



## Winters Regular Council Meeting

### Tuesday, March 19, 2024 @ 6:30 PM AGENDA

*Members of the City Council*

*Bill Biasi, Mayor  
Albert Vallecillo, Mayor Pro-Tempore  
Richard Casavecchia  
Jesse Loren  
Carol Scianna*

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#### Meeting Information

The Winters City Council meeting will be held in person at Winters City Hall 318 First Street(Abbey Street entrance). Members of the public are welcome to participate via Zoom <https://us02web.zoom.us/j/89855949754?pwd=Y09JK1ZaRmt0ejJuazNsRmhvaDRXZz09>

Meeting ID: 898 5594 9754 Passcode: 202614

1. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press \*9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3:00 minutes.
2. If you choose not to observe the City Council meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Monday prior to the City Council meeting. Please submit your comment to the City Clerk at [cityclerk@cityofwinters.org](mailto:cityclerk@cityofwinters.org). All public comments submitted to the City Clerk will be summarized and read into record but will not be read verbatim due to time limitations

1. ROLL CALL
2. PLEDGE OF ALLIANCE
3. APPROVAL OF THE AGENDA
4. COUNCIL/STAFF COMMENTS
5. PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

## 6. CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and noncontroversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Special Joint Session of the Winters City Council and the City of Winters Planning Commission Held on February 27, 2024  
[20240227 Minutes.pdf](#)
- B. Minutes of the Regular Meeting of the Winters City Council held on March 5, 2024.  
[20240305 Minutes.pdf](#)
- C. Resolution 2024-11 Approving a Automatic Aid Agreement between the City of Winters and the Vacaville Fire Protection District.  
[VVFPD Automatic Aid Agreement.pdf](#)  
[Staff\\_Report\\_VVFPD\\_Automatic\\_Aid\\_Agreement.docx](#)  
[Resolution\\_2024\\_11.docx](#)

## 7. PRESENTATIONS

- A. Recognition of Boy Scout Project: Winters Community Center Stage
- B. Recognition of Women's History Month  
[Proclamation\\_Recognizing\\_WomensHistoryMonth.pdf](#)
- C. Proclamation Recognizing Winters High School Women's Soccer Team  
[Proclamation\\_Recognizing\\_WomensSoccer.pdf](#)

## 8. DISCUSSION ITEMS

- A. Introduce and Waive First Reading of Ordinance 2024-02 Adding Chapter 9.24 of Title 9 of the Winters Municipal Code Related to Encampments Within City Limits  
[Encampment Ordinance 2024-02.docx](#)  
[Staff Report Encampment Ordinance 2024-02.doc](#)
- B. Provide staff direction on changes (if any) to the City's Municipal Code and zoning regulations related to the establishment of a local cannabis retailer licensing program.  
[Staff Report Cannabis Direction.doc](#)

## 9. CITY MANAGER REPORT

## 10. INFORMATION ONLY

## 11. ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Winters City Council was posted on the City of Winters website at [www.cityofwinters.org](http://www.cityofwinters.org) and Council Members were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street , and made available to the public during normal business hours.

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Sterling Thomas, Deputy City Clerk  
Winters City Council Agenda

*Questions about this agenda - Please call the City Clerk's Office (530) 794-6702. Agendas and staff reports are available on the city web page at [http://www.cityofwinters.org/city-council-meetings\\_/](http://www.cityofwinters.org/city-council-meetings_/)*

*General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.*

*Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.*

*The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.*

*How to obtain City Council Agendas and Agenda Packets:*

*View on the internet: [http://www.cityofwinters.org/city-council-meetings\\_/](http://www.cityofwinters.org/city-council-meetings_/)*

*City Council agenda packets and any attachments to the agenda that are not available online may be viewed at the City Clerk's Office at City Hall - 318 First Street.*

*Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.*

*A recording of any streamed City Council meeting can be viewed later at <http://www.cityofwinters.org/city-council-meeting-recordings/>.*



## Minutes of the Special Joint Session of the Winters City Council and the City of Winters Planning Commission Held on February 27, 2024

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Mayor Biasi called the meeting to order at 6:30 PM

Present: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi

Planning Commission Members Gregory Contreras, Lisa Baker, Ramon Altamirano, Judith Arce, Jessica Smith

Absent: None

Staff: City Manager Jeremy Craig

Kate Laddish led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

Motion by Council Member Loren, second by Mayor Pro Tem Vallecillo to approve the agenda as is. Motion carried with the following vote:

AYES: Councilmember Casavecchia, Councilmember Loren, Councilmember Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi

NOES: None

ABSENT: None

ABSTAIN: None

### PUBLIC COMMENTS:

Laddish - item of water quality living along creek. Work across jurisdictions. State water Resource Board available resources for YC and Solano available in same district. Might be many techniques.

### COUNCIL/STAFF COMMENTS:

Verbal updates were provided by Council Members.

RECUSED: None

**PRESENTATION:**

HDL & Consultants Report on Cannabis Industry.

**DISCUSSION ITEMS:**

6A. Public Workshop on the Cannabis Industry.

**PUBLIC COMMENT:**

Public Comments included: articles regarding criminality related to retailers including armed robbery in surrounding areas. Concerns that the presentation included multiple safety measures, which highlights the safety risk of the industry. Do we have the resources, will benefits outweigh costs, will the public be provided studies regarding health risk? Does information from surrounding areas go into the data provided in the presentation? Is the data related to small towns?

Consultant - calculations were general and does include population of immediate surrounding area . . . we have worked with other small municipalities.

Public Comments cont'd: Red flag that the industry is so highly regulated where banks, liquor stores, drug stores and other businesses do not require such strict guidelines.

Are we going to let a revenue stream slip through our fingers? We are growing, this is something we should consider. Community has pushed keeping Winters, Winters. This type of industry may change the Winters that we know. Caution that we consider the impact. Even though we have grant funding a caution to Council for forward movement. Should not allow our tax dollars to go to other towns.

Planning Commissioners - Questions and suggestions to be specific and provide analysis of issues we are trying to address with regulation. Licensing vs land use: as a condition of the license, the City can condition commitments for public benefit or for addressing issues resulting from the use. Even after license, the business must go through land use, building, permitting before opening their doors.

Consultant discussed a possible decision process where the municipality would first set the regulatory structure first, then define the strategy to move forward so that it does not occur all at once, a staggered implementation. HDL consultant answered questions regarding cash vs credit and the security requirements, compliance inspections, estimates of sales calculation, fees charged for regulatory compliance, tax appropriation which differs if the retailer is just a storefront or also services delivery, statistics on crime which comes from retailers. black market vs regulated, pros and cons of specific tax or community benefit district.

Councilmember Vallecillo - are we limited to one license type due to size of Winters? Consultant will research oversaturation issue.

*Minutes of the Special Joint Meeting of the Winters  
City Council held on February 27, 2024*

Mayor Biasi - grant to do implementation of cannabis public outreach first to hear, after public engagement decision. If we don't move forward we will not access grant. If we move forward we would access the grant of approx. 100K.

Councilmember Loren - what strategies for public engagement? Consultant would leave to city to determine the best outlet for engagement. Some surveys such as phone polls are limited to accuracy. Most informative method in his opinion is public comments.

Councilmember Loren - what are micro licenses Consultant defined under CA law. Any business may hold multiple licenses without being a micro business. Advantage for business is it is a single license. Businesses still has to meet all regulations for all licenses but the licensing process would be combined. Loren - HdL recommends 2-4% tax. Consultant states that's included in slides but is a guide and subject to other factors.

Councilmember Loren - How many businesses outside of Winters deliver to Winters? Consultant has not looked up those statistics. (Leakage - sales are going to other jurisdictions who deliver) Scianna - Do you recommend we start with retail? Cons that's a decision for the City to make.

**ADJOURNMENT:**

Meeting adjourned at 8:15PM

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Bill Biasi, MAYOR

ATTEST:

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Jeremy Craig, City Clerk



## Minutes of the Regular Meeting of the Winters City Council on March 5, 2024

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Mayor Biasi called the meeting to order at 6:30 PM

Present: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi

Absent: None

Staff: City Manager Jeremy Craig

The pledge of allegiance was led by Tina Lowden

### APPROVAL OF AGENDA:

Motion by Councilmember Loren, second by Councilmember Scianna, to approve the agenda as amended. Motion carried with the following roll call vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi

NOES: None

ABSTAIN: None

### COUNCIL/STAFF COMMENTS:

Council Members provided verbal updates.

### PUBLIC COMMENTS:

No public comments were given for outside agenda items.

### CONSENT CALENDAR:

6.A) *Adoption of Resolution 2024-19 Declaring Certain Winters Police Department, Public Works, and Fire Department Vehicles Surplus and Authorizing the Sale and/or Disposal of Such Surplus Property.*

6.B) *Warrant Register for the Month of January 2024*

6.C) *Minutes from the Regular Meeting of the Winters City Council from February 20, 2024*

Motion by Councilmember Loren, seconded by Councilmember Scianna.

