



Minutes of the Special Meeting of the Winters City Council  
Held on July 2, 2020 via Teleconference (ZOOM)

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**Executive Session**

Safe Harbor for Closed Session Pursuant to Government Code Section 54954.5

1. Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Anticipated Litigation (One Matter)

Following the Executive Session, City Attorney Ethan Walsh reported that City Council unanimously approved the Settlement Agreement and Release of Claims between the City of Winters and Keep Winters Winters (KWW). Mayor Cowan gave the following statement related to the joint agreement and was then followed by KWW Proponent Bob Polkinghorn.

Mayor Wade Cowan said over the past 30 days, he along with Council Member Neu and City Attorney Walsh have met with Bob Polkinghorn, Peter Hunter, Bill Lagatutta, and KWW Attorney Robert “Perl” Perlmutter in an attempt to “turn down the temperature” and initiate a dialogue in hopes that we might find some common ground when it comes to the KWW initiative and our need to plan for the future of our City. The sessions were civil and cordial, and they discovered that both sides shared similar views about Winters and their hopes for its future. These meetings also presented an opportunity to learn from one another. The KWW Initiative and what it implies for City planning raised many questions, some quite complex. The answers to these questions were not always simple or easy to come by. It’s fair to say that both sides learned and came away from our discussions with a genuine appreciation for the other’s view. Speaking for the Council, Mayor Cowan said he wanted to recognize the hard work involved in preparing the initiative, gathering signatures, and mobilizing the community. The KWW leaders and all who signed the petition are our fellow citizens and neighbors. All of us care deeply about Winters and the Council recognizes the desire of our citizens to be an integral part of the planning process.

With this, Mayor Cowan was pleased to announce that the Council is prepared to vote to place the KWW Urban Growth Boundary Initiative on the November 3<sup>rd</sup>

ballot. Council has also agreed to a new and exciting future course of action, which will benefit all parties, and especially the people of Winters. Mayor Cowan said in addition to Council's vote tonight to put the KWW initiative on the November ballot, they have also agreed to the following:

Over the course of the next month, KWW and the City will develop a joint initiative, which Council envisions will also be placed on the November 3, 2020 ballot. KWW and the City believe the new joint initiative improves the KWW initiative and provides the City with flexibility and certainty into the future. Once the joint initiative is on the ballot, the original KWW initiative will be withdrawn by the proponents. The joint initiative contains some important changes, which still honor the key elements of the KWW initiative, especially the people's right to approve future development by vote.

This joint initiative recognizes the City's need to plan in a comprehensive way for future growth, whenever that may occur. The North Area, with all its potential and complexity, demands a planning process that is comprehensive in nature, not piecemeal and not driven by developers. Both sides agree that this approach is good for the City and its citizens.

Under the agreement with KWW, the working group will recommend to the City Council a committee of City officials, community members, business owners, and other stakeholders. The charge of this committee will be to create a comprehensive Specific Plan for the North Area. This will cover all property in the Sphere of Influence. Once the plan is complete, it will be placed on an upcoming election ballot for approval by the voters, and if the Specific Plan is approved by the voters, the Urban Growth Boundary would be moved to be consistent with the City's Sphere of Influence. In the next few weeks, the working group hopes to have the language of the joint initiative written and ready to place on the ballot. This must be done by August 7<sup>th</sup> in order to meet the State's election deadline. Mayor Cowan then asked Bob Polkinghorn, chairman of KWW, to explain further:

Bob Polkinghorn thanked Mayor Cowan and said from the beginning, the mission of Keep Winters Winters was to give the citizens of Winters a determinative voice regarding development outside City limits, while at the same time promoting smart growth within our borders. KWW believes that if growth becomes necessary outside our existing City limits, the form of that growth should be determined by the citizens of Winters, not by developers. KWW believes the agreement with the City honors the values and intent of both KWW and the 814 citizens who signed their initiative petition. But more than that, this agreement takes their initiative to the next level and improves it. The agreement defines a process that allows development to take place in the North Area only after a community-driven and community-authored plan is in place. And that plan must be approved by the voters.

The Mayor has outlined the specifics of our agreement, which is just that – an agreement to craft a joint initiative with will supersede the original initiative, making it better and more comprehensive while satisfying the goals of KWW. Importantly, it provides the City flexibility and certainty in its planning processes. Going forward, we will continue to work together as partners in supporting what we believe is best for our City.

