



SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD November 28, 2017

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

The meeting opened with the Pledge of Allegiance led by Council Member Yoder.

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.

Public Comment/ Written Communications:

Mayor Hansen reported that an email had been received from Perry Johnson interested in opening a dispensary.

Doug Ross- Resident of City of Willows/ Valley Mirror

He shared with those present that he was at his 60th year as a US Citizen.

Jody Samons (GCBS) Glenn County Business Services-

On November 16th a new business that is due to open right outside city limits was awarded 2 million dollars in Cal Competes tax credit. She then shared she is here to talk about the continuance of that program. It is in the 3rd year of a 3 year, this program is for new business to help them with their start. However, again they only receive the credit if they reach employments goals. In other words creating more/new jobs within the community. She also recommended that the Council support this program if brought up to them in future about its continuance.

Consent Agenda:

a. Consider approval of general checking, payroll & direct deposit check registers (35357-35379, Z08814-Z08837, 37083-37110).

Action:

Motion: Council Member Williams /Second: Council Member Yoder

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

NOES:

ABSENT:

Ordinances:

- a. It is recommended that Council introduce for second reading by title only and possible adoption of the ordinance entitled, “An Ordinance of the City Council of the City of Willows repealing Willows Municipal Code Chapter 9.20 (“Medical Marijuana”), adopting new Chapter 9.20 (“Cannabis”), repealing Chapter 8.10.010 (“Definitions”), adopting new Chapter 8.10.010 (“Definitions”), and amending Chapter 8.10.020 (“Nuisance”) to regulate cannabis, use, cultivation, sales and other cannabis activities in the City of Willows.”

Attorney Hunt introduced this item sharing with Council the timeline in which this ordinance had come to them and reminding them that tonight that it comes to them for final adoption. He also shared with them a brief highlight of the state regulations that were passed two days after the 1st reading of the ordinance. He then went on to explain that the state regulations do in fact back up what the City has come up with thus far for our ordinance.

Attorney Hunt then went on to share some concerns he had, sharing that dispensaries can sell up to six live plants to one resident per day per customer. Which is not in congruent with our City ordinance that states only six plants per parcel not per person. The misunderstanding with that allowance is that it is far beyond both the state and city law. He then went on recommending that Council amend the ordinance to limit the dispensary itself to a resident of willows perhaps every six months. He then followed that with he would like to do some more research on how long it takes for a plant to mature. To clear the confusion that allows a person to be sold six live plants per day when they can't grow that. He then finished his concern with he will be bringing that item back to Council at a later date.

Another concern that was address was the delivery of marijuana. Attorney Hunt shared that the state allows dispensaries to deliver. Within City Ordinance, delivery had been banned. Attorney Hunt then shared that his recommendation would be to continue that ban.

If the Council does adopt this ordinance tonight, there is a resolution that needs to follow the passage, the resolution would need to address the maximum number of dispensaries within city limits. Which will be addressed in the agenda later.

Attorney Hunt then led discussion on excessive concentration- giving brief description of the ratio which is the number of licenses divided by the population. More discussion was had on the excessive concentration and the lack of information that has been provided for it from the state level. He then went on sharing that the low population of Glenn County will most likely limit a low number of dispensaries. That being said, the City may end up occupying to amount of dispensaries aloud within the county. However, this unknown until more information is released on the state ratio, but he felt as though the topic should be on the table and Council should be made aware.

Going forward, if passed the ordinance will become active on December 30th. Sales will be permitted on January 1st. However, the state is not ready to issue licenses yet even on a temporary basis. The City permit issuance has required a state license be issued prior. With that being said, Attorney Hunt recommended that conditional permits be issued until state license was received.

