

Woodland City Council Minutes  
Council Chambers  
300 First Street  
Woodland, California

April 17, 2001

**CITY COUNCIL**  
**SPECIAL SESSION/CLOSED SESSION**

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council held a conference with Legal Counsel regarding Existing Litigation (Section 54956.9), Name of Case: Martino v. City of Woodland; Anticipated Litigation (Section 54956.9). Significant Exposure to Litigation Pursuant to Section 54956.9(b), Number of Cases: Three; and held a conference with Real Property Negotiator (Section 54956.8), Negotiating Parties: Rick Kirkwood (Agency), Property: APN 066-160-022 (Bells Trailer Village), Under Negotiation: Price and Terms of Payment.

Council Members present were Steve Borchard, Martie Dote, Jeff Monroe and Neal Peart. Vice Mayor Flory arrived at 6:18 p.m. In addition, City Manager Rick Kirkwood, Assistant City Manager Phil Marler, City Attorney Ann Siprelle, Scott Smith from the Law Firm of Angelo, Kilday and Kilduff, and Community Services Director Steve Harris were present.

The special session and closed session were adjourned at 7:05 p.m.

**CITY COUNCIL**  
**REGULAR SESSION**

**CLOSED SESSION ANNOUNCEMENT**

Mayor Borchard advised that the Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council held a conference with Legal Counsel regarding Existing Litigation (Section 54956.9), Name of Case: Martino v. City of Woodland and gave guidance to Staff and the City Attorney. They received reports on Anticipated Litigation (Section 54956.9), Significant Exposure to Litigation Pursuant to Section 54956.9(b), Number of Cases: Three. Council also held a conference with Real Property Negotiator (Section 54956.8), Negotiating Parties: Rick Kirkwood (Agency), Property: APN 066-160-022

(Bells Trailer Village), Under Negotiation: Price and Terms of Payment and gave direction to the Negotiating Party.

#### CALL TO ORDER

Mayor Borchard called the regular meeting of the City Council to order at 7:10 p.m.

#### PLEDGE OF ALLEGIANCE

Mayor Borchard invited all in attendance to join him in the pledge of allegiance to the Flag of the United States of America.

#### ROLL CALL

COUNCIL MEMBERS PRESENT: Steve Borchard, Martie Dote, David Flory, Jeff Monroe, Neal Peart

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle, Gary Wegener, Terry Brown, George Bierwirth, Sue Vannucci, Henry Agonia, Karl Diekman, Dick Donnelly, Bruce Pollard, Paul Hanson, Bruce Lecair, Dan Rice, Susannah Reinhardt, Steve Harris

#### MINUTES

On motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council approved the minutes of the regular Council meeting of March 20, 2001, special Council meeting of March 27, 2001, regular Redevelopment Agency Board meeting of March 27, 2001, and regular Council meeting of April 3, 2001 as presented.

WRITTEN COMMUNICATIONS

1. From the League of California Cities, an announcement and registration materials for the May 23-24, 2001 Legislative Action Days to be held in Sacramento. The City Clerk reminded Council Members to advise her immediately if they wish to attend.

COMMITTEE REPORTS

1. From Finance Director Margaret Vicars, a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of March 21, 2001.
2. From Parks, Recreation and Community Services Director Henry Agonia, a report was received transmitting the minutes of the Parks, Recreation and Community Services Commission meeting of March 26, 2001.
3. From Community Development Director Steve Harris, a report was received transmitting the summary of the Planning Commission meeting actions at their meeting of March 15, 2001 as follows:
  - (a) Heard a CEQA presentation from Steve Craig of the consulting firm, Planning Corporation.
  - (b) Heard a presentation from Community Development Director Harris regarding the 2001/02 Preliminary Budget Goals and Objectives.
  - (c) Viewed a video on "Walkable Streets and the Fire Department".
4. From Public Works Director Gary Wegener, a report was received transmitting the minutes of the Traffic Safety Commission meeting of April 2, 2001.
5. From Director Harris, a report was received transmitting the summary of the Planning Commission meeting actions at their meeting of April 5, 2001 as follows:
  - (a) Continued proposed revisions to the Spring Lake Specific Plan.
  - (b) Reviewed and discussed the Avignon Subdivision Tree Plan.

- (c) Conditionally approved Design Review of the Avignon Subdivision Homes, Tentative Map No. 4042 with Phase One as lots 1-30 and Phase Two as 31-50. Property is located between Bourn Drive and Laugenour Drive, Farnham Avenue and Gillette Drive.

PUBLIC COMMENT:

Dudley Holman commended the Police Department regarding controlling the shopping cart thefts and disposition within the City and the manner in which City staff has handled the problem.

COUNCIL STATEMENTS AND REQUESTS

Council Member Peart and Public Works Director Wegener visited the Davis Wetlands and commended the City of Davis for their three systems. He and the Public Works Director will continue their follow-up on this type of project for the City of Woodland.

Council Member Monroe complimented the Woodland Police Department, Yolo Narcotic Enforcement Team (YONET), and the Sheriff's Department for their success in the recent County "Operation Crank Out". He encouraged the Board of Supervisors to continue funding and support of YONET. This program has a direct impact on the quality of life in our City.

Council Member Dote stated that Congressman Doug Ose will be holding a Town Hall Meeting on Thursday, April 19, 2001 in the Council Chambers from 6:00 to 7:00 p.m. She also stated that on Friday, April 20<sup>th</sup>, the Chamber of Commerce would be holding a General Membership meeting at the Hotel Woodland at which City Manager Kirkwood will be the featured speaker.

Vice Mayor Flory proposed there be an Energy Fair arranged to provide seniors and others with information regarding saving energy.

City Manager Kirkwood will return with information regarding the possibility of this type of Energy Fair event at the May meeting. The County of Yolo is working on an event such as this and the City may wish to be included. He stated the Wetlands Project is at a point where we may wish to contract with a Consultant. This item will return to the May meeting also.

