



SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD February 13, 2018

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Mayor Warren called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Councilmember Gary Hansen.

Roll Call:

Council Members Present: Council Members Yoder, Williams, and Hansen, Vice-Mayor Mello and Mayor Warren.

Council Members Absent: None.

Staff Present: Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, Community Development Services Director Steve Soeth, and City Planner Karen Mantele.

Mayor Warren at the request of staff announced that order of the regular business would change. Item F would be conducted in front of item E.

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

Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers (35536-35571, Z08950-Z09003, 37179-37232).
- b. Approval of minutes of the Regular City Council Meeting held on January 23, 2018.

Action:

Motion: Council Member Jim Yoder Second: Council Member Gary Hansen
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: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

Regular Business:

- a. By Motion, consider acceptance of the audited financial statements of the City of Willows as of and for fiscal year ending June 30, 2017.

Administrative Services Director gave the item Mr. Roy Seiler to share audit finds with the Council. Mr. Seiler gave a brief statement to the council. Sharing everything went well in the audit other than a few minor issues and/or findings. He pointed out the planned deficit to council sharing that it may seem alarming however, the City planned for 38,000.00 and it came in around 30,000.

Closing with all in all the City is doing well and that he would commend the staff for their work and controlling expenses.

Council Member Williams shared that he had addressed some questions to Administrative Services Director Sailsbery prior to the meeting and after their discussion had chosen to address those questions during the upcoming mid-year budget review meeting.

Council Member Hansen thanked Mr. Seiler for the work he had done for the City and appreciated the thorough report he had provided.

No further Conversation was had, Mayor Warren gave the item to the pleasure of the Council.

Action:

Motion: Council Member Hansen /Second: Vice Mayor Mello

Moved to approve the audited financial statements of the City of Willows as of and for fiscal year ending June 30, 2017

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

- b. Consider the approval of the attached resolution accepting the right-of-way to accommodate sidewalk and ramp improvements associated with the Wunsch Project located at 353 W. Woods Street and authorized City Clerk, Robyn Johnson to record the deed.

Community Development and Services Director Soeth introduced the topic sharing the information including maps have been provided within the agenda packet and that the item is pretty straight forward, however, if Council had any questions he would be more than happy to address them.

Council Member Williams shared that he did have a few questions that he had approached City Manager Peabody with prior to the meeting asking is the City Manager would be willing to share the ownership of the sidewalk and how it changes.

Community Development Services Director Soeth clarified for Council Member Williams that in reference to this item, it is 35sqft of property that was needed to accommodate ADA handicap ramp. By gaining this, it would allow for the clearance necessary for the ramp. Which would mean the piece of property would become the City's.

Mr. Soeth then went on to share this is not the next item that deals with Caltrans, this is private property that will now become the City's because of the ADA requirements.

No further Conversation was had, Mayor Warren gave the item to the pleasure of the Council.

Action:

Motion: Council Member Yoder/Second: Council Member Williams

Moved to approve the resolution accepting the right-of-way to accommodate sidewalk and ramp improvements associated with the Wunsch Project located at 353 W. Woods Street and authorized City Clerk to record the deed.

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

- c. By Motion, consider approval of the agreement with Union Pacific Railroad (UPRR) for Utility Crossings associated with the EDA Grant Project and direct the City Manager to sign the agreement on behalf of the City.

City Manager Wayne Peabody, shared with Council that this is hopefully one of many permits you will see for the EDA project. This permit in particular is for bringing utilities underneath the railroad track and across 99. This agreement to work directly with the rail company to be able to go under their right-of-way.

He then shared this is a great sign for the process! Giving the item to Council for any questions.

Council Member Yoder then thanked staff and commended them for the efforts of this daunting task. Council Member Hansen, Vice Mayor Mello and Mayor then followed with more kudos as well.

Action:

Motion: Council Member Williams /Second: Council Member Yoder

Moved to approve the agreement with Union Pacific Railroad (UPRR) for Utility Crossings associated with the EDA Grant Project and direct the City Manager to sign the agreement on behalf of the City.

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:
ABSENT:
ABSTAIN:

- d. Consider the approval by resolution for a maintenance agreement with Caltrans for the improvements in front of 353 W. Wood Street.

Community Development Service Director Soeth shared with Council this a continuation of the deed for the right-of-way. Just as we did for other projects along wood street, Caltrans requires that the City maintain any improvements that are done in there right-of-way. This has been done in the past and can come to some as a tough pill to swallow, especially since the State is much better place to so than we are. But in the spirit of trying to get projects through, pick your battles. Again this is not something that we have to do, however, it will try up the Wunsch project.

He then went on to share that there will be initial costs of course for curbing and gutter but maintenance will be minimal. Now, in the next 10-20 years it may require some funding. However, short term it will require no maintenance and minimal fees.

Mr. Soeth then gave the item to Council for any questions they may have or comments. Council Member Yoder shared it is good to see the project moving forward! Council Member Hansen shared that he completely agreed with Mr. Soeth's assessment, when he said pick you battles. He then concurred with Council Member Yoder and said that he too is happy to see the project moving forward.

Action:

Motion: Council Member Hansen /Second: Council Member Williams

Moved to approve the resolution for a maintenance agreement with Caltrans for the improvements in front of 353 W. Wood Street.

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

Mayor Warren shared again that per the request from staff she would be switching item E with item F.

This item on the agenda face was noted as item F however, per staff recommendation has been moved to item E.

- e. Consider the approval of a resolution calling for and giving notice of a Municipal Election to be held on Tuesday, June 5th, 2018 for the sale of the South Willows Water System in accordance with Public Utilities code section 10061.

City Manager Wayne Peabody introduced the item, sharing part of the south willows development is also thinking about developing water supply. Currently the City owns a system that provides for three customers and we don't have the staffing to maintain or operate that system efficiently. If we start adding additional customers it would worsen the situation we are already in.

The staff recommendation is that we sell the system, preferably to Cal Water. However, due to this system being a public utility, the City will have to place it on an election. Which would require a 50 +1 to sell the system.

He then shared that he had gone down to the state and testified on the committee bill, in hopes that the City will not have to place it on an election, but that bill will not be in place maybe January if at all. With that being said, Staff recommends that we start the process and then things can always be removed. To afford making a special election, the City can add it to the November election or remove it all together if the bill passes through assembly. He then noted that Cal Water employees were present and if Council had any question both staff and Cal Water employees would be available.

Council Member Hansen shared that the City has been taking about the City getting out of the water business for years and this seems to be our opportunity.

Council Member Yoder then agreed with Council Member Hansen adding give it to the professionals.

Council Member Williams then shared the timing is the only concern he had because of the cost of a special election, if we could wait till November he would be in favor.

Administrative Sailsbery then clarified to Council that June would be another election so it would require more costs, the \$7,000.00 would be the cost of an election.

Action:

Motion: Council Member Hansen/ Second: Council Member Williams

Moved to approve the a resolution calling for and giving notice of a Municipal Election to be held on Tuesday, June 5th, 2018 for the sale of the South Willows Water System in accordance with Public Utilities code section 10061.

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT:

ABSTAIN:

This item on the agenda face was noted as item E however, per staff recommendation has been moved to item F.

- f. Discuss and provide direction regarding:
 - i. Implementing a text amendment to the Municipal Code to adjust the setback requirements from 1000 to 600 feet.
 - ii. Allowing dispensaries in the CG/ML/PD; CG/PD; CH and CC zoning districts.
 - iii. Implementing a text amendment to the Municipal Code to include a setback distance between dispensaries.

Both Mayor Warren and Council Member Yoder read in public comments submitted to the City Clerk. Mayor Warren public comment was from local business owner Holly Meyers, requesting Council to maintain the 1000 sq. ft. distance from anything deemed educational and that she encouraged keeping dispensaries out of the CC district.

Council Member Yoder read a letter submitted with 208 residents, business owners, and community church leaders signatures requesting that Council revisit what is stated within the City Municipal Code under section 9 titled Public Peace, Morals and Welfare.

(Both submitted comments have been attached to these minutes-please see end of minutes)

City Planner Karen Mantele then introduced the topic to Council, recapping for Council the dates in which how Planning Commission got to this recommendation:

2009: City of Willows prohibited the use of marijuana and had no further ordinances or regulations in place that specifically addressed medical marijuana.

2016: code sections were added (Chapter 9.20 and Chapter 18.117) in effort to regulate the use within city limits. Those ordinances were set to expire January 25, 2018.

2017: New Ordinances were passed, which established the maximum number of Retail/Dispensary Cannabis Licenses that may be issued in the City of Willows, which was up to two dispensary licenses, pursuant to Chap. 9.20.070 of the Willows Municipal Code, in order to prevent excessive concentrations of such businesses, as permitted by State law. In addition, the resolution established general guidelines regarding permitted locations of such businesses, and directed the Planning Commission to establish zoning district(s) in which this use would be allowed. As part of the new cannabis ordinance that went into effect on December 28, 2017 a 1000' setback restriction from certain uses; schools, churches, parks, and licensed day cares was established.

Ms. Mantele then went into more specific detail about the Planning Commissions participation specifically; on January 17, 2018 the Planning Commission reviewed the two maps prepared for their discussion. The two maps incorporated not only the 600 and 1000 foot setbacks, but also showed the Staff recommended zoning districts in which a dispensary use could be located

(zones CG/ML/PD; CG/PD; and CH). Attached to the staff report was the list of parks, schools, pre-schools, and churches within the City of Willows limits. The Commissioners discussed the two setbacks, as well as which zoning district to allow a dispensary in, then opened the discussion up to the public for input. Several members spoke and provided comments on both topics. It was the final consensus of the Commission to direct staff to recommend to the City Council to (1) add the CC zone into the allowable districts where a dispensary can be established, and (2) to reduce the setback from those sensitive uses from the current requirement of 1000 foot to 600 foot. She then gave the item to Council for discussion.

Council Member Williams then suggested that, prior to giving Council comment he would like to hear from the public that was present.

Mayor Warren then opened the meeting to public comment.

Eric Presley: Resident of Willows

Recommended that Council stick with 1000ft restrictions. He then gave a brief statement about the future of the children if they were exposed to this at an early age. Closing with the Morals of children are important.

Shirley Benningfield: Past Planning Commissioner & Willows Resident

Suggested that Council keep 1000ft restriction and the original three zones. She then went on the share information about the marijuana and how it can effect children's growth helping to support her suggestion to Council.

Hank Spurlock: Resident of Willows

Advocated to keep the current code as passed, explaining to Council that he felt it is sending the wrong message to our children.

Walter Michaels: Current Planning Commissioner

Shared provided information from the City of Williams after speaking with some of the locals there.

At the conclusion of public comment, Mayor Warren opened up discussion for Council.

Council Member Hansen opened up the commentary sharing he would like to see the ordinance be left as is.

Vice-Mayor Mello shared that he thought the Planning Commission was correct in some of their statements and he felt that it could provide more opportunity for the City if they restrictions were lessened. Showing he was in favor of reducing the ordinance to the 600ft restrictions.

Council Member Yoder gave mention to children throughout the City. Not just the children within the down town district. Then sharing he didn't want to get into that but yet rather acknowledge the fact that there are children throughout the community to think about.

He then shared that the 1000ft (which was the original distance) has adequate spacing for dispensaries to go. Better yet it centralizes them that are right off I5 and more so in the commercial areas.

Council Member Williams shared that the Council is suppose represent the people, when considering the petition that was submitted I agree with their thoughts and other Council Members comments to keep the ordinance as is.

By consensus, Council decided there was no need for specific number for the setbacks as they didn't feel it was important. Some members in agreement that the dispensaries could be next door to each other it wouldn't matter. That choice is up to the dispensary.

Mayor Warren then shared the importance of public being involved. she then stated that she agreed with Gary and Jim and keep the distance at 1000ft. Mayor Warren then mentioned that she appreciated the involvement and that she respects the thoughts of local business owners.

Council member Williams then asked Mayor Warren, if the public could be given another opportunity to speak.

A concerned Citizen

Gave a personal heart felt opinion on what she thought about her concerns about dispensaries.

Bob Faust- City of Willows Citizen

Shared with Council that he encourages the 1000ft zoning restrictions.

Walter Michael- Citizen of Willows & City of Willows Planning Commissioner

Has had the opportunity to visit dispensaries and has been impressed with the security and safety.

Interim City Manager Wayne Peabody then requested that Council take action on all three items within the request.

Action:

Motion: Council Member Yoder /Second: Council Member Hansen

Moved to approve the implementing a text amendment to the Municipal Code to remain the same setback requirements of 1000 feet.

The motion passed unanimously 4/1 carried by the following Roll Call vote:

AYES: Hansen, Yoder, Williams, Mayor Warren

NOES: Vice-Mayor Mello

ABSENT:

ABSTAIN:

Action:

Motion: Council Member Williams /Second: Council Member Yoder

Moved to approve allowing dispensaries in the CG/ML/PD; CG/PD; CH zoning districts as stated in the original ordinance. .

The motion passed unanimously 4/1 carried by the following Roll Call vote:

AYES: Hansen, Yoder, Williams, Mayor Warren

NOES: Vice-Mayor Mello

ABSENT:

ABSTAIN:

Action:

Motion: Council Member Hansen /Second: Vice-Mayor Mello

Moved to approve no changes to be made for setback within the current Ordinance.

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

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello and Mayor Warren

NOES:

ABSENT:

ABSTAIN:

- g. Consider the approval of a resolution approving the City of Willows to enter into a Master Tax Exchange Agreement between the County of Glenn and the Cities of Orland and Willows for the apportionment of Property and Sales Tax Revenues upon Annexation.

Administrative Services Director Tim Sailsbery introduced this topic to Council at the request of Supervisor Corum, this item will not pass by resolution but rather by consensus at this time.

Mr. Sailsbery clarified a few points from the item before Council. Explaining the concept of tax sharing is property and sales tax with voluntary annexations. Also addressing the difference between base and increments, basin being where it stands pre-annexation. At this the city would pick up 75% of an increment or growth of a base and or pre-annexation. He then went on to share more information within the staff report as far percentages between the County and the City. After his brief clarification he then gave the item to Council for consensus.

Council Member Williams thanked staff for being proactive on the project and shared the Agreement that is written is fair to everybody.

Council Member Yoder explained that the group strived to be fair and equitable. The numbers were tweaked here and there but for the most part Administrative Services Director Sailsbery and City Manager Peabody did a good job along with Orland representatives.

Council Member Hansen shared moving forward this is a good move and it is all about cooperation and teamwork.

Mayor Warren finished with compliments towards the agreements and received consensus.

Administrative Services Director Sailsbery then shared to Council that a finished product would be brought back for passage.

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

City Manager Peabody:

-City Staff is doing a great job keeping our City clean. Discussion of drought has been starting to happen.

-shared staff is having difficulty uploading documents to the website. The staff is looking to a solution.

-He then introduced Mr. Vodden from Thunderhill Raceway. Mr. Vodden shared the Raceway had been with the City for 25 years now and will be bring in a new festival that they are happy to host.

b. City Council Reports/Comments:

Council Member Hansen:

-Congratulated Dave Vodden for 25 years of Operation.

-Thanked Local Business Owner Holly Meyers for attendance and participation at the meeting.

-Gave Kudos for the website.

-Shared information on the Glenn Water Authority meeting he attended.

-Shared the Museum sign had been completed and some brief highlights of the Meeting.

-Gave Kudos to Public Works for the outstanding work being done.

Council Vice-Mayor Mello:

-Go Eagles!

Council Member Williams:

-Keeping up technology

-Shared after consideration he will not be running this November.

Mayor Warren:

-Shared the High School held an Academic Assembly recently and that the number of honor roll students was enlightening to see so many within that list.

Adjournment:

The Meeting was adjourned at 8:29 p.m.

Dated: February 16, 2018

Robyn Johnson, City Clerk