Attorney Hunt then moved forward with recommendations of Amendments, stating he didn't think they were immediate but he felt it was important for Council to be aware. Attorney Hunt shared that Council Member Yoder brought up the topic of penalties, after research, Sacramento charges a \$500 penalty per plant for growing marijuana illegally, for every plant above six. He would recommend that the City ordinance be amended to incorporate that very idea here. He also shared that he will be doing research for collecting penalties to be able to provide more information the next time this is brought up. For example the Possibility of having the capability to place a lean on the property however, again he would like to look into that.

He then ended his introduction that this is a living document and that we will have to amend it. We will also have to come up with an application.

Mayor Hansen then asked Council if they had any questions for Attorney Hunt on this matter.

Council Member Yoder the asked, Do we have to have our amendments to delivery penalties service before January? Attorney Hunt replied, currently the City has a total ban and that will last until January 25th. Council Member Yoder then shared some information that he has researched on Shasta Lake City. More discussion was had on the future forms to be filled out with tenant and landlord permission.

Council Member Williams shared a brief written statement for his absence in the first passage of this ordinance along with his apologies. He also shared that this matter was a large importance to him and he does not take it lightly.

Public Comment was then opened.

Dana Owens- City Resident

Does the City have a code enforcement officer? Who will be in charge of monitoring this ordinance?

Who will enforce the marijuana growth? Do we have personal to cover that?

Interim City Manager Peabody addressed Mrs. Owens questions informing her of our code enforcement officer Skip Sykes. In addition, law enforcement will be assisting and permits will be given out by the building department.

Margret Sharky- Residential and Commercial Property owner in the City of Willows

Commend staff and council for the work on this ordinance. She then also expressed her support for the ordinance, sharing it would be positive for the City and would help to revitalize the downtown area.

Marlena Sparkman- Citizen of Willows

Attorney mentioned something about Delivery service, generally speaking a delivery service is to help those medically who are unable to pick up marijuana themselves. Wouldn't you this service to be someone that is permitted to do so?

On a side note, if people are using marijuana wouldn't you want them to utilize the delivery service in replace of them driving while under the influence?

Attorney Hunt then shared with Mrs. Sparkman that our ordinance currently allows a certified caregiver the ability to deliver marijuana to those who use medically as a patient. If Council would like to change the ability for recreational marijuana to be delivered that would be up to them.

Manual Trito- Citizen of Willows

He suggested that the Council consider dispensaries within commercially zoned areas- just tobacco and alcohol is currently.

Cristina Forbes- Citizen of Willows

Shared she doesn't personally agree with residential grow, she expressed concerns about trespassing of citizens to gain marijuana.

Attorney Hunt share with Mrs. Forbes that the ordinance and state law does allow you to grow six plants indoors within one parcel. Not visible to others.

Council Member Mello then shared with those present some research in what is the difference between growing and buying? Sharing it is an expensive hobby being on average \$205.00 an ounce. Attorney Hunt shared that pricing can vary depending on the location.

Council Member Yoder shared that Mrs. Sparkman brought up a good point, we should look into the valid point to look at.

Bob Griffith: Planning Commissioner

Same thing as liquor store. I don't think we have deal with that.

Mayor Hansen then expanded on some of his personal feelings towards marijuana. He then went on to share with those present the highlight of the ordinance he felt was important be in place to regulate the ordinance.

Attorney Hunt then closed the discussion with people have the right to cultivate marijuana at home. This is not a right it is permission to. The state did dump residential regulations to Cities.

Action:

Motion: Council Member Williams Second: Council Member Yoder

Moved to approve the following ordinance next in line be read by title only.

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

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

NOES:

ABSENT:

ABSTAIN:

Action:

Motion: Council Member Williams Second: Council Member Yoder

Moved to approve that the ordinance entitled ““An Ordinance of the City Council of the City of Willows repealing Willows Municipal Code Chapter 9.20 (“Medical Marijuana”), adopting new Chapter 9.20 (“Cannabis”), repealing Chapter 8.10.010 (“Definitions”), adopting new Chapter 8.10.010 (“Definitions”), and amending Chapter 8.10.020 (“Nuisance”) to regulate cannabis, use, cultivation, sales and other cannabis activities in the City of Willows.” Pass second reading and be adopted.

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

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

NOES:

ABSENT:

ABSTAIN:

Regular Business:

- a. Consider a resolution of the City Council of the City of Willows establishing the maximum number of retail/dispensary cannabis business licenses permitted in the City of Willows.

Attorney Hunt introduced the item sharing that this becomes before the Council for the number amount of dispensaries you will allow in the City of Willows. This resolution incorporates from the ordinance itself that no retail cannabis dispensary shall operate within a distance, and direct the planning commission create zones within this dispensary should allow use permits.

Council Member Yoder shared in his research with municipalities are size are in the 2 to 3 range.

Council Member Mello then shared with Council some statistics from his research of other cities. Colusa County voted no with 56% on prop 64. Which is the largest vote against prop 64 in the state. In Glenn County the vote was 53% against prop 64.

Council Member Williams shared allowing multiple dispensaries would allow competition and I would think more people we purchase through dispensary versus growing it themselves.

Planning Commission Griffith agreed with Mayor Hansen sharing he is with him that he does not want marijuana at all. He then requested clarification on the allowance of dispensary. Does not mean we have to allow two correct?

Both City Planner and Attorney Hunt responded with it is a limit. It means you can have no more than.

Planning Commissioner Benningfield shared a discussion that she had with her daughter that lives in Colorado. She shared dispensaries had brought an influx in homelessness and potent odor. She then shared some feelings on the location in which she felt would be best for willows.

Pam Ockerman- Citizen of Willows

Shared she is against dispensaries within the City of willows. Can the right of an individual be revoked if rules are not followed?

City Attorney Hunt responded, Yes it can be revoked.

Jose Hansen- Citizen of Willows

Recommend allowing a dispensary along the I5 corridor.

Marlena Sparkman- Citizen of Willows

Recommended a meeting inviting business owners to help with zoning and location of dispensaries.

Council Member Yoder then shared with Citizens present that the city is trying to get ahead of the state; not allowing them to restrict us to what they believe to be best. This is a living document that can be changed.

City Planner Mantele shared comments about the location and zones of marijuana will be addressed at the Planning Commission Meeting. She then recommended that the public attend the December 20th meeting at 7:00PM.

Sean Rice-Citizen of Willows

Does the location regulation apply to residential in terms of the restriction to location to schools?

Attorney Hunt shared with Mr. Rice that we as a City do not have the ability to regulate that per the State law. However, outdoor cultivation is not legal. Growing must take place indoors.

Action:

Motion: Council Member Yoder Second: Vice Mayor Warren

Moved to approve a resolution of the City Council of the City of Willows establishing the maximum number of retail/dispensary cannabis business licenses permitted in the City of Willows.

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

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

NOES:

ABSENT:

ABSTAIN:

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

Interim City Manager Peabody

- ✚ Public Works is working towards leaf pick up
- ✚ On the 15th of this month, we received the EDA information has moved from Seattle to California Fish and Wildlife.

Administrative Services Director Sailsbery

- ✚ Gave a brief description of the Return of property tax from Manville and how it effects the City.

b. City Council Reports/Comments:

Council Member Mello

- ✚ Friends of the Library will be having a book and bake sale.
November 30th at 9:00 am Friday Dec. 1st at 9:00 am

Council Member Yoder

- ✚ Attended the tax sharing agreement, had good conversation with our sister City, Tuesday at 11 will be the next meeting.

Mayor Hansen:

- ✚ GC transportation meeting was routine business and the Security Gate Project has been completed.
- ✚ Museum- Thursday December 14th Holiday open house at 5:00 PM
- ✚ Kudos to Public Works!

Adjournment:

The Meeting was adjourned at 8:29.

Dated: November 29, 2017

Robyn Johnson, City Clerk