

**MINUTES OF THE WILLOWS CITY COUNCIL**  
**REGULAR MEETING HELD December 8, 2015**

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Vice Mayor Hansen led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Williams, Yoder, Mello, Hansen & Mayor Domenighini.

Absent: None

4. **Agenda Review:**

- a) Consider acceptance of December 8, 2015 agenda:

**M/S – Yoder/Hansen** to accept the December 8, 2015 agenda as presented. The motion unanimously passed 5/0.

- b) Discussion of possible action of retaining the “Agenda Review” item on future agendas:

City Attorney Bob Hunt informed the Council that although “Agenda Review” appears to be a common item placed on many Municipalities’ agendas, he stated that he has some concerns about it and actually has questions as to its legality. He stated that, pursuant to California’s Brown Act, once the agenda is posted, it is locked and set and there cannot be any further changes or additions made to its content after that point. He stated that it is purely up to the discretion of the Mayor as far as removing items, tabling items, or making other minor modifications to the content listed on the agenda. He suggested that the Council consider eliminating this item from future agendas as to avoid any potential issues of liability. After brief discussion, it was the unanimous consensus of the Council to have “Agenda Review” removed from future City Council agendas.

5. **Presentations & Proclamations:** None.

6. **Public Comment/Written Communications:** None

7. **Consent Agenda:**

**M/S –Mello/Yoder** to approve the Consent Agenda as presented. The motion unanimously passed 5/0 and the following items were approved/adopted:

- a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30275-30336; Z06810-Z06888; 34433-34482).
- b) Approval of City Council Minutes for the Regular Meeting held on October 27, 2015.

- c) Approval of City Council Minutes for the Special Meeting held on November 10, 2015.

8. **Public Hearings:** None

9. **Ordinances:** None.

10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**

- City Manager Scott Taylor announced to the Council that beginning on January 1, 2016, the City's payroll will be converted from bi-monthly to bi-weekly.
- Vice Mayor Hansen wanted to publicly thank Public Works Director Steve Soeth and the entire Public Works team for doing an outstanding job with the annual leaf pick-up and for keeping the City streets looking clean.
- Vice Mayor Hansen announced that the Museum's annual Christmas open house will take place on December 10 from 5:00 p.m. to 7:00 p.m.
- Mayor Domenighini echoed Vice Mayor Hansen's comments about the outstanding job that the Public Works department is doing keeping the city cleaned up nicely.
- Council Member Williams asked if it would be possible for staff to place the leaf pick-up schedule on the City's website. City Manager Taylor stated that this is something that he will see to is taken care of.

11. **New Business:** None

- a) Staff is seeking specific direction from Council relative to the drafting of an Ordinance for introduction and eventual adoption commensurate with their wishes pertaining to the regulation of medical marijuana within the City of Willows:

At the November 10 City Council meeting the Council discussed the recent State legislation related to the regulation of medical marijuana and impacts on local government should local government fail to enact an ordinance regulating the cultivation and/or deliver of medical marijuana within the Willows jurisdiction. The State Legislature introduced three bills comprising the Medical Marijuana Regulatory and Safety Act (MMRSA). These bills are designed to impose additional regulatory mechanisms related to medical marijuana. The legislation allows cities that wish to regulate cultivation and/or transportation and sale of medical marijuana to do so; however there are critical time constraints. At the November 10 meeting, Council directed staff to bring back options associated with the regulation of medical marijuana for consideration and action by the Council at tonight's meeting. To that end, the City Manager presented the following options for Council's consideration and action:

**Option One: Prohibit cultivation but allow, regulate and tax the delivery of Medical Marijuana:**

As discussed previously, cultivation is the physical growing of medical marijuana. Under State Legislation, local government has the authority to regulate or prohibit the cultivation and delivery of medical marijuana within its jurisdiction. This option would strictly prohibit any cultivation of medical marijuana within the city limits. This equates to no growing of medical marijuana in any capacity or quality within city limits. Further, this option would provide for the regulation and taxation of delivery of marijuana within city limits. As discussed, “delivery” means the transfer of medical marijuana from the grower to the end user. This delivery may occur from a brick and mortar location or perhaps in the form of mobile delivery. Additionally, regulation and taxation would include requisite licensing (including business licensing) and permits from both the City of Willows and the State under the MMRSA.

