



Minutes of the Regular Meeting of the Winters City Council
Held on November 7, 2017

Mayor Wade Cowan called the meeting to order at 6:30 p.m.

Present: Council Members Harold Anderson, Bill Biasi, Jesse Loren, Pierre Neu, and Mayor Wade Cowan
Absent: None
Staff: City Manager John W. Donlevy Jr., City Clerk Nanci Mills, City Attorney Ethan Walsh, Environmental Services Manager Carol Scianna, and Management Analyst Tracy Jensen

Tina Lowden led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Neu, second by Council Member Loren to approve the agenda. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: David Springer, 200 Madrone Ct., said he was a member of the Valley Clean Energy Alliance, a locally controlled (not for profit) energy provider with SMUD providing the energy procurement. Services are scheduled to be launched in July, 2018. The City of Winters is the only municipality in Yolo County that is not participating and asked Council to form a sub-committee to determine if it is worth pursuing. This program is a win-win, the rates would be competitive with PG&E, and the City would be able to opt out at any time.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 17, 2017
- B. Amendment to West Yost Agreement No. 027-17, Waste Water Treatment Facility Influent Screen Design
- C. Final Acceptance of Public Improvements for Hudson/Ogando Subdivision (Winters Ranch)
- D. Adoption of Yolo Local Government Accountability and Transparency Program Statement

City Manager Donlevy gave an overview. Council Member Anderson requested clarification on Item D, which was provided by City Manager Donlevy, who said LAFCO is taking the lead by conducting municipal service reviews and creating web transparency scorecards for local government agencies. Christine Crawford from LAFCO will be the point person and will provide a follow-up at a future City Council meeting.

Motion by Council Member Loren, second by Council Member Neu to approve the Consent Calendar. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

PRESENTATIONS: None

DISCUSSION ITEMS

- 1. Public Hearing and Consideration of Zoning Code Amendments to Prohibit Outdoor Cultivation of Marijuana and Commercial Marijuana Uses

City Manager Donlevy gave a power point presentation and reviewed the four regulatory options being presented tonight: limit the number of plants cultivated outdoors, limit the cultivation area, establish setbacks, and enforce zoning restrictions. The most controversial is the outdoor cultivation due to odor issues in residential area, preventing residents from enjoying their back yards.

City Attorney Walsh said there are two aspects: the Winters Municipal Code (WMC) currently bans commercial cultivation and sales of cannabis. Council could vote to bring the language in the WMC up to be consistent with current law. The second aspect is outdoor cultivation in response to complaints of larger

outdoor grows that affect neighbors. Any substitutive changes have to go back to the Planning Commission before coming back to the City Council, preventing any immediate changes. Council Member Loren referenced Section 3, Amendments to Section 17.04.140 and said bringing language consistent with the law is very important. City Attorney Walsh said if Council is not going to immediately decide upon outdoor cultivation, they could amend the language tonight under Section 17.205.020, Cannabis Cultivation, by deleting Items A and C. Council Member Loren said the voters passed Prop 64 by a wide margin and Council is in a place to advance the interest of the voters. The problem identified by the City is a couple of residences who are growing an excessive number of plants and operating in residential areas as a collective. These residences generate numerous odor complaints. Council has the ability to create regulations to mitigate the problems those grows have created.

Mayor Cowan opened the public hearing at 7:12 p.m.

Kathy Woodman, 1029 Adams Lane, agreed with Council Member Loren's comments. Kathy uses CDB oils and grows 6 plants in the middle of her 10' X 10' back yard to make salve. The odor is not bad and there have been no complaints by her neighbors. Collectives need to be in the country.

Brian Bellamy, 902 Southdown Ct., asked Council to address medical users and banning outdoor growing and said it would be more expensive to grow if plants have to be grown inside. He asked Council to take more time with this and to consider the cannabis population.

Marianne Boyer, 1102 Malaga Lane, said she is retired, is an active member of the Winters Senior Foundation and a representative of the Yolo County Grand Jury. She said she is an average citizen who has been a medical marijuana user for several years for many ailments. Cannabis is her drug of choice and she has been growing it for several years with no complaints. The actions of a few shouldn't penalize numerous residents. She asked Council to consider the voices of the innocent ones.

Kristin Wright, 214 Rosa, read aloud excerpts from a letter submitted by Debra DeAngelo.

Carol Ellis lives outside the City and has worked at a dispensary in Sacramento for many years and invited anyone to come and visit.

David Springer, co-author of the Winters Climate Action Plan asked Council to consider avoiding indoor grows, which is one of the largest energy users.

John Cresbo, no address given, said the residents voted for this. Many people can't afford to grow indoors and this will make law abiding citizens unlawful citizens.

Chad Vickrey, no address given, said allowing collectives to grow within the City limits is ridiculous.

Mayor Cowan closed the public hearing at 7:24 p.m.

Council Member Neu said after hearing the residents voices tonight, Council should just vote to update the language.

Council Member Biasi asked City Attorney Walsh for examples of how other communities are handling these types of issues and City Attorney Walsh gave the following examples: limitation of number of plants on site regardless of number of people in the house, grow for individual use only and not for other people, restrict size of plants, limit number of plants, limit size of space or enclosure, require fence height, and includes other restrictive measures. The City of Davis is in the first round of permitting their dispensaries while the issue in the City of Winters is extensive dialog, which can be time intensive.

Council Member Biasi said if Council allows plants to be grown outside, several specific things need to be reviewed: setbacks, proximity to schools, and the biggest concern is cannabis is still listed as a Class 1 drug by the Federal government and the City would be in violation of the Federal Controlled Substance Act. Council Member Loren said the voters passed Prop. 64 and it is not up to the local police force to enforce federal law. Council is being asked to serve the community. Mayor Cowan said despite obvious objections, he doesn't want to violate federal law. If Council re-works the ordinance by removing from Section 17.205.020 Item A (personal cultivation of cannabis for personal use within a single private residence, or inside an accessory structure to a private residence, shall be permitted only to the extent such use is authorized by state law and exempt from state licensing requirements) and Item C (all outdoor cannabis cultivation is prohibited in the City, including the outdoor cultivation of cannabis for non-commercial, personal use) and look at the personal side of it, would everything else stay in place? City Attorney Walsh said yes, no commercial cultivation or operations for commercial purposes would be allowed. It would allow for personal use only. The ordinance would still allow the collectives, so that would have to be addressed separately. Mayor Cowan confirmed if the ordinance is passed tonight minus Items A & C, Council can review other parts of the ordinance at a future meeting.

Council Member Anderson referred to Ms. Woodman's comments and said he sees the medical side of the issue and doesn't see a problem with that. Council needs to take a better look at outdoor grows and regulating the cooperative grows, who don't have the right to impact neighbors. Council Member Loren said taxation would likely limit illicit grows. City Attorney Walsh said there are Federal and State law issues. State law prevents prosecution for possession of medical marijuana. The City is a subdivision of the State and the State says is legal, so

the City needs to put ourselves in the position of regulating it. This issue is how we want to handle it in this community.

Mayor Cowan said Federal law keeps cannabis from becoming a legitimate business. He said he is in favor of keeping the ban on commercial business, is OK with updating the ordinance by leaving out Items A & C and deciding on the guidelines later. He said Council needs to come up with restrictions because he doesn't want people to have 24 plants in their backyard. Council needs to spend more time and energy on this issue to make it more agreeable for everyone. Council Member Loren said a total ban on outdoor grows makes the City ineligible for receiving state grants used for enforcement. Mayor Cowan said Council will take points under future review.

Motion by Council Member Neu, second by Council Member Loren to introduce Ordinance 2017-07, remove Items A & C from Section 17.205.020, and bring the Ordinance back to Council to discuss outdoor cultivation at a future City Council meeting. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

2. Capital Improvement Program Overview- Programs and Funding

City Manager Donlevy gave a general overview of the City's Capital Improvement and Maintenance Program, including the basic elements and revenue sources for capital projects. Council Member Anderson asked about the \$396,000.00 deficit in General Plan Capital and inquired about the amount of the original debt. City Manager Donlevy said the original amount of debt was \$1.4 million dollars and the City continues to pay itself back from the 1992 General Plan. Council Member Biasi said he appreciated the update and seeing the balances within the agenda report. Council Member Neu asked if other City Managers are working to try and find revenue sources other than (decreasing) gas tax. City Manager Donlevy said infrastructure, transportation and housing are the items they always discuss. Council Member Loren said she was amazed that the City has managed to have an S & P "A" rating. City Manager Donlevy said this item will come back to Council in the form of a workshop.

3. Designation of City Council Members to Zoning Code Update Subcommittee

City Manager Donlevy gave an overview and said staff would be requesting that two City Council members and two Planning Commission members be appointed

to serve on this subcommittee, which will kick off in January, 2018. Staff is not looking to change the zoning code, but to modernize it. Following a brief discussion, Mayor Cowan and Council Member Biasi were appointed to serve on the Zoning Code Update Subcommittee.

4. Consideration of Amendment to City Manager Employment Agreement

City Attorney Ethan Walsh gave an overview and said this is a simple amendment to extend the City Manager Employment Agreement for an additional three years, to 12/31/2021. No other terms of the agreement are being changed. As the longest tenured City Manager in Yolo County, City Manager Donlevy wants to continue doing work in Winters. Council Member Biasi agreed it was a good idea and the City is lucky to have someone here for continuity purposes, which is invaluable. Mayor Cowan cited the average time for City Managers in California is 4 years, and the average time across the country is 8 years, while City Manager Donlevy has been with the City of Winters for 16 years. Council Member Loren cited City Manager Donlevy's hard work, commitment, and institutional knowledge.

Motion by Council Member Neu, second by Council Member Biasi to approve the 3-year amendment to the City Manager Employment Agreement. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

1. None

CITY MANAGER REPORT: The Parking Committee met last week and is looking at the week of 11/27 or 12/4 to hold a joint workshop with City Council and Planning Commission members to review a final report and recommendations from the consultant. Will work with all parties to receive communication about possible dates and times. The Blue Mountain Terrace/Domus project will get an update out tomorrow. Will be speaking to members of the Public Administrative Program at Chico State on Thursday about being a City Manager in a small town.

INFORMATION ONLY: None

ADJOURNMENT: Mayor Wade Cowan adjourned the meeting at 8:14 p.m.



Wade Cowan, MAYOR

ATTEST:



Nanci G. Mills, City Clerk