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi

NOES: None

ABSTAIN: None

**PRESENTATIONS:**

*Annual Crime Report to the City Council*

**PUBLIC COMMENTS:**

Winters Express – Residents are not reporting stolen items to the police. What is your remedy or gameplan for that going forward?

Mayor Biasi – asked questions about speed monitoring, stop signs for Neiman and one other street. Followed up about code enforcement; Chief Miller said it's more of a public works project.

Councilmember Scianna – nuisance, loud cars. Chief Miller response: matter of observing the violation - right place, right time. Modified muffler / sound system is illegal (observed rarely compared to previous jurisdiction). The legislature introduced a bill to prohibit law enforcement to prohibit from pulling over for anything besides public safety. Thousands of bills introduced currently to state legislature.

Councilmember Vallecillo – Correlation between the sound of a car and the way it is perceived by the public.

Chief Miller – car modification is popular. Trained in speed estimation; most police officers are not; 40m class in radar etc. 80 hours to certify.

Mayor Biasi – Further comments about speeding and public observing police activity resulting in deterrence.

Councilmember Loren – Expressed gratitude for crime report. Throughout last year, WPD did a lot of public outreach within the Winters community. What outreach is being done in 2024?

Chief Miller – Trial and terror process. For example, taco with a cop. Next week: Coffee with a cop at Steady Eddy's with CSO in charge. Booths at festivals. "Popups" forthcoming. Still experimenting.

Winters Express – Gameplan for remedy incidents of theft?

Chief Miller – Dealing with a major case of embezzlement. Shareholder cooperation difficult so far. Tens of thousands of dollars stolen. Cannot compel them to cooperate.

Mayor Biasi: Asked for online comment. No online comments were given.

## CITY MANAGER REPORT:

City Manager Craig provided an update for two items: Last week's Joint Cannabis Workshop and presentation is on the City of Winters website and social media. Thanks to Winters Express & Crystal. We have been doing monthly coffee at Steady Eddy's with the community. Next one is on March 15, 2024. Last month we had Lucas, our county supervisor. Next one will feature WUSD Superintendent Dr. Rody Boonchouy.

## INFORMATION ONLY

Councilmember Vallecillo – Requested Support from Fellow Councilmembers to review city ordinances to see if there are any that may have targeted Japanese residents and if so could they be brought back to Council to be repealed.

Seconded by Councilmember Scianna.

Councilmember Loren – recommends a resolution that supports the monument for April be deliverable by May 2024.

Three councilmembers support reviewing and rescinding records and laws detrimental to Asian members of the Winters community.

Mayor Biasi – referred this matter to Goal Setting session.

Cassevechia – expand search / review to all such laws.

Councilmember Vallecillo – expressed concern about the practicality of such an undertaking.

Councilmember Cassevechia – Recommended April 2024, then put the remainder on the City Council goal setting session.

Councilmember Vallecillo -- wait and see approach.

Mayor Biasi – confirmed inquiry / undertaking -- city ordinances and resolutions relating to Japanese inhabitants.

Councilmember Loren – recommended second City Council meeting in April for this purpose.

Mayor Biasi – adjourned meeting in honor Mary Hemenway.

## ADJOURNMENT:

07:18 PM

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Bill Biasi, MAYOR

ATTEST:

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Jeremy Craig, City Clerk

**AUTOMATIC AID AGREEMENT FOR EXCHANGE OF FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES  
BETWEEN THE CITY OF WINTERS AND THE VACAVILLE FIRE PROTECTION DISTRICT**

THIS AUTOMATIC AID AGREEMENT ("Agreement") is made and entered into this date \_\_\_\_ day of \_\_\_\_ 2024 ("Effective Date") by and between the City of Winters, a municipal corporation of the State of California ("CITY"), and the Vacaville Fire Protection District, a fire protection district existing under the laws of the State of California ("VACAVILLE FPD"). CITY and VACAVILLE FPD are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

**RECITALS**

- A. The Parties to this Agreement provide fire suppression, rescue, and emergency medical services within their respective jurisdictional limits.
- B. The Parties desire to provide the most expeditious response to suppress fires and render other emergency assistance to the citizens of their jurisdictions.
- C. The Parties desire to provide each other with reasonable and reciprocal automatic aid and initial action in the suppression of fires and provision of other emergency assistance.
- D. Any pre-existing automatic aid agreement between the Parties provides for automatic dispatch and initial action for the suppression of fires and provision of other emergency assistance.