**Option Two: Regulate cultivation and allow, regulate and tax the delivery of Medical Marijuana:**

This option would be similar to option one with the difference being the permissive cultivation. Allowing cultivation within the city limits brings with it additional dynamics to be considered. These dynamics include the nuisance aspect of cultivation including offending odors and perhaps additional police resources related to open growth. However, if approval is considered, substantial restrictions can be imposed to significantly regulate those possible side effects associated with permitted cultivation.

**Option Three: Regulate cultivation and Prohibit Delivery of Medical Marijuana:**

This option provides for the regulation of cultivation of medical marijuana as previously outlined with similar concerns and regulatory possibilities. However, option three would prohibit the delivery of medical marijuana in its entirety. This option would strictly prevent any options of delivery including marijuana dispensaries, mobile delivery and related methods of end user distribution within city limits.

**Option Four: Prohibit both cultivation and delivery of Medical Marijuana:**

This option would strictly prohibit any cultivation of any kind within the city limits. It would not allow for growth of medical marijuana in any capacity for cooperatives and collectives. Further this option would strictly prohibit the delivery of medical marijuana within the city limits. Thus, under this option, no delivery in any form would be permitted thereby prohibiting dispensaries, brick and mortar locations and mobile delivery.

Council discussion ensued and Council Member Williams inquired whether the City could modify an ordinance once the Council was to adopt an ordinance addressing medical marijuana regulations. The City Manager told Council Member Williams yes, that whatever ordinance the Council chooses to adopt, it could be modified in the future.

Mayor Domenighini then read a letter into the record that was received by Willows resident Robert Faust, who was unable to attend this evening's meeting. Mr. Faust's letter expressed his opposition for the Council allowing any type of cultivation or delivery of medical marijuana at all in the City of Willows.

Willows resident and Planning Commissioner Robert Griffith addressed the Council and stated that he is also opposed to the City Council allowing any type of cultivation or delivery of medical marijuana in the City.

Willows resident Doug Ross addressed the Council and although he didn't express whether he was in favor of or opposed to Medical Marijuana, he stated that he disagreed with a comment in Mr. Faust's letter opposing Medical Marijuana. The comment he was referring to was "For those who need to find marijuana, travel to one of the large apartment complexes in town." Mr. Ross stated that he believed that comment unfairly casts dispersion on the apartments in Willows.

Council Member Yoder agreed with Mr. Ross' comments and he added that he also took offense to a comment in Mr. Faust's letter when he stated that "Morality of Willows is slowly declining..." Council Member Yoder stated that the City Council doesn't set policy on morality.

Council discussion continued, focusing on the four options presented to them by the City Manager.

Council Member Yoder indicated that he favored Option 1 to prohibit cultivation in the City, but to allow for regulation and taxation of delivery of Medical Marijuana.

Vice Mayor Hansen favored Option 4 and wants no part of Medical Marijuana cultivation or regulation & taxation in the City. He believes the City is currently on a positive track and in an up-trend and he feels that Medical Marijuana should not be allowed legally and that is not what he envisions Willows to be known for.

Council Member Mello also favored Option 4 and stated that once the ordinance is adopted it can always be changed or modified in the future.

Council Member Williams echoed Council Member Mello’s statement and stated that his preference was also Option 4.

Mayor Domenighini also stated that as a guardian of the community, he strongly favored Option 4 and he is not convinced that there are any medical benefits of marijuana.

With that, the Council directed the City Manager to bring forward an item at the next City Council Meeting to be held January 12, 2016, to consider passage of first reading of an ordinance prohibiting both cultivation and delivery of Medical Marijuana in the City of Willows. City Manager Taylor confirmed that he will bring this item before the Council on January 12, 2016, as directed.

b) Planning Commissioner Appointments:

Three Planning Commission terms (Commissioners Robert Griffith, Kerri Warren & Candis Woods) are due to expire at the end of December, 2015. Council Member Yoder and Vice Mayor Hansen at the City Council’s August 25, 2015, Regular Meeting, volunteered to interview candidates and report back to the full Council with their recommendations to select three individuals to serve on the Planning Commission beginning January 2016 and expiring December 2019. The City received only two applications from current Commissioners Robert Griffith and Candis Woods. Council Member Yoder and Vice Mayor Hansen elected to waive interviews for these two candidates, as they have already served on the board and have been doing well in their current roles as Commissioners. Therefore it is the recommendation of Council Member Yoder and Vice Mayor Hansen to reappoint Robert Griffith and Candis Woods to additional four-year terms on the Planning Commission. **M/S – Yoder/Hansen** to reappoint Robert Griffith and Candis Woods to serve additional four-year terms on the Willows Planning Commission and also to direct staff to continue to recruit for one remaining vacant seat on the Commission. The motion unanimously passed.

c) Appointments to various committees, commissions and/or panels for 2016:

Following are the City Council’s appointments to various boards, committees, commissions and/or panels for the year 2016:

COMMITTEE	MEMBER(S)	WHEN APPT.	TERM EXP.
*Airport Land Use Committee	Domenighini	12/09/2014	5/1/2017
*Glenn County Waste Management Regional Agency	Hansen Mello	12/08/2015	01/2017

	Williams (Alternate)		
*Transit Committee	Hansen Williams Yoder (Alternate)	12/08/2015	01/2017
*Transportation Commission	Hansen Williams	12/08/2015	01/2017
*LAFCO (Term is four years)	Domenighini	12/08/2015	05/2017
City Select Committee	Mayor	12/2004	12/2016
Countywide Mosquito & Vector Committee	Mayor	12/08/2015	12/2016
Finance Committee	Williams Mello	12/08/2015	12/2016
GCID Voting Delegate	Mayor	12/2000	12/2016
League Legislative Delegate	Mayor	12/2004	12/2016
Library Board	Domenighini	12/08/2015	12/2016
3CORE (Formerly known as Tri- Counties Economic Development Committee)	Mello Yoder (Alternate)	12/08/2015	12/2016
CDBG Loan Committee	Domenighini Hansen	12/08/2015	12/2016
Public Safety (Police & Fire) Committee	Hansen Yoder Williams (Alternate)	12/08/2015	12/2016
City & Counties Economic Development Steering Committee	Hansen Yoder Williams (Alternate)	12/08/2015	12/2016

\* The City Selection Committee makes the final selections to the committees marked with an asterisk (\*). The City Selection Committee is scheduled to meet in order to ratify the 2016 appointments on January 4, 2016 at 8:30 a.m. in the Board of Supervisors Chambers at 525 West Sycamore Street. The Mayor appointed to serve the City for 2016 is expected to attend this meeting.

- d) Receive nominations, and by motion appoint a Mayor and Vice Mayor to serve for the year 2016.

Mayor Domenighini announced that nominations for Mayor for 2016 were now open. Council Member Yoder nominated Vice Mayor Hansen. Council Member Mello nominated Mayor Domenighini to serve a second term as Mayor. Council Member Williams also nominated Mayor Domenighini to serve a second term as Mayor. Mayor Domenighini thanked his fellow Council Members for their nominations, but stated that he is declining the nomination. Hearing no further nominations for Mayor for 2016, Mayor Domenighini closed the nominations. It was the unanimous consensus of the Council to appoint Council Member Hansen to serve as the Mayor for 2016.

Mayor Domenighini then opened nominations for Vice Mayor for 2016. Vice Mayor Hansen nominated Council Member Yoder. Hearing no further nominations for Vice Mayor for 2016, Mayor Domenighini closed the nominations. It was the unanimous consensus of the Council to appoint Council Member Yoder to serve as the Vice Mayor for 2016.

**12. Council Member Reports:**

- Vice Mayor Hansen reported that he attended the most recent Transit & Transportation board meetings. He also reported that he attended the recent Christmas light parade in downtown Willows.
- Council Member Mello announced that he planned to attend a workshop in Rancho Cordova on the 16<sup>th</sup> of the month to learn about the most recent adopted legislation regarding medical marijuana.
- Council Member Williams announced that he recently attended the Swearing-In ceremony for Officer Michael Stover who was recently promoted from the position of Detective to the position of Sergeant in the Police Department. He also reported that he attended the recent Christmas light parade downtown.

**13. Executive Session:**

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public spoke and the council convened into Executive Session at 8:28 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
Pursuant to Government Code Section 54957  
One Case: Kelly Kuwata v. City of Willows.  
Glenn County Superior Court case no. 14CV01380

**14. Reconvene to Open Session & Report out, if any, on Closed Session:**

The Council reconvened into open session at 8:28 p.m. Mayor Domenighini stated that there was no reportable action taken.

15. **Adjournment:** Mayor Domenighini adjourned the meeting at 9:54 p.m.

Dated: December 8, 2015

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider