

Woodland City Council
City Hall – Council Chambers
300 First Street
Woodland, CA 95695

MINUTES

**CITY COUNCIL
SPECIAL/STUDY SESSION**

MARCH 28, 2006

7:00 P.M.

CALL TO ORDER

Vice Mayor Flory called the special/study session of the Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Flory invited those in attendance to join in the Pledge of Allegiance led by Deputy City Clerk Gonzalez.

ROLL CALL

COUNCIL MEMBERS PRESENT: David Flory, Jeff Monroe, Neal Peart, Art Pimentel,
Matt Rexroad

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ana Gonzalez, Dan
Gentry, Carey Sullivan

PUBLIC COMMENT

Brenda Cedarblade stated she felt Mayor Rexroad should address comments made on his website and felt they were inaccurate. Mayor Rexroad stated this item has nothing to do with the business of the Council and should not be addressed in a Council meeting setting.



COUNCIL/STAFF COMMENTS

City Manager Kirkwood stated he had received notice from the 40th Agricultural District (fairgrounds) that a Negative Declaration had been found for the California Environmental Quality Act review for a motorcycle speedway racing track proposed for the facility. There will be a public forum at the Fairgrounds asking for comments. The alternatives for Council consideration: (1) return the item to Council on April 4, 2006; (2) ask the Planning Commission to place this item on their calendar for comments in relation to the General Plan. Council Member Peart indicated the action was not mandated but voluntarily directed by the Fairgrounds in order to receive comments from the neighbors. Council concurred to ask the Planning Commission to receive the comments and provide to the Fair Board.

REPORT OF THE CITY MANAGER

LEASE AGREEMENT-ASOCIACION DE CHARROS LOS CAPORALES-REGIONAL PARK

City Manager Kirkwood said the staff has determined it is in the City's best interest to look at how the Regional Park is operated and maintained, where Los Caporales has a month-to-month lease agreement. The determination was made to put forth a Request for Proposal with more specific criteria within that RFP to assist with the business interest decisions. Council had expressed interest in looking at the RFP and the current contract and agreements on this property. He had been asked by Council to call this special meeting to allow community input.

Parks, Recreation and Community Services Director Gentry said there had been an amendment to the Lease Agreement in September 2002 when the agreement expired and the lease was placed on a month-to-month basis. It was to be evaluated at some future time. There continues to be issues at the site and some of those issues requested by Council had never been fully addressed by the lessee, by looking at a Business Plan to address concerns and questionable usages. Another concern is the new adjacent Spring Lake development and possible usage concerns affecting the safety of the residents.

Council Member Monroe asked for clarification of questionable usages. Director Gentry said one of the issues is the traffic flow pattern. At the Regional Park site there is only one method of entrance and egress. The Sheriff's Department had some concerns about the traffic flow. The County Fairgrounds might be a better location for this type of event (rodeo) and the sale of alcohol. Vice Mayor Flory asked why the Los Caporales would be different than that of the Aeromodelers who share the site. Director Gentry said the Aeromodelers lease is not up for another year. The Los Caporales also hold evening events where the Aeromodelers do not. Council Member Pimentel said one of the reasons this has been an issue is that Los Caporales is the



only organization that does not have a non-profit designation for usage of the park and have not been required to comply with the other non-profit organizations who utilize City property. Vice Mayor Flory asked if a 501(c)(3) is a non-profit and if the Aeromodelers were non-profit. It was stated they were initially a different non-profit than the 501(c)(3) but have now changed that status.

Council Member Monroe asked what has changed in the last year to necessitate consideration of removing the Los Caporales. Director Gentry said the non-profit status should be that they are giving something back to the community. This is a public facility that basically has free rent, the City needs to know where the money is going. There was a Master Plan that was to have sports fields built on the site. The Council at that time had questions as to whether this use would interfere with the proposed fields. Los Caporales had said if there was interference, they would leave the site. Vice Mayor Flory said the Aeromodelers do not have such a clause in their contract and they have 30 acres, where Los Caporales has about 10. Director Gentry said when their agreement comes due those same considerations and concerns will be addressed. There needs to be a community benefit.

Ted Thompson said he is the head of security at the site and they have been involved for about six years. There had been some issues in need of correction. There have not been any major problems since they became responsible for security. Mr. Losoya (unknown of his relationship to the organization), has always welcomed any law enforcement on the premises. These are family events. There have not been any calls to the site during events.

Council Member Peart said he had heard there had been calls. Director Gentry said in July of last year, the Woodland Police had to shut down an event on the site. This was an illegal event sponsored by the Caporales. There was a flier distributed that was first found on the day of the event. He had been told it was a wedding and it was actually for a wet t-shirt and drinking contest and other inappropriate activities.

Graciela Cruz said this was to be a celebration for a band that had won first place. It was to be free and to be kept under control. When the City contacted them they told those who were going to have the event they could not do so because there was a charge. By the time the Police Department arrived, all the attendees were already gone. The young people who go to Los Caporales events could be involved in other things that are not productive.

Ramon Velasco (translated by Ana Gonzalez) said he is a member of Los Caporales and he wishes to defend the association. This is a tradition in the City. They believe they have complied with all of the laws the City and State have required. They would like Council to look over the records to see that the association has given funds to the community.



Nancy Lea said Los Caporales is a 501(c)(3) and would like the document so stating made part of the record. She presented the document to the City Manager. They have functioned under a lease drafted by the City and they have handled all the responsibilities outlined in the lease as required. In 1992 they went to the site and improved it on their own. It is a family activity and everyone is welcomed. They provide uniqueness to the community, have paid for the mariachi group at the Yolo County Fair for years and they encourage heritage. They City could ask them to vacate for excessive Police calls or the need to utilize the land for other City purposes. Neither of those things have happened. They are very willing to work with the City. Mayor Rexroad has concerns about the facilities and the liability against the City. The facility does not meet safety standards. Ms. Lea is not cognizant of the safety but Los Caporales does hold insurance. Mayor Rexroad said the bleachers do not seem to meet the safety standards. Vice Mayor Flory said the last inspection by YCPARMIA and there were about 7 areas that needed minor repair. The City should be sending the insurance carrier out there more often there are concerns about the safety of the structure.

Council Member Peart has been to the site. YCPARMIA has viewed the site but does not have an Engineer's background. Council Member Peart has a strong concern about the safety of the bleachers and they are not stable. He recommends that Cal OSHA come in and look at them for safety purposes. Another issue is that the Fairgrounds requires \$3 million for insurance on these types of events. The site is also not ADA accessible. He has very strong concerns about the safety because of the City liability. Council Member Monroe said we pay YCPARMIA to make those decisions based on their knowledge. Council Member Peart said the Council is not making the safety decision, Cal OSHA, the experts in these types of issues, would be making the decisions on the safety. He is asking for Engineers who have the expertise make the decisions. Vice Mayor Flory said the Aeromodelers site should also be inspected.

Amparo Cook owns a Spanish radio station and they began their association back in 1999. Bringing a band to an event costs \$30,000 to \$40,000 with insurance, rodeo insurance, security, alcohol, and they make between \$6,000 and \$9,000 that they use to make repairs. All of the concerns should have been brought up before. The City made an Agreement and now they want to amend. Now there is another group and it appears they want to take over the site.

Council Member Peart asked Ms. Cook if it is wrong for Council to feel the area should be safe and should be looked at by qualified people to judge the safety. She agreed it should be safe.

Jesse Ortiz said he has met with Los Caporales and clarified some of the concerns. He feels that Council has allowed them to be at the site for 13 years to help preserve the Mexican Cowboy heritage. This is a 501(c)3 and has been since at least



2003. He agrees that the safety is very important. The City is just as responsible to hold Los Caporales accountable to the contract that was not adhered to in the past and should to be more prudent in holding them to at this time. The RFP will do that. One of the concerns is the RFP is asking for a gross of 10% or a monthly rental fee. That one issue should be looked at because of the high percentage and after bills are paid may not leave anything left for the organization. He believes they deserve a chance with a cleaner contract and the problems should be fixed. There is an event on April 30th and he understands the contract would be nullified thus not allowing that event to proceed.

Vice Mayor Flory said there has been no letter sent to terminate the lease at this time.

Juan Abarca (translated by Ana Gonzalez) is not with the Los Caporales but is a citizen of Woodland. They are Charros for rodeo and he has not seen a rodeo in Woodland. There are events more for music bands, with beer service. Everything should be clarified so they can move forward. Council Member Pimentel said that Mr. Abarca had said instead of having rodeos and Mexican events, it is more entertainment with music bands and alcohol.

Abdon Loza (translated by Ana Gonzalez) said there are accusations that Los Caporales are doing things wrong and they are trying to find out the problem. They want to do everything correctly.

Brenda Cedarblade said the Los Caporales is a fine event. She has had a business association with the organization and have never had any problems. The events are well attended and well run. The area is kept clean. The facility is for families and children and they are proud of their culture and tradition. They support the parade and community events. The difficulty Council is putting before them signifies their lack of support for the Hispanic community and is a clear act of discrimination. If something needs to be fixed she will lead the group.

Evera Ridio was called and did not come forward to speak.

Roberto Abarca (translated by Ana Gonzalez) said he is the person from La Charria who started the problem for the Caporales. He has been here for many years and with the Caporales. At that time he requested help and the President of the organization said the membership would have to vote. After a month he contacted the President by phone and was told the members did not accept him or his family. He tried to find the older members to seek a reason for the rejection. The older members said Mr. Frank Corona was the President at that time. After Mr. Corona passed away, another person appointed himself President without approval of the officers or membership. The members that were part of the Association before got together and



made a Board of Directors. He took that list to Parks and waited a month or so for a response. They had a meeting with Mr. Gentry. The members he had gathered are those who have given scholarships to the Community. In the past, there were three activities where they gave scholarships. Now the activities do not include the smaller children. The members are riders. Council Member Monroe asked if the City has promised him anything. Mr. Abarca said the City has not promised him anything. Council Member Monroe asked if his organization is a non-profit group. Mr. Abarca said Los Caporales does not have a President, Secretary or Treasurer, but it is a non-profit organization since it was founded. Every year they give scholarships. Mayor Rexroad said a non-profit status means that all of the revenue must go to a public purpose. He asked if they have books to show that all of that revenue has been spent for public purpose. Mr. Abarca said (in English) that years ago there was a big book for minutes and everything, which was given to Mr. Corona. (In Spanish), he does not know where it is. Mr. Corona's wife gave the book to the person who runs Los Charros right now. It is a big mess.

Ignacio Magallon has known these people for a long time and they do a good event. He has knowledge of OSHA and safety. He offered to help to make the site more safe and secure. He does not feel the benches are safe. All the children can ride their horses at the site and at events.

Council Member Monroe asked why the RFP would be different from the Agreement except for asking for 10% of the gross. Director Gentry said it requires them to be a 501(c)3. The current Agreement does not. It requires, as we do in all new contracts, a rental component. Vice Mayor Flory asked why do it now rather than wait until the entire site Agreements are up for renewal and address them all at the same time. Director Gentry said generally we do not do two contracts at the same time but at their expiration date. Vice Mayor Flory said we have a Master Plan for that area that in the past we have tried to do in one package to address all of the issues at one time. If we give them a one year lease then we would be looking at them again as a package in 2007 when the Aeromodelers lease is due. Director Gentry said the length of the new lease has not been determined as yet. We would be looking at the proposals and what these groups would be offering for the community. That direction is what is being sought from Council this evening. Vice Mayor Flory said we are then asking the Los Caporales to make some changes and invest funds without any guarantee they will be at the site after 2007. Council Member Monroe asked about the 10% gross and what it goes for. Director Gentry said that means 10% of the monthly rent, not a combination of both. The budget indicates the need to do things like close pools and providing a public facility without any revenue receipt is not a responsible use of public property. Users are charged to utilize public properties. Council Member Monroe said we do not spend any money on site and we cannot justify collecting the funds. Director Gentry said it is the City's property, the money goes into the City General Fund and the property has a value.



