



## SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL SPECIAL MEETING HELD November 1, 2017

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Mayor Hansen called the meeting to order at 5:30 p.m.

The meeting opened with the Pledge of Allegiance led by Interim City Manager Wayne Peabody.

### **Roll Call:**

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

**Council Members Absent:** None.

**Staff Present:** Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, City Planner Karen Mantele and City Attorney Robert Hunt.

**GCSO:** Lieutenant Jason Dahl

### **Public Comment-**

**Citizen of Vallejo, CA and Owner of residential and commercial properties in Willows:**  
She shared with Council personal experiences with City of Vallejo which is where she currently resides. She shared with Council statistics and information she had researched including those from the City of Vallejo. She expressed the location of a dispensary could be an asset to the downtown revitalization plan. She also encouraged Council to really think about the City's rules and regulations as they move forward for both the location and zoning of dispensaries.

### **Citizen of Willows, Job Title: Property Manager**

Shared with Council why he personally supported the City for opening dispensaries within City limits. Sharing the Comparison between legal use of marijuana and illegal use and relating it to the City's comparison as to whether the City decides to open a dispensary and promote legal and regulated use. Especially since Prop 64 has passed the law legalizing the use in California.

### **Walter Michael-Citizen of Willows and Planning Commissioner:**

Discussed both Medicinal and recreational marijuana and the benefits both may have on the City. He preferred the location of any future dispensaries be placed on the outskirts of town, not necessarily in the middle of down town.

## **NEW BUSINESS-**

Select two Council Members to serve as the Planning Commission Selection Subcommittee and possible approval for the proposed schedule and procedures for the appointment of two individuals to fill the expiring terms of currently seated Peggy White and Shirley Benningfield on the Planning Commission.

Interim City Manager Peabody introduced this topic sharing that staff is requesting to go and recruit/advertise for individuals to fill the upcoming seats on the Planning Commission. He then shared that to complete the process successfully he recommended that Council approve the plan and also choose two Council Members to be the subcommittee.

Discussion was had by Council and by consensus, the Council has chosen Vice-Mayor Warren and Council Member Williams will consist of the subcommittee.

### **Action:**

Motion: Vice-Mayor Warren /Second: Council Member Mello  
Moved to approve Vice-Mayor Warren and Council Member Williams to serve as the Planning Commission Subcommittee and approval of the proposed schedule and procedures for the appointment of two individuals to fill the expiring terms of currently seated Peggy White and Shirley Benningfield on the Planning Commission.

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

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

NOES:

ABSENT:

ABSTAIN:

## **WORKSHOP-**

Council will meet and confer with staff in drafting of a marijuana ordinance for the City of Willows.

City Attorney Robert Hunt introduced the topic sharing with the Council that we are here tonight to take input on a draft marijuana regulation. Which currently appears in three sections of the municipal code (section 8 "Nuisances", section 9.2 "proposed marijuana regulation", section 18 "zoning and permissible uses".)

He then lead into the background of the item reminding them that regulation of cannabis was brought to Council and the Planning Commission in April for thoughts. Followed by marijuana medical act and Prop 64 those have since been combined with a Trailer Bill by Govern Brown. Which has now been brought through as a term called MCRSA (The Medical Cannabis Regulation and Safety Act). In June, Council gave staff guidance that you understood the state laws will come into effect in January 2018 but you wanted staff to look into how that would

affect things within the City of Willows potentially. Council also showed an indication for the willingness for one or more retail sales outlets within the City of Willows. In October the staff agenzed the topic and asked for public input, and at this time staff asks that move this forward before the end of the year. Which was why this workshop was put together, to really put a fine point on the City's regulation.

Moving forward the tentative schedule for this will be first reading on November 14<sup>th</sup> and second and final reading on November 28<sup>th</sup>. Then going into place later on December 28<sup>th</sup>; if that is the direction that Council decides to go.

He then expressed to Council that he had a couple of questions leading to more ethical constraints that you may be facing or considering, reminding the Council that there obligation is to the City of Willows and what you deem in your sole digression to be in the best interest of the City. So the question is not whether marijuana is good or bad. Marijuana is going to be in the City of Willows following the passage of Prop 64. The question before Council is; do you want to regulate late marijuana to the extent that you can? Or do you want to simply step aside and let the State Regulate?

Moving forward, Attorney Hunt asked that in replace of going through the draft Ordinance page by page, that Council and Staff can ask questions that they may have about the Ordinance.

#### Questions/Inquiries raised by City Planner, Karen Mantele:

- ✚ A clear distinction between medical marijuana, dispensaries, and retail sales.
  - Pg. 4 & 5: clarify definitions requested.
  
- ✚ Pg. 11 section 09.20.50: There is a provision that say multiple operating locations for the cannabis business will require separate permits. Why?
  - State Law requires that. You are only allowed one permit per business.
  
- ✚ Pg. 14: Criminal background investigation, applicant must disclose and list any offenses and/or charges for misdemeanors or felony's. Including the Manager. Is this really necessary? Is this going a little overboard? She has shared with Council that she has never seen and application that required a list of infractions.
  - According to State Law, a list of infractions is currently required. Hopefully, this will allow access for Cities.

#### Basic Questions brought forward from Attorney Hunt:

- ✚ How long will a permit be issued for?
  - Attorney Hunt contemplated 1 to 2 years.
  - City Planner Mantele, shared her research with other Cities, they required that at the beginning Cities would require that it be yearly the first couple of years. Other Cities that back off if they have not seen any police activity becoming

more flexible. Setting rules off of good standing. Some Cities are running the permit process that just runs with the land and only requires one time permit process.

- Vice Mayor Warren expressed question about the background information? Inquiring if the renewal of the permit wither it be a year or two, will background be required again?

Attorney Hunt shared with Council that typically this is not generated at each renewal, the City can request that a police report be looked into however, a full background would not be completed.

- Council Member Williams asked staff if there was some sort of form or legal document that would disclose if any changes within an applicant's background has changed.

Attorney Hunt shared that the application does just that and requires that they applicant sign under penalty and perjury.

- Mayor Hansen asked what will the criminal background entail and does this mean a live scan?

Attorney Hunt: typically yes, but those are procedural elements which are not within the Municipal Code but need to be worked out internally.

- Mayor Hansen then asked in regards to the state license, what type of criminal background does the state of California conduct?

Attorney Hunt: In detail I cannot answer that right now. I am not sure what the complete background consist of.

#### Continued conversation:

Mayor Hansen then shared that he would like the permit process to be one year. Council Member Yoder then shared he agreed with the Mayor and reminded Council that it would always be adjusted down the road. He also shared that we should not depend on the state because they are not sure what they are going to do.

City Planner Mantele then shared when issuing a permit that some may have to extend the need for a permit due to a new building being built, others though may be in a quicker process because the building is already in existence.

Attorney Hunt then shared more specifics to the draft. The process is broken into three phases. The first phase requires a significant amount of work as you see on page 15. He then went on further about the phase and shared with Council that it does not seem feasible to continue on with phases until they are completed in order. Further discussion was had that outlined the phases by the following.

- Phase 1 is about the individual or applicant.

- Phase 2 is about the facility and its management.
- Phase 3 is the zoning within the correct and uses are permitted.

Mayor Hansen then stated that noted under penalty and perjury, if the City Ordinance is ultimately approved; an applicant commits perjury, who will prosecute? You as the City Attorney of the District Attorney? Attorney Hunt, shared that they District Attorney will be prosecuting those cases.

Attorney Hunt then moved on to the permit process period, sharing that if they permit period is valid through a year a number of things will need to be changed within the document to accommodate that change.

On Page 19, second paragraph from the top, City Planner suggested Council look at the renewal of permit process. As it states currently, the City Manager take care of the renewal on an admin level without coming to Council unless the City Manager denies the renewal. Consensus of Council agreed to leave the ordinance how it stands now, sharing their confidence in the City Manager. Council also gave delegation of these responsibilities to the City Manager as well. This will read in the Ordinance as follows, "the City Manager and/or his designee..."

More conversation was had including the due process, incomplete applications, Operations: legal and illegal and the right of entry for enforcement. All to remain the same with addition of some more detailed description.

Structural questions addressed:

Section 18.117-Attorney Hunt then addressed Manufacturing hoping to get Councils regards in terms of what they would like to happen: Asking Council what goes on in a dispensary and what do you want to permit within dispensaries?

City Planner Mantele shared her input on the manufacturing portion; explain manufacturing into two parts. Mantele shared manufacturing is either volatile (includes butane and another of other hazardous substances) or non-volatile.

Planning Commissioner Michael shared with Staff and Council reminded all present of the past joint meeting held between both Council and Planning Commission. There it was suggested it comes in as a product and sold as a product.

Attorney Hunt then shared that under the law all product must tagged from source to sale. Product is all tagged and tracked. He then shared that he felt as though within City limits he didn't feel as though it was necessary or advisable to manufacture within dispensaries. Sharing he didn't feel as though it shouldn't affect the dispensaries if not allowed.

Consensus of the Council was given to Attorney Hunt that no manufacturing will be allowed within dispensaries.

Conversation was then had about Deliveries- covering what the definition of a delivery is? City Attorney recommended that deliveries be band until more definition be let out from the state that would better define deliveries. As a result Council by consensus agreed to band deliveries except commercial products to a customer.

- Medicinal uses: Council decided to allow a permit or license issued for medicinal delivery.
- Recreational uses: Council decided No deliveries.

Administrative Services Director Sailsbery shared that taxation can be collected from recreational dispensaries but cannot from medical dispensaries. However, monies can still be generated from medical dispensaries through licensing and permit fees. Continuing on with the importance in separating delivery licensing and permitting fees from dispensaries to help generate more revenue that would go to the City.

***Mayor Hansen called the meeting to recess at 6:57 p.m.***

***Mayor Hansen reconvened into open session at 7:04 p.m.***

Council Questions Addressed:

Council Member began discussion with asking Attorney Hunt about page 16 C. sharing concerns for the requirements of floor plans that are to be submitted. Expressing concerns for costs; sharing if they are too high citizens will not be interested in the sales of marijuana correctly. Floor plan requires that it be complete by a licensed engineer.

Mayor Hansen then addressed staff that he had concerns with page 6 in regards to the location schools and within the ordinance draft addressed the location of daycares being exempt.

Attorney Hunt shared with Mayor Hansen and Council that you have to be careful with setting those restrictions due to number of daycares that are ran in homes locally. By including all licensed daycares you have the potential of limiting the location of dispensaries to a very small area.

City Planner Mantele also shared with council that within the requirement for phase two; the applicant is required to provide a neighborhood context map. That would show the boundary of uses within a 1,000 feet from the potential dispensary.

Discussion was had between Council for thoughts about the definition of a licensed daycare and how they wanted to move forward with the Mayors concerns.

Mayor Hansen and Council Members Williams and Mello were in agreement to include licensed daycares within the same location restrictions as schools. Both Vice Mayor Warren and Council

Member Yoder felt as though it had the possibility would limit too much. Moving forward, Council has asked staff to complete those changes in the draft ordinance.

Mayor Hansen then addressed Attorney Hunt with one other suggestion. This suggestion was on page 6: 9.20.031 in relation to the consumption of cannabis in public places. He requested that this section also state parks within it clearly. Just to clarify. Council supported his recommendation and asked staff to change that moving forward.

More discussion was had for Mayors Hansen's law enforcement questions within the ordinance. More specifically, on page 21 section 7 allows an individual with prior narcotics history has the ability to open a dispensary. Mayor Hansen then asked the Council there thoughts. Council moved forward to take out that section not allowing that to happen.

With no further questions moving forward, Attorney Hunt shared with Council that although this workshop has come to an end; the staff and Council have work ahead of them to get this into place.

**Adjournment:**

Mayor Hansen adjourned the meeting at 8:00pm.

Dated: November 2, 2017

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Robyn Johnson, City Clerk