Our process so far has been extremely cordial and, as the Mayor said, the biggest thing we all learned was just how much we have in common, and how much we all wish to see Winters grow in ways which makes sense to all stakeholders. In the months ahead, KWW and the City will create a special committee, composed of residents, members of KWW, the business community, stakeholders outside the City, members of the City Council, and members of the Planning Commission – two representatives from each group. Their goal will be to create a comprehensive Specific Plan for the land that lies within the Sphere of Influence, commonly referred to as the North Area. Again, this plan will be developed by community members, not developers or outside entities. It will assure the proper balance of housing, commercial development, and green space. And it will most definitely seek to preserve our agricultural heritage.

Importantly, this plan will not take effect without a majority vote of the citizens of Winters at a regular election. The goal of KWW and the City Council is to complete our joint initiative shortly so that it can be placed on the November ballot, at which time KWW will withdraw its original initiative that the Council is considering tonight, in favor of this new and improved joint initiative. Bob thanked his partners in this, Peter Hunter and Bill Lagattuta, and their steering committee, which represents a broad cross section of the Winters community, all good people. He also thanked Mayor Cowan, Council Member Neu, City Attorney Walsh and members of the Council for their willingness to work with KWW, and a special thanks to all of those members of our great community who have worked so hard to Keep Winters Winters.

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### **Regular Session**

Mayor Cowan called the meeting to order at 6:34 p.m.

Present: Council Members Harold Anderson, Jesse Loren, Pierre Neu, Mayor Pro Tem Bill Biasi, Mayor Wade Cowan

Absent: None

Staff: City Manager John W. Donlevy Jr., Management Analyst Kristine DeGuerre, City Clerk Tracy Jensen, City Attorney Ethan Walsh, Director of Financial Management Shelly Gunby, Fire Chief Brad Lopez, Police Chief John Miller, Public Works Superintendent Eric Lucero, and Building Official Gene Ashdown.

Council Member Jesse Loren led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Neu, second by Council Member Loren to approve the agenda with no changes. Motion carried unanimously via roll call vote:

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

COUNCIL/STAFF COMMENTS: None

PUBLIC COMMENTS: None

CONSENT CALENDAR

A. None

DISCUSSION ITEMS

1. Acceptance of Elections Code 9212 Report and Consideration of Initiative Petition Amending the City of Winters General Plan to Establish an Urban Growth Boundary

City Attorney Ethan Walsh reported that he has prepared a comprehensive and detailed 9212 report as discussed. Upon consideration of the initiative petition, Council may adopt it without changes and place it on the 2020 or 2022 ballot. Although there are differences of opinion regarding when the initiative will be brought forward, staff is recommending the initiative be placed on the November 2020 ballot. When Council votes on the initiative, City Attorney Walsh requested their motion include the approval of the resolution with the November 2020 date.

Mayor Pro Tem Biasi said Council is trusting that everyone will keep their word and come up with language that is acceptable for both sides. Citizens didn't previously trust what was going on, and Council is asking KWW to do what they say they're going to do.

Corrine Martinez, one of the original petition proponents, agreed that it is a matter of trust. She said she had signed the letter today authorizing the removal and rescinding the original initiative in favor of the joint initiative. In closing, she assured Council of her commitment.

Bob Polkinghorn said the third original petition proponent, Emarie VanGalio also signed the agreement. As long as the joint initiative is written and put on the ballot, the original initiative will be rescinded.

Motion by Council Member Neu, second by Council Member Loren to approve Resolution 2020-33, calling for the holding of a General Municipal Election on Tuesday, November 3, 2020. Motion carried with the following roll call vote:

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

Mayor Cowan thanked everyone who has worked so hard during this process, especially City Attorney Walsh and KWW Attorney Robert "Perl" Perlmutter.

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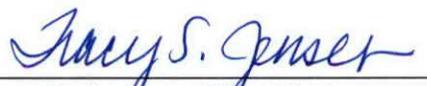
CITY MANAGER REPORT: None

INFORMATION ONLY: None

ADJOURNMENT: Mayor Cowan adjourned the meeting at 7:03 p.m.

  
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Wade Cowan, MAYOR

ATTEST:

  
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Tracy S. Jensen, City Clerk