## PRESENTATIONS

### OLDER AMERICANS MONTH

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council proclaimed the month of May, 2001 as Older Americans Month.

Regan Overholt, Chairperson of the Commission on Aging and Susannah Reinhardt, Senior Center Manager stated there will be an event on May 19 entitled "Stepping Out for Seniors", which will be a mile long walk commemorating Older Americans Month. Mayor Borchard read and presented the Proclamation to Chairperson Overholt and Senior Center Manager Reinhardt.

### FAMILY FUN DAY

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council proclaimed April 28, 2001 as Family Fun Day.

Recreation Supervisor Dan Rice stated this Tenth Annual event would be held from 10:00 a.m. to 3:00 p.m. at Freeman Park. The Event is held in preparation for the Month of the Young Child and the Human Race. He outlined the events as part of the day. Council Member Dote read and presented the Proclamation to Recreation Supervisor Rice.

### RESOLUTION 4274 - CITIZEN BRAVERY

Fire Chief Karl Diekman advised the Council that Mr. Murray Hubert assisted in the control and extinguishment of a chimney fire at a home located at 735 West Southwood Drive on February 22, 2001. He observed this fire as he was passing by and alerted the occupant.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council presented Resolution 4274, "A Resolution of Appreciation", to Murray Hubert for his quick action in notifying an occupant that his home was on fire and assisting in containing the fire to the chimney.

CONSENT CALENDAR

Council Member Dote requested the following item be removed from the Consent Calendar:

12. EXECUTE CONSULTANT SERVICES CONTRACT FOR DEVELOPMENT OF THE CAL/FED WATERSHED PLANNING GRANT

Vice Mayor Flory requested that the following item be removed from the Consent Calendar:

11. AUTHORIZE LETTER OPPOSING SENATE BILL 910 REGARDING HOUSING ELEMENT ENFORCEMENT

On a motion by Vice Mayor Flory, seconded by Council Member Peart and carried by unanimous vote, the Council approved the following Consent Calendar items:

TREASURER'S REPORT FOR FEBRUARY 2001

Council reviewed and accepted the February 2001 Investment Report as submitted.

RESOLUTION 4275 - MEMORANDUM OF UNDERSTANDING WITH WOODLAND PROFESSIONAL FIREFIGHTERS ASSOCIATION

Council adopted Resolution 4275, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Fire Employees", and directed the City Manager to take the necessary steps to implement this Resolution.

FIRST READING OF ZONING ORDINANCE 1331 TO AMEND SECTION 25-21-10, ACCESSORY BUILDINGS

Council introduced and read by title only, Ordinance 1331, "An Ordinance Amending Section 25-21-10 of Article 21 of Chapter 25 of the Code of the City of Woodland Pertaining to Accessory Buildings and Uses".

CENSUS 2000 REPORT AND SACRAMENTO AREA COUNCIL OF GOVERNMENTS  
REGIONAL HOUSING PRODUCTION TARGETS

Council received the Census 2000 Report and the Sacramento Area Council of Governments Housing Production Targets.

WILLDAN ASSOCIATES BUILDING SERVICES CONTRACT AMENDMENT

Council authorized the City Manager to amend the Professional Services Contract with Willdan and Associates to provide Interim Building Official services for the Community Development Department.

PURCHASE OF UNMARKED POLICE VEHICLE

Council authorized the purchase of an unmarked vehicle for use by the Police Department which will be paid by interest earnings from special revenues from the State Community Oriented Policing Program.

SPRINGLAKE COURT SOUNDWALL, PROJECT #00-33

The Council accepted the construction of the Springlake Court Soundwall, Project 00-33 as complete and authorized the City Clerk to file a Notice of Completion.

HOMELESS COORDINATOR'S REPORTS

Council received the reports from the Homeless Coordinator for the months of February and March, 2001.

CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP) FUNDS

Council was advised that funds in the amount of \$116,005 were received from the California Law Enforcement Equipment Program for use in the purchase of technology equipment.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

LETTER OPPOSING SENATE BILL 910 REGARDING HOUSING ELEMENT ENFORCEMENT

Vice Mayor Flory asked that the proposed letter be revised to correct grammatical errors.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council approved sending the revised letter under Mayor Borchard's signature to the State Senate and Assembly Representatives expressing opposition to Senate Bill 910, Housing Element Enforcement.

CONSULTANT SERVICES CONTRACT FOR DEVELOPMENT OF THE CAL/FED WATERSHED PLANNING GRANT

Council Member Dote asked if this is the County 2X2 project. Public Works Director Wegener stated to the affirmative. The County understands and is aware of our need to proceed. The County intentions are similar to the City.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council authorized staff to execute a Consultant Services Contract for development of the CAL/FED Watershed Planning Grant.

PUBLIC HEARINGS

RESOLUTION 4276 - WEED ABATEMENT

Fire Marshall/Division Chief Bruce Lecair summarized the annual process for Weed Abatement for the City. Property owners are presented with information advising them to abate weeds prior to May 1, 2001 after which time the City will cause the abatement. Mayor Borchard declared the Public Hearing open at 7:40 p.m. to permit property owners to voice objections to the proposed removal of weeds, rubbish, refuse and dirt. Hearing no comments, the Public Hearing was closed at 7:41.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council adopted Resolution 4276, "A Resolution Authorizing the Fire Chief of the City of Woodland to Cause the



Abatement of Weeds and Directing the Fire Chief to Keep an Account of the Cost of Said Abatement”.

COMMUNITY DEVELOPMENT BLOCK GRANT 2001/2002 PROGRAM APPROVAL

Community Development Director Steve Harris stated the Community Development Block Grant Committee met on several occasions to consider the requests for program funds. He recommends the City contract out the administration of this program next year. The Consultant would assist in monitoring two housing projects to be constructed, the Friends of the Mission Homeless Shelter Project at 901 Court Street and the Yolo County Continuum and Community Housing Opportunities Corporation's Safe Harbor and Transitional Apartment Project at 580 Kentucky Avenue. Also included in these duties would be monitoring of the implementation of the City's lead-based paint abatement program and assisting with preparation for the August 2001 monitoring visit by Housing and Urban Development.

Included in the recommended projects is the \$135,000 on an annual basis to assist the residents of the Idle Wheel and Royal Palm Mobile Home Parks in the purchase of those parks by the tenants.

Council Member Dote asked Planner Paul Hanson who has administered this program to date and Planner Hanson said he has been the Staff member. She then asked that a summary sheet be provided next year indicating the request and the recommended allocation, a summary of past programs and the amount received. The Adult Day Health Care is a County project but this program contributes as well. Planner Hanson said the Yolo Family Service Agency project description is incorrect. The proposal is to buy a new facility, not establish a bakery.

At 7:58 p.m., Mayor Borchard opened the Public Hearing to hear comments regarding the 2001-02 Annual Action Plan for CDBG funding. Sally Snell, Director of Yolo Family Service Agency, stated that Paul Hanson had addressed her concern. Margaret Gable, Volunteer Board Member of the Friends of Adult Day Health Care said the request for funds is to enlarge their facility. They will be adding 850 square feet for program space and a small office for the Speech Therapist.

City Manager Kirkwood asked the applicant for the Royal Palm/Idle Wheel funds to speak for the Public Hearing record and make a statement with regard to the continued need and use of the \$135,000 request for appropriation. John

Irvin said the tenants have every intention of trying to continue to purchase the parks if Mr. Yohanan so brings forth an offer they can work with, but they will continue the effort in that direction regardless of the outcome this evening. The residents definitely want to purchase the parks, upgrade them and preserve the housing for the low and moderately low-income residents. City Manager Kirkwood said it is important for the Public Record that the request is on the record. Vice Mayor Flory clarified that Mr. Irvin's statement was addressed to the Council.

City Manager Kirkwood stated in relation to the earlier action on the Bells Trailer Court, should some CDBG funds be released in some format and depending upon the action to be taken on the Bell's Housing, he may request Council to consider the Bell's request for CDBG funding.

Leslie Marcus thanked Planner Hanson for his administration of the program. He visits the sites and observes the programs in place in order to assist in his understanding of the requests.

Hearing no further comments, Mayor Borchard closed the Public Hearing at 8:03 p.m. The Council Members commended Planner Hanson and the Advisory Committee for their efforts on the process.

Council Member Dote asked about the options on the Idle Wheel/Royal Palms application. Director Harris said if the funds were not to be used at a later date, the City would return to the Public Hearing process, reconsider those requests unfunded or partially funded and return to Council. Vice Mayor Flory said we could also select a new eligible project with recommendations.

On motion by Vice Mayor Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council adopted the 2001-02 Annual Action Plan recommended by the Community Development Block Grant Committee.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

URGENCY ORDINANCE 1330 - MOBILE HOME SPACE RENT CONTROL

City Manager Kirkwood asked the City Attorney to provide an overview of the proposed Urgency Ordinance 1330 on Mobile Home Space Rent Control. City Attorney Siprelle summarized the proposed Ordinance in that it would

freeze space rent control for mobile home parks throughout the City for a period of 120 days. The reason for the urgency is there is a concern about low and very low income housing provided by mobile home parks and evidence these rents will be increasing soon. The Council may wish to impose this freeze to study the issue and determine whether it may be possible to assist the residents in purchasing the parks, or consider other options to insure the parks remain a source of affordable housing.

City Manager Kirkwood said on April 3, 2001, the Council discussed some steps to maintain affordable housing in the parks. The \$135,000 CDBG money will assist in that effort. The Council supported resident ownership. There are funds available but it is a complex process which takes time. This Ordinance is to allow time for continued discussion and attempts to purchase the parks. Should agreement not be reached, Council could consider a permanent Ordinance on the November 6, 2001 ballot. There is a letter from Mr. McDonald, the Attorney for the owner, and it would be appropriate for him to speak at this time. Materials included in the Council packet are letters to Governor Davis, Senator Johannessen, Assembly Member Thomson and Senator Dunn stating our belief that the State should be more engaging in developing legislative processes to allow for and simplify the procedure for residents to own their parks. The letters encourage the State to allow Cities to have authority to assist in this area. Senator Dunn has responded that legislative climate does not lend itself to this type of legislation at present. One year ago, in September of 2000 and April 18, 2000, funds were authorized to do a community survey in the two parks that would provide the Council with some understanding of the demographics and interest of the residents in a space rent control and park purchase.

Edward McDonald, Attorney for Mr. Yohanan, the owner of the parks, said the offer to purchase the parks was withdrawn by the residents and they rejected Mr. Yohanan's offer. There are no negotiations underway at this time. Since negotiations have been stopped, there is no need for an Ordinance on rent moratorium. His client had reviewed the Council concerns from two weeks ago. There is a rent increase scheduled for May 1<sup>st</sup>, which is the second increase in two years. He is proposing a long term lease, three year term, rents to be limited by the San Francisco/San Jose/Oakland CPI, one rent increase per year according to 100% of the CPI with a minimum of 3% and a maximum of 6% per year. This will be offered to all residents of Royal Palm and Idle Wheel next week. This lease would include the May rent as scheduled for all residents whether they accept or reject the long term lease. There seemed to be some residents who expressed an urgent need for assistance at the meeting two weeks ago. His client would offer to match City funding to assist those who

need immediate rent assistance. He does not believe intervention by the City will serve the purpose as presented by the City Manager nor benefit the citizens as it is a step towards City controlled rent.

Council Member Peart asked if Council proceeds with the moratorium, would the lease offer continue and Mr. McDonald stated the offer of long-term lease would remain. Mr. McDonald feels the moratorium will be meddling with the relationship between the client and the parks which will eliminate any incentive to enter into a long term lease. Rent control will be the only step left once the rents are freezed. The valuation of the parks is also then changed with rent control in place. Council Member Peart said if the Council chooses rent control, will he remain willing to negotiate. Mr. McDonald said it is almost guaranteed there will be some type of litigation over rent control by some party. The City will be bearing the costs. Council Member Dote said the letter of April 12<sup>th</sup> indicates the survey identified other areas and she asked how extensive and where they gathered the information. Mr. McDonald said the survey covered Davis, Esparto, possibly Madison. The rent in Royal Palm and Idle Wheel would be at \$400 plus even though other rents are at \$500. Council Member Dote said even though a rent control were imposed, there would still be rent increases considered by a Board. Mr. McDonald said if the City adopts a rent moratorium, the City then eliminates the incentive to enter into long term leases, which is one mechanism to try and resolve the issue. In his opinion, this is also the last step toward rent control. The rents have been increased at these parks in the past at approximately \$15 per year before his client purchased the parks.

Council Member Monroe said that Mr. Yohanan does have other parks which have rent control and asked if he had leases in those parks. Mr. McDonald said his client had a long term lease in one of the communities, a three to five year, which ultimately went to rent control after those leases expired. They have been in litigation ever since.

Vice Mayor Flory said Mr. McDonald had stated the issue of purchasing the parks had come about within the 90 days the residents were notified of the rent increase. In retrospect, this issue has been under discussion for nearly a year as a possibility and has not just surfaced. Mr. McDonald said this was a surprise to his client. Mayor Borchard asked if his client is indicating he would initiate if a moratorium were put into place. Mr. McDonald said he is simply stating the history from his experience with communities adopting rent control. Rent control is costly to administer and litigate, no matter what the issues are. Mayor Borchard asked if the offer of leases would continue if the forestalling of the May 1<sup>st</sup> rent increase became effective. Mr. McDonald said the long term

agreements would be offered in the next week regardless of what happens this evening. Mr. Yohanan is not willing to defer the May 1<sup>st</sup> rent increase in any case. As the negotiations have ceased, his client is not willing to wait another 120 days to see if the residents are willing to resume negotiations.

Council Member Dote cited a letter from Mr. Yohanan where he rejected the offer of the residents and his original proposal remained the same, which appears to mean there is no room for negotiation. Mr. McDonald said both sides are giving offers. Mr. Yohanan came down from his original proposal. His offer was open until April 24<sup>th</sup>. It appears that both sides have rejected.

John Irvin said they offered \$11 million because that is all they have available. Mr. Yohanan offered \$12.5 million, which has been the only offer they have ever received. They had asked that \$500,000 be put aside for catastrophic issues. They offered \$11 million and to drop the litigation. Mr. Yohanan said the residents stopped negotiations but he actually rejected their offer.

David Thompson, Consultant, said the April 3<sup>rd</sup> letter was not written to close the negotiations. They were trying to educate Mr. Yohanan on the processes they needed to gather their funding to accomplish the purchase. He thanked the Council for their efforts on this project, as well as that of the City Manager, City Attorney and City staff. With City help, they have been able to make a fair offer on the parks. These funds will help them to secure the matching funds as well. They have worked with at least 10 financial institutions to procure the funds. The residents will also be providing some of the funding. He proposed the participants meet face to face during the moratorium to find a solution to a mutually agreeable sales price. There are substantial benefits for all parties to make this work. He intends to keep working toward a solution.

John Irvin presented two letters to the City Manager, one dated April 3, 2001 and one April 12, 2001 which Council received into the record. He said the rent increase on May 1<sup>st</sup> would make many of his people homeless. Mr. Yohanan wants to go into business with the City in matching funds, but the residents desire proper rent across the board. They have 30 days to reject any rental agreement and would be foolish to accept any rental agreement when still protected under the old agreement.

Michael Jensen, Attorney for the residents, said in his first discussion with Mr. McDonald over a year ago he said his client has certain interests, as do the residents, and he was sure they could come to a middle ground to solve the problem. He had indicated at that time he was preparing a lease agreement to

submit to the homeowners. Mr. McDonald had said he felt the agreement was in effect when it had been rejected within the 30 days because it was draconian (harsh). On May 17, 2000 when the rental agreement was proposed, there was in effect a nine page rental agreement allowing for duties by the owner and manager. The new agreement had no responsibilities by the owner or management, simply an agreement the residents had to do everything. Mr. Yohanan would be "held harmless" and indemnified for anything that went wrong. It cited parts of the Civil Code Mobile Home Residency Law, Section 798.73, Resale of Manufactured Homes. The Agreement took most of that Section but the following sentence was eliminated, "Management shall not require the removal of a mobile home from the park in the event of its sale to a third party". This takes away the rights of the homeowners. There were 24 to 25 items on the agreement which removed all of their rights and he advised the homeowners not to sign.

Council Member Peart left the meeting at 8:55 p.m. and returned at 8:56 p.m.

Mr. Jensen said the Agreement from Mr. Yohanan violates the Civil Code and contract law. The litigation in the Third District Court of Appeal relates to legislation in April. These items could be heard in the California Supreme Court.

Council Member Dote asked about the timelines. The prior lease proposal was on May 17, 2000 and was rejected by the residents. She asked when Mr. Yohanan purchased the parks. Mr. Jensen said they were purchased in February of 1999. She asked if he has seen the long term lease as proposed now and he responded he has not but is anticipating it would be similar language.

John Irvin said these agreements must meet California City Code and they have thirty days to consider. Long-term leases are not beneficial to the park residents. He said if this increase goes through there will be a lot of his people in trouble. He would like to have the Council institute a rent control so they can move forward.

Council Member Peart asked about the reference that long-term leases are "not a good thing". Mr. Irvin said there are 90 year old people signing a five year lease and a lot of things would become difficult when they pass away. Most mobile home parks are on a month-to-month. If they sign a lease and need to leave, they would have to fight to get out of the lease.

Council Member Monroe left the meeting at 9:02 and returned at 9:04 p.m.

Mayor Borchard feels if a moratorium is in place, it would decrease the incentive to work with Mr. Yohanan. He does not think that a rent control on the ballot in November would pass due to the expense of administration and litigation.

John Irvin said Senate Bill 691 is proposed which states Cities may recover any and all funds they have expended to help residents in mobile home parks. He feels it will pass and will protect the City funds. He proposed the City give them \$1.5 million and the deal will be closed immediately. He said he would do everything to work with Mr. Yohanan.

Evelyn Lloyd of Idle Wheel thanked Council for the efforts they have put out on their behalf. They are very frightened of losing their homes.

Lettie Hanson of Royal Palm said she is disabled. She purchased her home on January 31, 2001 for \$30,769. No one told her about the suit. She paid \$1,350 to be moved and then got a rent increase. This will affect all of the citizens in Woodland. The elderly are extremely affected due to health insurance payments, P. G. & E. increases, food.

Leslie Marcus she would hope the homes would withstand moving out of the parks unless the five Council members choose to back up what they said two weeks ago they would do if negotiations were not fruitful between April 3 and this evening. The letter Faxed to the City Manager on April 12<sup>th</sup> by Mr. McDonald was not shared with anyone at the mobile home parks. Mr. Yohanan has suggestions but failed to include the people with whom he is negotiating. Mr. McDonald appears to have expertise but could not remember all of the areas where the market was surveyed. The CPI has gone above 3% only one time in the last ten years. He proposes 3% to be the floor. Our garbage company ceiling for increases is 3%. When the Council passes the moratorium tonight it will give them the time to do the detailed study on the local level.

Mr. McDonald said the long-term lease is entirely voluntary and for individual members, not for all or none. Council Member Dote asked if he was familiar with the lease last May and he said he had prepared rental agreement. She asked if the wording is the same. The rental agreement was implemented last May on a 90 day notice as per the law. There are differences over provisions. This agreement is utilized throughout the State. There have been no challenges that have made him wish to change the agreement as this time.

This is the agreement that is pending with the park at present. The terms of the rent and rent adjustments in terms of the capital improvement are different than the month-to-month agreements. The balance of the terms are the same, such as the responsibilities of the park, the residents are the same. It does have the same language as far as the resale of the homes, which state it can be sold in accordance with California law. The law is quoted in the agreement in its entirety.

Vice Mayor Flory asked if the long-term lease is as a whole or for individuals. Mr. McDonald said it is offered to every individual, to be accepted on an individual basis. It cannot be forced on any party. The individual can negotiate an individual lease or the Association could negotiate a lease for everyone. Council Member Dote said the long term lease then would replace the month-to-month and is it tied to the CPI. He said the intent is that the language would be the same, with some modifications on the terms of the rent. The default, should the long-term agreement not be signed, would be to the month-to-month.

Council Member Peart asked if in the Housing law there was a clause to raise rent a specified number of times per year. Mr. McDonald said they could raise rents but only on a 90-day notice. If you have a long term agreement you cannot raise except by what is included in the agreement. City Attorney Siprelle said the mobile home law does not specify how many times the rent could be increased.

Georgia Davis asked if the CPI Mr. Yohanan would be using is the San Jose and Bay area. City Manager Kirkwood stated they would be using the CPI for the Bay Area which is higher than the Valley Area. Ms. Davis asked if they would be expected to pay the rent for that area and it was stated it would not be the rent, but the rate of increase per year for that area. She said if they were required to sign the agreement then the other things they have received from him have been in violation of the California law. If they receive other information, she believes it still will not conform with the California State Mobile Home Law. The other mobile home parks in Woodland pay \$350 per month and that is what they are asking.

Mr. McDonald responded to Ms. Davis' question in that the CPI they will be using the San Francisco, Oakland, San Jose index which is one of the standard indices used for Northern California. He and Counsel for the Association have been discussing issues and they will continue.



David Larsen from Idle Wheel said there seems to be a question on whether the residents would be motivated to negotiate to buy the parks with the moratorium and one of his concerns is that in the agreement offered last May, there was a stipulation they could not sell their home if it was more than 25 years old. His other issue was that most of the talk about litigation was based on the more permanent mobile home rent control that would be voted on later this year and he feels that is a separate issue.

Candy Tutt addressed concerns that the basic difference between this and commercial is nobody wants to be told what they can or cannot do with their business or property. There are instances where an owner of a business has to abide by certain legal and moral obligations. We would be careful where certain types of businesses would be opened in relation to the other businesses or residences around them. We would not knowingly allow businesses to dump toxic waste into the water supply or install a noise polluting industry in a residential area. She believes the 120-day moratorium is morally the right thing to do.

A gentleman approached the podium, but did not identify himself. He did say his wife just spoke. If we do not pass the Ordinance we will be aiding and abetting the owner to do things which are morally corrupt. The owner is going to take their homes, the rents are going up, they cannot sell the homes. The Real Estate Agent who did not give the lady who recently purchased her home any notice about the rent going up and that is illegal. They pay taxes, served their Country, worked hard and raised their families. The Council is elected to represent the local citizens, not someone from the Bay Area.

Diane Hemlock from Idle Wheel moved from Dunnigan Mobile Home Park to save on gas. Her rent was \$264 per month and is now \$351. She moved thinking the difference in two-vehicle transportation would compensate for the difference in the mobile home park rent. The rents should be tied to those in Yolo County, not the Bay Area where the cost of living and wages are higher.

Joanne McClaren has been a resident of Idle Wheel for 10 years. She paid \$69,000 for her home and can not sell it. She has checked into moving the home and was quoted between \$10,000 and \$20,000. She cannot afford to stay at the park, cannot afford to move the home and cannot sell it. The park residents need the Council help.

Council recessed from 9:45 to 9:53 p.m.

