described herein.
3. Cease further consideration of an amendment to the lease agreement and direct staff to continue implementation of the current extension and agreement.
4. Direct and authorize the City Manager to amend the lease agreement to extend the time period for clean up and removal of the Aeromodelers improvements on the leased property to March 31, 2009 with no additional flying activity.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Mark G. Deven
City Manager

Attachments: First Extension
December 23, 2009 Letter to Heritage Park Residents

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT ("First Amendment") is entered into this 6th day of January, 2009, by and between the City of Woodland, a California municipal corporation ("City"), and the Woodland/Davis Aeromodelers, Inc., a California nonprofit corporation ("Aeromodelers"), on the terms and conditions set forth below:

RECITALS

- A. The City and Aeromodelers have previously entered into a lease agreement (the "Lease") dated June 5, 2007 under which the City leased to Aeromodelers certain real property comprising approximately 30 acres (the "Leased Premises").
- B. The Lease expired on November 30, 2008, and the City and Aeromodelers wish to extend the Lease for one year through this First Amendment, retroactive to November 30, 2008.

1. TERM OF LEASE.

Notwithstanding the prohibition on renewals and extensions in Section 2 of the Lease, Section 2 is hereby amended to read as follows:

The term of this Lease ("Lease Term") shall commence on June 18, 2007 ("Effective Date") and end on the earlier of: (i) November 30, 2009; or (ii) the date upon which Aeromodelers' replacement site has been acquired and is usable for Aeromodelers' activities.

2. RENT.

Section 3 of the Lease is hereby amended to read as follows:

Aeromodelers shall pay to City One Thousand Dollars and No Cents (\$1,000.00) per month, payable the first day of each month during the Lease Term. City shall refund to Aeromodelers all Lease payments made during the Lease Term if Aeromodelers, no later than January 31, 2010 (or within sixty (60) days after expiration of the Lease Term if the Lease expires prior to November 30, 2009), removes all improvements and other property from the Leased Premises to the satisfaction of the Parks & Recreation Director. Such improvements and property to be removed shall include, any improvements constructed pursuant to Paragraph 7 of this Lease and listed on Exhibit A. In addition to the monthly payment, Aeromodelers shall contribute \$1,000 to the Annual Woodland 4th of July event, no later than July 1, 2009, which payment shall not be refundable.

3. USE OF LEASED PREMISES.

Paragraph B of Section 5 of the Lease is hereby amended to read as follows:

(B) Aeromodelers may use the Leased Premises for any other legitimate purpose, subject to the following:

(i) All Special Events or Competitions must be reviewed by the City of Woodland's Special Events Committee and approved by the Parks & Recreation Director, or his or her designee.

(ii) Aeromodelers shall not commit or suffer to be committed any nuisance or waste upon the Leased Premises.

(iii) Flying operations shall be conducted only during the hours of 9AM – 5PM Monday through Friday and 9AM – 7PM (or dusk, whichever is sooner) Saturday, Sundays, holidays and approved scheduled event days. For the months of July-October, flying hours on Thursdays shall be 9AM – 7 PM (or dusk, whichever is sooner) to accommodate instructional activity.

(iv) Jets and larger model aircraft shall fly a pattern oriented more to the northeast than the pattern in use prior to 2009 in order to reduce noise impacts on residents.

(v) Aeromodelers shall provide monthly progress reports on the purchase and development of Aeromodelers' new site to the City Manager.

(vi) Aeromodelers representatives shall meet periodically as scheduled with a citizens committee composed of Spring Lake residents that will be formed by the City.

4. SURRENDER.

Section 12 of the Lease is hereby amended to read as follows:

Aeromodelers shall, at the expiration or termination of this Lease, surrender the Leased Premises and remove all improvements and property no later than January 31, 2010, or within sixty (60) days after expiration of the Lease Term if the Lease expires prior to November 30, 2009, as provided in Paragraph 3 hereinabove. Aeromodelers shall additionally give peaceable possession of the Leased Premises to the City, in satisfactory condition as determined by the Parks & Recreation Director.

5. LEASE REMAINS IN EFFECT.

Except as amended by this First Amendment, the Lease shall remain in full force and effect following the execution of this First Amendment.

6. AUTHORITY TO EXECUTE.

Each signatory to this First Amendment warrants that he or she is authorized to enter into this First Amendment on behalf of his or her principal.

IN WITNESS WHEREOF, the parties have executed this First Amendment effective on the day and year first written above.

CITY OF WOODLAND

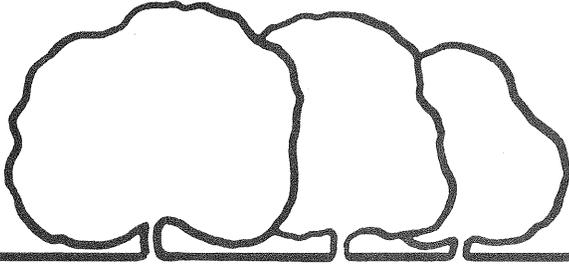
WOODLAND/DAVIS AEROMODELERS, INC.

By: _____
Mark Deven, City Manager

By: _____
_____, President

Date Signed: _____

Date Signed: _____



City of Woodland

CITY MANAGER

300 FIRST STREET

WOODLAND, CALIFORNIA 95695

(530) 661-5800
FAX (530) 661-5813

December 23, 2009

Re: City Council Consideration of Aeromodelers' Request for a Second Extension of the Lease of the Regional Park Site

Dear Resident/Property Owner:

On January 19, 2010, the Woodland City Council will be considering a request from the Woodland-Davis Aeromodelers to extend their lease of the model aviation airfield at the Regional Park site at County Road 102 near County Road 25A for an additional year. The proposed extension would allow the Aeromodelers to use the airfield until November 30, 2010 with clean up and removal of site improvements allowed until January 31, 2011.

It is important to note that this request is similar to a request that was authorized on January 6, 2009 by the Woodland City Council. At that time the Aeromodelers believed they were within a few months of finalizing the purchase of a new, permanent site at County Road 104 and County Road 28H near the Yolo County Landfill. This acquisition involved the city of Davis, Yolo County and a residential developer. The Aeromodelers expected acquisition of this site to be completed by the end of March and improvements to make the site usable completed through the balance of 2009.

Unfortunately, that acquisition was not completed due to complicated negotiations between the owners and the other parties. The Aeromodelers fulfilled all of their obligations and were ready to pay their share of the acquisition costs. Despite their best efforts, the Aeromodelers have been unable to identify an alternative location for model aviation activity and members are concerned that the club would disband if they are unable to remain at the current location or find a new site very quickly.

In recognition of the impact of model aviation activity on area residents, the Aeromodelers agreed to have complied with certain conditions that were part of the amended agreement approved by the City Council nearly a year ago. These conditions included:

- Limit the hours of flying operations to 9AM – 5PM Monday through Friday and 9AM – 7 PM (or dusk, whichever is sooner) Saturday, Sundays, Holidays and scheduled event days. For the months of July-October, the hours on **Thursdays** would be 9AM – 7 PM (or dusk, whichever is sooner) to accommodate instructional activity.

- Jets and larger model aircraft will fly a more northeast pattern in order to reduce noise impacts on residents.
- The Aeromodelers will provide monthly progress reports on the purchase and development of the new site to the City Manager.

In addition to the above conditions, the Aeromodelers are proposing to fly an alternative course that would take the model aircraft to the south toward Davis and east of County Road 102. This new route has been demonstrated to City officials and it appears to reduce noise significantly.

City officials and the Aeromodelers understand the need for residents to participate in the consideration of the club's request for a second extension. Therefore, a meeting and demonstration of the new course has been scheduled for **Saturday, January 9, 1 PM in the Heritage Park neighborhood at the dead end of Promenade Drive south of Somerset Circle.** Club members will fly aircraft to simulate their flying activity from the model aviation airfield which is visible from the end of Promenade Drive in order to evaluate the noise impact of the alternative course and answer questions from area residents who attend.

The City Council will consider the Aeromodelers' request at the **January 19, 2010 City Council meeting.** This meeting will begin at **6:00 PM at the City Council Chambers within Woodland City Hall, 300 First Street.** If you would like to review the agenda and report that have been prepared for this item, please access the City's website at the following address:

www.cityofwoodland.org/gov/depts/cityhall/council/agendas.asp

The agenda will be posted on the above website no later than Friday, January 15, 2010 at 5 PM. After accessing the website, please click on the link for the Council Agenda of 1-19-10.

If you have any questions regarding the January 9 meeting, comments or need assistance in accessing the January 19 Council agenda, please contact the City Manager's Office at 661-5800.

Sincerely,



Mark G. Deven
City Manager

cc: Mayor and City Council
Woodland-Davis Aeromodelers