**AGREEMENT**

IN CONSIDERATION of the mutual covenants and conditions herein contained, the Parties agree as follows:

**1. General.**

The Parties agree to provide fire suppression, rescue, and emergency medical services to each other as provided by this Agreement and under such arrangements as determined by the Fire Chiefs of each Party. Implementation policies shall be drafted and approved by the Fire Chiefs of each Party.

This Agreement is intended to supplement and not supplant any existing agreements for the provision of mutual aid or assistance between the Parties. It is mutually understood that this Agreement does not relieve either Party from the necessity and obligation of providing adequate fire suppression, rescue, and emergency medical services within its own jurisdiction.

**2. Term and Termination.**

This Agreement shall become operational and effective on the Effective Date and shall remain in full force and effect until terminated by either Party. Either Party may terminate the Agreement at any time by giving written notice to the other Party at least 30 days prior to the date of termination.

**3. Automatic Aid Zones and First Responder.**

Zones of response are depicted on Exhibit "A," attached hereto and incorporated hereby and made a part of this Agreement, and are defined and assigned to a Party for first response as follows:

Automatic aid between CITY and VACAVILLE FPD shall be limited to emergency incident types designated in each agency's areas. All other requests for assistance will be communicated through the Parties' respective Public Safety Answering Points ("PSAP").

Automatic aid for CITY from VACAVILLE FPD will be limited to Water Rescues, Rescues, and Traffic Accidents.

Automatic aid for VACAVILLE FPD from CITY shall include structural firefighting, Traffic Accidents, Vegetation Fires, Vehicle fires, Medical Aid (Charlie EMD and above), and all incident types on Highway 128 or in Cold Canyon.

Automatic dispatch shall respond to any defined incidents within the defined boundaries of this Agreement. Both PSAPs will be notified and trained to ensure timely dispatch under this Agreement.

The Parties agree to provide one engine or appropriate type apparatus for the incident type with a crew of a minimum of 2 qualified firefighters to reported incidents in the following manner:

The following areas of the CITY are designated as part of this Agreement:

Winters District 1 (Exhibit "A")

The following areas of the VFPD are designated as part of this Agreement:

Station 68 Response Zone (Exhibit "A")

#### 4. Scope of Services.

Upon receipt of an alarm or request for service included within the scope of this Agreement, the dispatch center of the Party responding as first responder to the alarm or call for service, hereinafter referred to as the "Responding Party," shall dispatch the closest appropriate unit from Responding Party's jurisdiction and immediately transfer the call to the dispatch center of the Party from whose jurisdiction the alarm or call was received, hereinafter referred to as the "Jurisdictional Party."

When an incident occurs in an area included within one of the zones of response designated in Exhibit "A," the Jurisdictional Party shall have the responsibility for overall command of the incident but may allow the first arriving Incident Commander from either jurisdiction to remain in command. Multi-jurisdictional Incidents shall be managed under the Unified Command concept of the Incident Command System, as such phrases are defined in the Fire Service Field Operations Guide, dated January 2001.

The Parties shall meet at least once per calendar year to review this Agreement and determine whether any modifications to the Agreement are necessary.

## 5. Independent Contractor.

The relationship of the Parties to this Agreement shall be that of independent contractors. Neither Party shall be deemed to be an agent of the other.

## 6. Compensation.

Neither Party shall be entitled to any compensation from the other Party for services rendered under this Agreement other than the agreement for each Party to assist the other Party pursuant to the terms of this Agreement.

## 7. Indemnification.

If it is determined by a court of law that VACAVILLE FPD is liable for damage, injury, or death, of or to any person or the property of any person, as a result of VACAVILLE FPD's negligence or willful misconduct in the performance of the services described by this Agreement, VACAVILLE FPD will indemnify the CITY for the proportion of liability a court determines is directly attributable to the negligence of VACAVILLE FPD, its governing body, officers, or employees. If it is determined by a court of law that the CITY is liable for damage, injury, or death, of or to any person or the property of any person, as a result of the CITY's negligence or willful misconduct in the performance of the services described by this Agreement, the CITY will indemnify VACAVILLE FPD for the proportion of liability a court determines is directly attributable to the negligence of the CITY, its governing body, officers, or employees. This section shall survive termination or expiration of this Agreement.