Vice Mayor Flory said he and Council Member Monroe were appointed by Council to meet with the owner and residents. They tried to structure something to benefit everyone involved. The Council did allocate \$135,000 for ten years toward the purchase of the parks. Council is committing over \$1 million of public money. He and Council Member Monroe have recommended the Council support the 120-day moratorium. There have been many challenges before the Council in relation to housing. Each of these issues have taken years and dedication by all involved to resolve. Action seems to be slow in coming, however, taking time has made the effort worth the result. The Council and Staff have been working with the residents and parks owner to work out the differences. Though no agreement has yet been reached, it is hopeful that City financial assistance and a temporary moratorium on space rent can be charged in parks throughout the City and will allow the residents to buy the parks. The Council wants to preserve and improve the housing for our residents who have lower incomes. Council desires for people to stay in homes they own and attract businesses who want to invest in Woodland and in its residents. Time is needed to study space rent closely to determine the best possible way to insure the continued health and safety of the people who live in these parks. The parties need to return to the table to work out their differences for the benefit of everyone.

Council Member Dote said there has been discussion this moratorium is being loaded onto the back of one property owner. Personal property rights are an issue and apply to each of us. As we interact with others near us, our personal property rights decrease. Zoning laws prevent development or building of certain types of structures next to others. She said the City has the right to control many things. Mr. Yohanan has personal property rights as do the mobile home owners. Moving is not realistic as many of these homes cannot be or are too costly to move. There is the public benefit to consider. Maintenance of these home is of public benefit. She said litigation is the cost of doing business. She supports the 120-day moratorium.

Council Member Monroe said he agrees with the statements made by Vice Mayor Flory and Council Member Dote. He stated the 25% increase in rent is not acceptable and is hitting our most vulnerable citizens. Every park Mr. Yohanan owns has rent control. He would like to see this issue on the ballot and feels it will pass. He supports the moratorium.

Council Member Peart feels the State has been lacking in their support on this issue as are other local agencies which should have come forth to assist. They represent the residents and have more power than the Council. The funds of the City are \$19 million to represent all 50,000 citizens. Lawsuits should be

avoided whenever possible because they are very costly and a waste of money. He supports the 120-day Urgency Ordinance as a temporary measure and hopes the residents can find a permanent solution to their problem. There must be some serious negotiations on the part of the participants. The purchase of the parks is the solution for the residents.

Mayor Borchard also supports the temporary Urgency Ordinance. The cost of doing business as a City is trying to limit litigation. He feels they can come to an agreement. The goal is to get them in their own homes and control their own land. He does feel the community will not support the expense of having a permanent space rent control in effect. He asked that they work very diligently to reach agreement.

On a motion by Council Member Monroe, seconded by Vice Mayor Flory and carried by the following roll call vote, the Council adopted Urgency Ordinance 1330, "An Ordinance of the City of Woodland Imposing a Moratorium on Rent Increases for Mobile Home Spaces and Declaring the Urgency Thereof".

Council Member Dote said if the space rent control goes on the ballot in November, it may not be the best hope for the residents. She cautioned the residents not to rely on the ballot measure.

On roll call the vote was as follows:

AYES:	Council Members Dote, Flory, Monroe, Peart, Borchard
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

Council called for a recess from 10:16 to 10:22 p.m.

At 10:22, on a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council extended the meeting until 11:00 p.m.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CONTRACT FOR ADMINISTRATIVE SERVICES

Associate Planner Paul Hanson summarized the rationale for the proposal that a Contract for the administration of the CDBG program be approved. This program has become very comprehensive and needs full attention in order to continue its success.

Council Member Peart asked for further information on the three Consultants who were interviewed as a result of the Request for Qualifications (RFQ). He specifically wishes information on the amount of the Contract and how it was determined. Planner Hanson said they had asked for a ballpark figure prior to narrowing the candidates by a ballot process. They then went over detail-by-detail the scope of work to provide a not-to-exceed amount. Council Member Peart asked if they were the low bidder and Planner Hanson stated they were not. City Attorney Siprelle said for Professional Services, the Government Code specifies not necessarily the lowest bidder, but rather the most qualified at the best price. The price is a consideration but not until you have selected the most qualified. Council Member Peart requested that the prices for all bids be revealed as we need to monitor the City's money.

Director Harris said in the interview with the three firms there were standard questions and a list of a standard rating criteria. They asked the firms if they had a minimum term contract. Two of the firms had a minimum of two or three years. Willdan, the recommended firm, said they would look at the program status and asked the City to advise what the minimum length of the term should be. The services would include study of the program, addressing where the improvements were needed, and redirecting the program with the sub-grantees and reporting measures. Director Harris felt more comfortable with that type of approach. Council Member Peart stated Willdan may well be the best Consultant to meet our needs, but does wish further information.

City Manager Kirkwood asked if Council would like this item deferred until the next regular meeting until further information can be provided and Council concurred. He said the Interview Committees are judging the quality of the firm and it would not be appropriate to state why the other firms were not selected. However, overall figures could be indicated. In dealing the professional services contracts, we must be mindful that we are not addressing items of specificity, but services offered which have some parameters as addressed by the Code. Vice Mayor Flory a memo to Council could be more specific on why a particular firm was selected and provide figures in general. Planner Hanson stated that Willdan had been called in to provide a point-by-point in order to provide the

contract proposal figure. The Department would need to ask in the other two consultants to attain that information as well. City Manager Kirkwood said the Council is asking for the qualifications and qualities seen in Willdan as they prepared their proposal in writing with a list of the other companies proposed and the amount of money. Discussion as to why the other firms were not selected should not be included. Council Member Peart asked if there was an original figure presented with the qualifications and Planner Hanson said two had, one had not. City Manager Kirkwood said Council would like an accounting and why the firm was selected. He asked that Director Harris and Planner Hanson put together a matrix.

Council Member Dote said the amount of the contract is \$69,000 and the grant is \$30,000 and asked where the other funding source would be from. Planner Hanson said part would come from this fiscal year, next year and the following year, a three year cycle. No further funds would be requested on the grant. This is due various amounts remaining within the program. It is hoped to close out this year and go into next year with the Consultant. The Department is undergoing some structural changes and there are opportunities for the next fiscal year to bring this back in house. At present it is advisable to contract it out.

On a motion by Council Member Peart, seconded by Vice Mayor Flory and carried by unanimous vote, the Council deferred this item and asked that it return to the next regular meeting of the Council in May.

#### FIRE ACT GRANT APPLICATIONS TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Council Member Peart asked if there could be a conflict of interest for him on the following discussion as he is a member of the Support Branch. City Attorney Siprelle stated to the negative.

Fire Chief Karl Diekman summarized the proposed request for a grant from the Federal Emergency Management Agency (FEMA) for funds in two of the six eligible categories. One of the requests is in the Vehicle category whereby the Department is seeking funds to purchase a Heavy Rescue Vehicle. This request is for \$293,700 and will reduce the expenditure to the General Fund by \$264,330. The other item is in Fire Prevention where a Community Education Program is proposed, specifically to further the development of the Support Branch for outreach and education to the community on fire prevention and

general safety. The amount requested is \$44,550. Each of these requests requires a 10% match commitment from the City.

There are funds in the Fire Department Master Plan previously approved by Council. Chief Diekman stated there is a 30 day window to May 3, 2001, on these requests.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council authorized the Woodland Fire Department to submit grant applications to the Federal Emergency Management Agency (FEMA) on the City's behalf and approved the proposed grant applications which require a 10% match of non-Federal funds.

#### ASHLEY AVENUE TRAFFIC CALMING

Public Works Director Gary Wegener introduced the item and asked Traffic Engineer Bruce Pollard to summarize and respond to questions. Engineer Pollard said the Traffic Advisory Committee was involved in the process to address the concerns of the residents along Ashley Avenue, primarily between Lincoln Avenue and Gibson Road. A survey was conducted to determine the level of support by the residents along this collector avenue. Some of the alternatives presented for consideration were to construct landscaped medians and/or chokers to narrow the roadway or, striping and delineators. The advantages to these measures would make it safer for pedestrians to cross Ashley Avenue and slow down vehicles as the roadway would be narrowed. The disadvantages would be that 25 to 35 parking spaces would be eliminated, difficulties with trash and lawn clipping pickup would be seen, cost between \$150,000 and \$250,000, unattractive appearance, traffic would divert to Cottonwood Street where there is an elementary school.

Doug Baxter, Chairperson of the Traffic Safety Commission said the Commission and those who had turned out in large numbers to the meetings, would like to reduce the speed along Ashley but do not want to compromise aesthetics or frontage in the process. The bike lane would have to move in and out near the curb. Fern Park is very actively utilized and the loss of parking spaces was a concern to the Commission and Parks. There were conflicting issues on yard refuse and concern by adjacent street residents that traffic would be diverted to Cottonwood. The Commission had a strong desire to preserve the residential street even though it is a collector. They do not want to create some traffic calming which would then have a negative effect elsewhere. They would like to conduct further study prior to making recommendations. City staff

has done an excellent job providing information. They feel a Consultant would help on this roadway, as well as look at others which need to be considered.

Chairperson Baxter said the Commission does not feel expending the funds at this time would cause a solution to control the speed and it would also create other problems. Vice Mayor Flory asked what the Commission would accomplish by hiring a Consultant. A Traffic Consultant that has had more exposure to other areas might be able to utilize solutions reached in other areas to address our concerns. The \$12,000 proposed for the consultant is based upon the work the City has already done thus keeping the cost down.

At 11:00 p.m., on a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council extended the Council meeting until 11:30.

Engineer Pollard stated the cost for a Consultant is approximately \$100 per hour. As we have some of the information collected, the process should not be as lengthy for a Consultant. They do have a broader range of "before and after" information from other Cities in which they have conducted similar studies and on which they can draw. If we expend funds to make the changes to incorporate the traffic calming measures without information on the ramifications, we may be creating more problems when solving one.

Vice Mayor Flory asked if the scope of the consultant would entail beyond Ashley and address the effect of influence on other streets, i.e. California and Cottonwood. Engineer Pollard said there would be no modeling and would be based entirely on experience. What is done on Ashley would be a test case for other areas. The traffic on Cottonwood is 180% of that on Ashley. Ashley has 3,000 to 5,000 vehicles per day while Cottonwood has 8,000 plus. There have been fewer complaints on Cottonwood as there is more on street parking, slower traffic and less residential uses. The Principal at Whitehead does not care what is done on Ashley as long as it does not affect Cottonwood. The 85% percentile speed range is between 34 and 36 miles per hour on Ashley. Vice Mayor Flory asked if the intent was to reduce traffic on Ashley or slow it down. Engineer Pollard stated it is the intent to slow it down without diverting to other streets.

Chuck Townsend, who lives on Ashley Avenue, said if some traffic calming measure is placed in front of his home, he will have no place to park. It would also impair his access in and out of his garage. He asked what right the

City would have to impose this on the residents. It would have a devaluation effect on his property. City Manager Kirkwood said the City does have the public right-of-way because it is a public street, not one that belongs to Mr. Townsend. Mr. Townsend said this is a non-exclusive access, not one the City may do with as they please. It is the property owner's property not the City's. If you were to pursue this it would be the right of eminent domain in which case he would expect to be compensated. City Attorney Siprelle said the public right-of-way is a property right of the City. It has the responsibility of being sure that public right-of-way is safe for the public.

Council Member Peart left the meeting at 11:07 and returned at 11:09 p.m.

Public Works Director Wegener said if we pursue a consultant we need to consider the cost and funding sources. Vice Mayor Flory asked if the problem is that our staff or Traffic Safety Commission has not been able to find a solution which is amenable to the property owners. Director Wegener said that is correct, but there are tradeoffs for these solutions. Vice Mayor Flory said some of the traffic calming items that were economical and worked but were not favored by the residents. Traffic circles and roundabouts were considered but without acquiring property, the only two intersections which are large enough to accommodate them would be Cross and possibly Southwood at \$30,000 each. They do not address the rest of Ashley Avenue.

Mayor Borchard stated he favors deferring this action due to the response rate of less than 60%. The options of signage, painting the speeds on the roads, and striping have been considered. Mayor Borchard said there is no safety hazard on Ashley, but a community desire to slow traffic. Director Wegener said the traffic enforcement has been stepped up and if it continues, it may change some traffic patterns.

Vice Mayor Flory agrees and feels we can keep the options open for those which may be effective. Council Member Peart received a call who was very upset about speeds on Ashley. This person reconsidered their position when the tradeoffs to slow traffic became known. He supports deferring for three months and increasing the patrol. Council Member Dote asked if there was information available on the effect of passive traffic calming. Engineer Pollard said he does not have a large body of statistics on this type of calming. Some information states they are not at all effective, while he has experienced passive calming effects himself.



Council Member Dote favors option #3 as well. She suggested stenciling the speed limits on the streets. Mayor Borchard would like a survey on traffic calming measures that include pictures.

On a motion by Council Member Peart, seconded by Vice Mayor Flory and carried by unanimous vote, the Council deferred action for a minimum of twelve months at which time they will consider any subsequent petition from the property owners to determine if support for the project warrants further investigation, (i.e. exceeds 60% threshold).

Council Member Monroe left the meeting at 11:22 and returned at 11:23 p.m.

#### UPDATE ON ELM TREES

Public Works Director Wegener advised the Council that Hort Science had rendered a report regarding the conditions of the 99 American Elm Trees and all are considered to be in poor condition. Two of the trees have been removed as they were immediate hazards. There are 97 remaining, 8 of which are considered immediate hazard and should be removed promptly. The remaining trees are proposed for substantial pruning to reduce the hazard with removal slated for 9 trees per year over a 10 year period. As trees are removed, new trees will be planted.

Council Member Dote asked about the framework weakening and Director Wegener said it has. One of the trees removed had a cavity large enough for two people to stand inside. Council Member Dote asked if there was an outbreak of some type of disease and Director Wegener responded to the negative. Peter Holmes has found a new treatment process which seems to be effective on the Elm Leaf Beetle.

Council Member Dote asked for Tree Commission opinion on the issue. Director Wegener said the Commission is not happy with the options but agree that we have no choice but to move ahead.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council approved the proposal to prune and remove the Elm trees as proposed in the Hort Science report and authorized the work to be completed behind the walk in a manner consistent with that done for the Ash trees.

STRATEGY FOR CITY TRIP TO WASHINGTON, D. C.

City Manager Kirkwood said the Council has authorized a delegation consisting of Vice Mayor Flory, Council Member Peart, City Manager Kirkwood, Public Works Director Wegener and Police Chief Hanson to meet with Federal officials in Washington, D. C. from April 23 through 26, 2001 to discuss various strategies of concern to our City. These strategies include: Cache Creek Flood Control Improvements and Insurance Rate Maps; Cache Creek Settling Basin and the Proposed Funding by the Environmental Protection Agency State and Tribal Assistance Grant; Lower Cache Creek Flood Protection Army Corp of Engineers Feasibility Study and \$568,000 Proposed Funding; Interstate 5/State Route 113 Freeway Connector with Proposed Funding of \$19.5 Million; Main Street Improvements and Proposed Funding; Assistance for the New Police Station; Federal Emergency Management Agency Assistance to Firefighters Grant Program for Heavy Rescue Vehicle and Fire Prevention Community Education Program.

Director Wegener said the fallback position is the aspect of fast tracking the process. The proposal is with Congressman Ose to determine if he can support us with FEMA. If the City can accomplish the fast track, we could conceivably have the flood protection in place in 2004. If we have our own funding, did not have to wait for Congress and could design-build the project and start in 2002. There are many things which must fall into place in order to do this.

At 11:30 p.m., on a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council extended the meeting to 11:45 p.m.

Director Wegener said if we can present to FEMA some tight milestones, they would formally defer issuance of the maps, or could commit to informally defer. We would then need a funding mechanism to proceed on a fast track basis.

Council Member Dote asked if an EIR and EIS would be required. Director Wegener said this is being done as part of the feasibility study. The design-built may cover this project. The Corps of Engineers does have legislation for a project like this under the design-build, as well as acquiring the right-of-ways.

Council Member Peart said that three years ago when we began this process it was to delay the FEMA maps, which has been accomplished. This process saved \$6 million for the community. Congressman Ose is willing to assist us with a viable project and we should meet with his aides at our earliest convenience.

Council Member Dote said that Interstate 5/State Route 113 freeway connector is still on the regional list and will be advocated by the members of the Transportation Committee. City Manager Kirkwood said the projects have been seen by the Council and we are now trying to obtain the funding. They will be having one page briefing sheets that Vice Mayor Flory and Council Member Peart will presenting in Washington.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council adopt the strategies and information to be submitted to the Federal officials during the Washington, D. C., April 23-26 meeting led by Vice Mayor Flory and Council Member Peart. This continues to the Cap-to-Cap the following week.

REQUEST FOR QUALIFICATIONS AND CONCEPTUAL PROPOSALS FOR PROFESSIONAL SERVICES – POLICE FACILITY AND MASTER SITE PLANS

City Manager Kirkwood said this item is for information only. The City is moving forward with the Downtown Master Plan Update. Council would like to see the 27 acre project in the Redevelopment area be addressed. The Police facility is to be in the middle of the Downtown Redevelopment Project Area. Senate Bill 356 and Government Code Sections 5956 allow for the City to approach a design-build or a lease-back purchase. We are attempting to meet with various firms to assemble property in the Redevelopment Area that can help design how the Master Plan area could and should look and base it upon the soundness of economics. We will be receiving proposals from interested design, architectural and construction firms who have been invited to submit statements of qualifications and conceptual proposals for the new Police Station and the Community Senior/Youth Center. These facilities may be constructed under the design-build approach as outlined in the Government Code. Senate Bill 356 would so provide the City with this alternative authority.

The City is also soliciting statements of qualifications for a Master Site Plan and Implementation Program and an update to the Downtown Specific Plan.

ORDINANCE

None.

ADJOURNMENT:

At 11:39 p.m., the Council meeting was adjourned.

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City Clerk of the City of Woodland