Mayor Rexroad said the question is that there are several events already scheduled and whether the April 30th event will be allowed. The RFP could be awarded to any group. The meeting tonight was held so that if the contract is to be terminated, it would give the group adequate time to move elsewhere or cancel that event. He does have concerns about events and money and he wants some assurances that the money is running through the non-profit entity. He has strong concerns about the bleachers and the liability. The insurance issue for that facility is also of concern. Rodeos, the amount of people, is a liability issue. The Contract needs to be adjusted. The deficiencies need to be addressed when they become known. The Aeromodelers property is mostly fly-over with a small number of people with less liability. The bleachers are our liability. The Aeromodelers are not generating a large amount of money, probably in the \$100's vs. \$1,000's with the Los Caporales events. If we are going to allow a group to use a facility, we need to be sure the funds are handed appropriately. Vice Mayor Flory said this RFP went out and the City had a responsibility to address the deficiencies all along. We need to do the audit and charge the organizations if we have concerns about the books. There are other groups that are not held to the same accountability and it should be administered equally. The Aeromodelers do have some extensive liability issues should one of those planes injure someone. With the houses now across Road 102, we are required to look at the impact of those planes. The responsible thing to do is to bring it all into one package. The discussion should have been held prior to the RFP. Mayor Rexroad said this meeting tonight allows us to address the issues prior to the upcoming event. The RFP does not have anything to do with the action on a contract. If they are not operating as a 501(c)3 is the issue. Vice Mayor Flory said all organizations should be treated the same. Council Member Monroe asked if only this organization would be audited. Mayor Rexroad said there were questions as to whether this organization was actually running their money through a non-profit, and if there were ever any concerns about any other organization the City was granting a monopoly on a piece of real property, the same concerns would be raised. If concerns are raised, we have a duty to investigate.

Vice Mayor Flory said perhaps Council should instruct the City Manager to ask for an audit of the books of all non-profits who have leases with the City. Mayor Rexroad said that was the original intent. City Manager Kirkwood said the City real property users, such as the United Way is well-established with good records and valid. The Aeromodelers and Los Caporales should be assumed to be in the same category as non-profits and whatever Council established standards on reporting, could be asked of organizations. The Finance Director could develop the standards and reporting requirements from non-profits who lease City real property and move in that direction. That was the consideration Director Gentry had and we had just been provided with the status as a 501(c)3 as well as other clarifying information this evening. Council has full discretion on this real property usage. Vice Mayor Flory feels



the entire park be looked at to insure safety regulations are met and should be done before the event at the end of April.

Council Member Pimentel said it is the fairness issue. The RFP was seen before it went out and has been handled appropriately by staff. There are liability issues. We should not ask Los Caporales to make additional improvements prior to the April 30th event and then possibly award the contract to another organization. The RFP is fair and only a few days ago the confirmation on the non-profit status was made known. There is no verification of the operation with minutes, Board of Directors, etc. The current lease does not provide for a mechanism to request some critical information the staff and Council need to make determinations.

Council Member Peart said the primary concern is safety. There is also an ADA issue. If the City were to be sued, the citizens would be indirectly involved in the lawsuit. This is a good event with lots of families present. He wants some professional knowledge to say that facility is safe. He has extensive experience in electrical issues and the site has some problems with the electrical. He wants the bleachers and grounds looked at before allowing any further events at the location.

Vice Mayor Flory recommended that Council direct staff to work with YCPARMIA because of cost issues. Council Member Peart said if YCPARMIA does not pay for the inspections, he would pay for them. Vice Mayor Flory said staff should still work with YCPARMIA to be sure the safety and structural requirements are met at the Regional Park, that staff work with all non-profits on establishing a criteria on meeting the IRS requirements for non-profits, and come back with recommendations for all future lease schedule that would allow the City to share in the profits, with a good event sharing in the profits and a bad one in the base amount. Staff can address those issues.

Mayor Rexroad said the organization has been issued a permit by the special events committee but until the safety issues, the money going through the non-profit, the insurance is in place, that permit should be revoked. This is a special event committee approval. Vice Mayor Flory said the Aeromodelers and other groups should have the same restrictions. Council Member Monroe asked if there had ever been any suits connected with this site and Director Gentry indicated there had not. Council Member Monroe expressed his displeasure that the RFP does not come before Council but that at least two Council Members had seen and approved the RFP. This group has always corrected safety concerns in the past. Vice Mayor Flory suggested that the permit not be revoked but that they must have the safety inspection before proceeding. The recommendation would be that the permit is put on hold until the City is able to work with YCPARMIA in establishing that all safety guidelines have been met for the entire Regional Park and safety measures taken. Staff will work on a proposal that would address all future contracts with non-profits.



A motion was made by Council Member Monroe, seconded by Vice Mayor Flory to revoke the RFP. Vice Mayor Flory does not think this was approached fairly. They are being penalized because some do not think they are running their organization correctly or the property is not being utilized correctly. There needs to be an overall plan similar to the when we look at fees. In 2007 we could sell the land or turn it back to the State where we originally got the money to improve the site. Council Member Pimentel asked if there are any other organizations using City property that are not required to be non-profit. Director Gentry said we could not go out and ask if they are non-profit. At this time he is not aware of others, such as youth groups fall under national non-profits, such as Cal Ripkin, soccer, Woodland Youth Soccer. There may be some, but he is not aware of any. The Boy Scouts use the cabins and the swim groups are all non-profit. This is an attempt to be consistent with these other groups. If it is a non-profit we can require them to reveal their books and can provide an audit at their expense. Council has the right to request that at any time of those who use the facilities. Council Member Pimentel does not feel we are penalizing this group. Some of the complaints are coming from Woodland residents and we need to take these complaints seriously. Simply because no one has gotten hurt is not a reason to continue on in the same method. The City should be sure it is looking after the organization and the City interests. The fairness of the issue is that if YCPARMIA comes back and says the site is unsafe, they have to stop events that they have already scheduled and promoted. Council Member Monroe does not feel it is fair to jump at rumor and innuendos and should deal with issues based on fact. Council Member Peart said 501(c)3's must have a Board of Directors and must have books, revenue must go back to the public benefit. The Secretary of State is very strict about the non-profit status. Vice Mayor Flory amended his recommendation to drop the issue of auditing the non-profit's books but have the option of asking the State or someone to present their books, but the City would not be part of the audit. Mayor Rexroad said they can verify if they are a 501(c)3 but cannot tell us if they have been running their money through the organization properly. This organization cannot provide that information. He would like a temporary hold on the permit for the April 30th event and ask staff to meet with YCPARMIA to address the issues of safety at the Regional Park. Council Member Pimentel asked why we would hold the permit if the organizers have not been asked if they are willing to take on the expense. Vice Mayor Flory said if the proposal is to cancel the program because there might be safety problems, or if we are giving them the opportunity to address the issue. It should not be Council's decision to cancel their event because there might be safety hazards. It should be their decision. If the safety issues are met they can go ahead, if they are unsure, they should cancel or postpone their own event. Council Member Pimentel said if they move it to May 30, we already have an RFP in front of us and we should go out and look at everyone else to do whatever they need to do, apply like anyone else. The restated motion was to rescind the RFP until a report is received back on the safety issues. On roll call the vote was as follows:



Ayes: Council Members Flory, Monroe
Noes: Council Members Peart, Pimentel, Rexroad
Absent: None
Abstain: None

Motion failed.

City Manager Kirkwood requested the Council make a proactive decision on whether the staff is continue on with the RFP.

On a motion by Council Member Peart, seconded by Mayor Rexroad and carried that the staff continue with the RFP as presented. Vice Mayor Flory asked if putting out the RFP would negate the lease agreement. City Manager Kirkwood said the RFP has some deadlines, filing by April 7th, staff review during the week of April 10 through 21, and Council will make determination on the contract award. The RFP issuance does not portend that Council would actually award the contract. The action would provide whether Staff should continue on the timeline. Council Members Flory and Monroe voted to the negative.

The motion to include the statement below as stated by City Manager Kirkwood: Council is directing staff to consult with YCPARMIA to make a risk assessment on the project area; give notice to Los Caporales that staff will not be allowed to issue a special event permit until the determination of the risk assessment is completed, including the entire area. The entire 40 acres, Regional Park, will undergo the risk assessment; directed the Parks and Finance Directors will develop criteria to allow for inspection of the books of non-profits who lease real property from the City to satisfy the City Auditors and to verify that those books are in compliance with the laws of non-profit status. Council approved.

ADJOURNMENT

Vice Mayor Flory adjourned the special meeting of the Council at 8:55.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk