



Willows City Council Regular Meeting

November 10, 2020
Willows City Hall
7:00 p.m.

City Council
Kerri Warren, Mayor
Larry Domenighini, Vice Mayor
Gary Hansen, Council Member
Lawrence Mello, Council Member
Joe Flesher, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Agenda

NOTICE:

All meetings of the City Council of the City of Willows are OPEN to the public. Due to the need to protect against transmission of the COVID-19 Coronavirus, the City will employ protective measures and require meeting participants to maintain a distance of at least six (6) feet between participants who are not members of the same household and any other attendees. Accordingly, it is necessary to limit the number of members of the public physically present in Council chambers at City Hall in order to observe recommended social distancing practices. While the City encourages telephonic participation, members of the public who choose to attend in person are required to wear a mask or other face covering. Those wishing to participate telephonically may use the call-in information provided on this agenda.

Dial in Number: (605) 313-5611

Access Number: 404150

1. **CALL TO ORDER-** 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**
 - a. **Public Comments:** Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time by stating your name and address. Then please wait until you are recognized by the Mayor or Vice Mayor. No formal action will be taken unless the matter is placed on a future agenda. Each member of the public attending in person or caller will be limited to three (3) minutes. If you are calling in to provide public comment, use the call-in information below:

Dial in Number: (605) 313-5611

Access Number: 404150

5. CONSENT AGENDA

Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of direct deposit check registers & payroll checks Z44497-Z44520, 38754-38759 and 38761-38766.
- b. Approval of minutes of the Regular City Council Meeting held on October 27, 2020.
- c. Approve the cancellation of the December 22, 2020 City Council Meeting.

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings or any item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. Adopt a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING A CANNABIS BUSINESS LICENSE FOR ELEMENT 7 WILLOWS, LLC TO ALLOW A RETAIL COMMERCIAL CANNABIS DISPENSARY FOR PROPERTY LOCATED AT 102 HARVEST DRIVE ASSESSORS PARCEL NUMBER 017-350-005.**

7. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

8. CLOSED SESSION

- a. PUBLIC COMMENT: Pursuant to Government Code Section §54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. Public Employee Appointment (CA Gov. Code § 54957) Title: Administrative Services Director.

Capitalize Public Employee Appointment

9. ADJOURNMENT

This agenda was posted on November 5, 2020


Tara Rustenhoven, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



CONSENT AGENDA



PERIOD

10/08/2020 TO 10/21/2020

Payroll Direct Deposit	244497	TO	244520
Payroll Checks	38754	TO	38759
	38761	TO	38766

APPROVAL DATE 11/10/2020

APPROVED _____



**ACTION MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD OCTOBER 27, 2020**

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.

Please visit www.cityofwillows.org for free PodBean recordings.

1. Mayor Warren called the meeting to order at 7:00 p.m.
2. The meeting opened with the Pledge of Allegiance led by Gary Hansen.

3. Roll Call:

Council Members Present: Council Members Flesher, Hansen, Mello, Vice Mayor Domenighini, Mayor Warren

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody, City Engineer John Wagner, City Attorney David Ritchie and City Clerk Tara Rustenhoven

4. Ceremonial Matters (Proclamations, Recognitions, Awards)

Mayor Warren recognized the following proclamation.

- a. Veterans Day Proclamation

5. Public Comment/ Written Communications: No public comments or written communications.

6. Consent Agenda:

- a. Approval of general checking, & direct deposit check registers 50595-50605 and Z44470-Z44495.
- b. Approval of minutes of the Regular City Council Meeting held on October 13, 2020.

Action:

Motion: Council Member Hansen/Second: Council Member Flesher

Moved to approve the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Hansen, Mello, Vice Mayor Domenighini, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

7. Regular Business Agenda/Items Requiring Council Action:

- a. By motion, approve the Collection Franchise agreement between USA Waste of California and City of Willows and authorize Mayor to execute the agreement effective date December 1, 2020 through December 31, 2030.

Action:

Motion: Council Member Hansen/Second: Vice Mayor Domenighini

Moved to approve the Collection Franchise agreement between USA Waste of California and City of Willows and authorize the Mayor to execute the agreement effective December 1, 2020 through December 31, 2030.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Hansen, Mello, Vice Mayor Domenighini, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

b. Staff recommends that the City Council authorize staff to reject all the bids and file a request for an extension with the Glenn County Transportation Commission and Caltrans.

Jeff Williams had questions for John Wanger regarding the monies being used for the project.

Action:

Motion: Council Member Hansen/Second: Council Member Flesher

Moved to authorize staff to reject all the bids and file a request for an extension with the Glenn County Transportation Commission and Caltrans.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

8. Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- Public Works is working diligently in working out in the streets. It's going to start getting colder soon and leaves will be falling.
- Mr. Ritchie had an update on Pension Obligation Bond. It was filed at the Glenn County Clerks Office on October 27, 2020. It is available at the front office at City Hall for anyone wanting a copy.

b. City Council Reports Comments: Council gave comments/reports on activities and various meetings they attended.

9. Closed Session:

a. PUBLIC COMMENT: Pursuant to Government Code Section §54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.

b. CONFERENCE WITH LEGAL COUNCIL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov.

Code Section §54956.9:

Number of Cases: 2

Council recessed into closed session at 7:40 p.m.

Council reconvened into open session 8:28 p.m.

Announcement of any action taken in closed session:

Mayor Warren reported no reportable action.

10. Adjournment:

The Meeting was adjourned at 8:28 p.m.

Dated: November 3, 2020

Tara Rustenhoven, City Clerk

AGENDA ITEM

TO: Honorable Mayor Warren and Members of City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: City Council Meeting scheduled to be held on December 22nd, 2020.

RECOMMENDATION

Approve the cancellation of the December 22nd, 2020, City Council Meeting.

SITUATION (or BACKGROUND)

In previous years it has been Council's practice to cancel the second meeting in December. This year a Council Meeting is scheduled to occur on December 22, 2020. Due to the light schedule of activities typically experienced during the Christmas Holiday, along with employee absences/vacations, it would be staff's recommendation that the meeting to be held on December 22, 2020, be cancelled.

FINANCIAL CONSIDERATIONS

None at this time

NOTIFICATION

Post a Notice of Cancellation and notify media if approved.

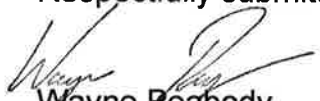
ALTERNATE ACTIONS:

- 1: Request additional information from staff
- 2: Reject staff recommendation and/or direct item to be returned

RECOMMENDATION

Approve the cancellation of the December 22nd, 2020, City Council Meeting.

Respectfully submitted,


Wayne Peabody
Interim City Manger



REGULAR BUSINESS

AGENDA ITEM

November 10, 2020

TO: Honorable Mayor Warren and Members of City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Consideration and approval of a business cannabis license for Element 7 Willows LLC

RECOMMENDATION

Staff is recommending the Council approve by Resolution a business cannabis license to Element 7 Willows LLC to establish a retail commercial cannabis dispensary

Background:

On November 28, 2017, the Willows City Council adopted a Cannabis Ordinance (#736-2017) to facilitate the approval, regulation, and operation of cannabis businesses. This ordinance, as chaptered in the Willows Municipal Code ("WMC") along with State laws and regulations imposes strict zoning, security, and operational requirements on cannabis dispensaries.

Thereafter, on November 28, 2017 the Willows City Council adopted a resolution (#32-2017) allowing up to two (2) commercial retail cannabis dispensaries within the City.

On November 16, 2018, an RFP (Request for Proposals) for applications for a Cannabis Retail Dispensary Permit was released to the public (and a list of interested individuals who had contacted the City for this notice) with a submittal deadline of December 17, 2018. This deadline was extended until January 9, 2019. The RFP sought applications from individuals and companies, who wished to develop and operate a cannabis retail dispensary facility in Willows. Any cannabis business seeking a Dispensary /Retailer permit had to participate in a competitive Request for Proposals process to obtain a permit. There were several inquiries during the process; however, by the end of the RFP submittal period on January 9th, only one proposal was received; that was from Element 7.

This Phase 1 application was reviewed to determine completeness before Phase 2 of the process could begin. That was achieved and Element 7 was notified by the City Manager on January 29, 2019 that they could proceed forward to Phase 2. Subsequently a Phase 2 application was submitted on March 31, 2019, by the applicant requesting approval of a Conditional Use Permit. Staff brought the application to the Planning Commission at their September 21, 2020 regular meeting for review and consideration. A resolution was adopted by a 4/1 vote approving the use permit. (See attached Resolution)

Council Review:

Section 9.20.070 Retail/dispensary cannabis business license section sets out conditions upon which a business license can be issued. Section 9.20.070(5) states "every licensee shall hold a use permit issued authorizing the retail/dispensary sales of cannabis and cannabis products within the city of Willows".

Section 9.20.070(7) states "*For the convenience and efficiency of both the applicant and the city, applications for retail/dispensary cannabis business licenses shall be processed in three phases: (a) a preliminary application intended to confirm the eligibility and suitability of the applicant(s), as determined in the sole discretion of the city of Willows; (b) significant information about the proposed site of the business, proposed operations, security and other detailed business operations; and (c) final consideration and approval/disapproval by the city council*".

Additionally, WMC Section 9.20.071(3) states *Review by City Council*.

- (a) *When the city manager has determined that the application is complete, including the issuance of a conditional use permit, the city manager shall have the application placed on the next available meeting agenda of the city council.* (b) *The city council shall, in its sole discretion: (i) Require any additional information deemed necessary or appropriate for consideration of issuance of the license; or (ii) Deny the application and state the grounds therefor; or (iii) By resolution, vote to issue the license, subject to any reasonable conditions imposed by the city council, upon applicant's payment of the business cannabis license fee established by the city council.*

Element 7 has complied with all the requirements of Section 9.20.070(5) and (7) albeit final consideration by the City Council; and has met 9.20.71(3)(a) by obtaining approval for a Use Permit from the Planning Commission. Hereafter, the Council has the final discretion per Section 9.20.071(3) to review the request from Element 7 for a cannabis business license in order for them to proceed forward with their project.

NOTIFICATION:

Element 7 has been notified of the Council hearing. Public hearing notification per law was undertaken and property owners within 400 feet of the property were notified of the Planning Commission public hearing.

FINANCIAL CONSIDERATIONS

No direct expenditure as applicant has paid fees for application

RECOMMENDATION

Staff is recommending the Council receive the staff report, open the Public Hearing, discuss and provide comment, close the Public Hearing and if appropriate, approve a business cannabis license for Element 7 Willows LLC by adopting the draft resolution.

Respectfully submitted,

Wayne Peabody, Interim City Manager



Attachments:

1. Planning Commission Resolution #09-2020
2. Draft City Council Resolution

PC RESOLUTION NO. 09-2020
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS GRANTING USE
PERMIT APPROVAL (FILE# UP-20-02) TO ELEMENT 7 WILLOWS, LLC TO ALLOW A RETAIL
COMMERCIAL CANNABIS DISPENSARY FOR PROPERTY LOCATED AT ASSESSORS PARCEL
NUMBER 017-350-005

WHEREAS, on March 31, 2020, an application was submitted requesting the approval a Conditional Use Permit for Element 7 Willows, LCC, for a commercial cannabis retail facility selling both medical and adult use cannabis products, to be located at Assessor's Parcel Number 017-350-005; and

WHEREAS City of Willows Municipal Code Section 9.20.070 allows for the commercial sale of cannabis and cannabis products for medical and nonmedical uses, subject to the conditions set forth in this code, and only in zones in which such sales are permitted uses pursuant to WMC Title 18; and

WHEREAS, subject property is located within the CG/ML/PD zone, which requested use is allowed per Willows Municipal Code Section 18.60.030(11); and

WHEREAS notice of the Planning Commission meeting held on October 21, 2020 was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 400 feet were sent; and,

WHEREAS, the Planning Commission did, on October 21, 2020, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS, the Planning Commission has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and,

WHEREAS, the Planning Commission finds that the proposal to allow the retail use on subject property has previously been analyzed under the California Environmental Quality Act (CEQA) pursuant to a July 29, 2009 adopted Mitigated Negative Declaration (MND) for the Tentative Map, and therefore no further environmental review is required; and

WHEREAS, the previously adopted Mitigation Measures for the adopted MND and final conditions of approval for the Commercial/Industrial Map, shall apply to development on the subject property; and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 18.135 (Conditional Use Permit), the Planning Commission of the City of Willows finds and determines:

- A. That granting the use permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located, as conditions of approval shall provide standards to adhere to.
- B. That the proposed cannabis retail facility is consistent with the General Plan land use designation of Commercial/Industrial Combining Use designation, which designation provides for general commercial uses or light industrial uses.

- C. That on November 28, 2017, the Willows City Council adopted a Cannabis Ordinance (#736-2017) finding Cannabis Retail uses appropriate in areas designated as Commercial/Industrial Combining on the land use map.
- D. That the subject site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and with the absence of physical constraints; as the proposed use (establish a retail commercial cannabis dispensary) is consistent with the purposes of the district in which the site is located (CG/ML/PD).
- E. That WMC Chapter 9.20.070(5) states that no license will be issued unless and until the applicant holds a use permit.
- F. That WMC Chapter 9.20.071(3)-review by City Manager and forwarding to the City Council—shall take place after the approval of the use permit.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the Use Permit approval to establish a store front retail commercial cannabis dispensary for medical and adult use products, is consistent with the City of Willows Municipal Code, City of Willows General Plan and hereby approves Use Permit File#UP-20-02, subject to the attached conditions of approval set forth in Attachment #2.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 21st day of October 2020 by the following vote, to wit:

AYES: Woods; Muller; Hansen, Griffith
 NOES: 0
 ABSTAIN: Bobadilla
 ABSENT: 0

APPROVED: _____
 Robert Griffith, Chairperson

ATTEST: _____
 Maria Ehorn, Recording Secretary

CITY OF WILLOWS

COUNCIL RESOLUTION NO. ___-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING A CANNABIS BUSINESS LICENSE FOR ELEMENT 7 WILLOWS, LLC TO ALLOW A RETAIL COMMERCIAL CANNABIS DISPENSARY FOR PROPERTY LOCATED AT 102 HARVEST DRIVE ASSESSORS PARCEL NUMBER 017-350-005

WHEREAS City of Willows Municipal Code Section 9.20.070 allows for the commercial sale of cannabis and cannabis products for medical and nonmedical uses, subject to the conditions set forth in this code, and only in zones in which such sales are permitted uses pursuant to WMC Title 18; and

WHEREAS, subject property is located within the CG/ML/PD zone, which requested use is allowed per Willows Municipal Code Section 18.60.030(11), as Section 9.20.070(5) states that no license shall be issued if the cannabis activity is not a permitted land use in the city; and

WHEREAS, Section 9.20.070(5) states every licensee shall hold a use permit issued authorizing the retail/dispensary sales of cannabis and cannabis products within the city of Willows; and

WHEREAS the Planning Commission of the City of Willows at a public hearing on October 21, 2020 adopted a resolution granting a Use Permit to Element 7 Willows, LLC for retail sales of cannabis products to Element 7 Willows LLC subject to WMC 9.20.070 and 9.20.071(3); and

WHEREAS, WMC Section 9.20.071(3) requires final review by the City Council for a cannabis business license; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLOWS, hereby finds and determines the following:

1. The above recitals are true and correct.
2. The city council in its sole discretion votes to issue the license upon applicant's payment of the business cannabis license fee.

PASSED AND ADOPTED on this 10TH day of November 2020, by the City Council of the City of Willows by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: Tara Rustenhoven, City Clerk
Signature of Attesting Officer

Kerri Warren, Mayor