## 8. Worker's Compensation.

Each Party shall be solely liable to provide workers' compensation insurance coverage and pay valid claims for injuries or death to any of its officers, agents, or employees performing work, services, or functions under this Agreement, regardless of whether the other Party was directly or indirectly supervising the conduct of those persons. No Party shall assume any liability under workers' compensation laws or any other employers' liability laws on account of any work, service, or function performed by the other Party's officers, agents, or employees under this Agreement.

## 9. Benefit.

This Agreement is entered into solely for the benefit of the Parties and not for the benefit of any other person or entity who is not a Party to this Agreement. No person or entity that is not a Party to this Agreement shall have any right to enforce this Agreement or bring any action arising out of a failure or omission of a Party with respect to services provided pursuant to this Agreement.

## 10. Notices.

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered and certified mail, or other form of mail which offers proof of mailing, postage prepaid, and addressed to the Party at the address below.

City:

City of Winters  
City Manager  
318 First St  
Winters, CA 95694

With a copy to:

City of Winters  
Fire Chief  
700 Main St.  
Winters, CA 95694

Vacaville FPD:

Vacaville Fire Protection District  
420 Vine St.  
Vacaville, CA 95688

**11. Assignment.**

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties. No Party shall assign nor sublet any portion of this Agreement without the written consent of the other Party.

**12. Agency.**

While performing work, services, or functions under this Agreement, each Party's officers, agents, and employees are not the officers, agents, or employees of the other Party to this Agreement, regardless of the nature and extent of the acts performed. Each Party shall be solely responsible for the actions of its respective officers, agents, and employees while performing work, services, or functions under this Agreement.

**13. Applicable Laws and Attorney's Fees.**

This Agreement shall be interpreted and enforced pursuant to the laws of the State of California. Any action to enforce or interpret this Agreement shall be brought in a court of competent jurisdiction in Solano or Yolo County, California. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be affixed by the court. For purposes of this provision, "prevailing Party" includes a Party which dismisses an action based on this Agreement in exchange for payment of the sum allegedly due, performance of the covenants allegedly breached, or payment of consideration substantially equal to the relief sought by such Party in an action or proceeding.

**14. Extent of Agreement: Amendment.**

This writing constitutes the entire Agreement between the Parties and supersedes all prior understandings and agreements, whether oral or written, with respect to the subject matter of this Agreement. This Agreement may not be modified, changed, supplemented, or terminated, nor may obligations under this Agreement be waived, except by written instrument signed by the Parties to this Agreement.

**15. Ownership of Equipment.**

Each Party shall retain ownership of any equipment or property it brings to the performance of this Agreement. Each Party shall be responsible for damage to or loss of its own equipment. Each Party waives the right to sue the other Party for any damages to or loss of its equipment, unless the damages or losses were caused by the willful misconduct or the negligent acts, errors, or omissions of the other Party or its officers, employees, or agents.

**16. Administration of Agreement.**

For purposes of administration of this Agreement, the VACAVILLE FPD Fire Chief and the CITY Fire Chief are designated as the representative of the respective Parties to this Agreement, and they shall be jointly responsible for administration of this Agreement.

**17. Immunities.**

By entering into this Agreement, neither Party waives any of the immunities provided by the Government Code or other applicable provisions of law.

**18. Severability.**

Should any term or provision of this Agreement be determined to be illegal or in conflict with any law, the validity of the remaining portions or provisions shall not be affected thereby. Each term or provision of this Agreement shall be valid and enforced as written to the fullest extent permitted by law.

**19. Miscellaneous.**

All covenants herein shall be conditions. Time shall be of the essence. Failure on the part of either Party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision. The singular number shall include the plural, and the masculine gender shall include the feminine gender and neuter gender whenever the context of this Agreement permits. This Agreement shall be deemed to have been drafted equally by both Parties. This Agreement may be executed in counter parts, each of which shall be deemed to be original, but all of which together shall constitute one and the same Agreement.

**SIGNATURE PAGE FOR AUTOMATIC AID AGREEMENT FOR EXCHANGE OF FIRE, RESCUE, AND  
EMERGENCY MEDICAL SERVICES BETWEEN THE CITY OF WINTERS AND THE VACAVILLE FIRE  
PROTECTION DISTRICT**

City of Winters

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City Manager

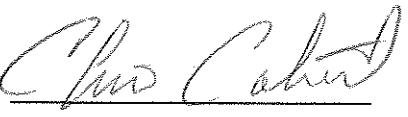
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Fire Chief

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Vacaville Fire Protection District

  
Deputy Chief

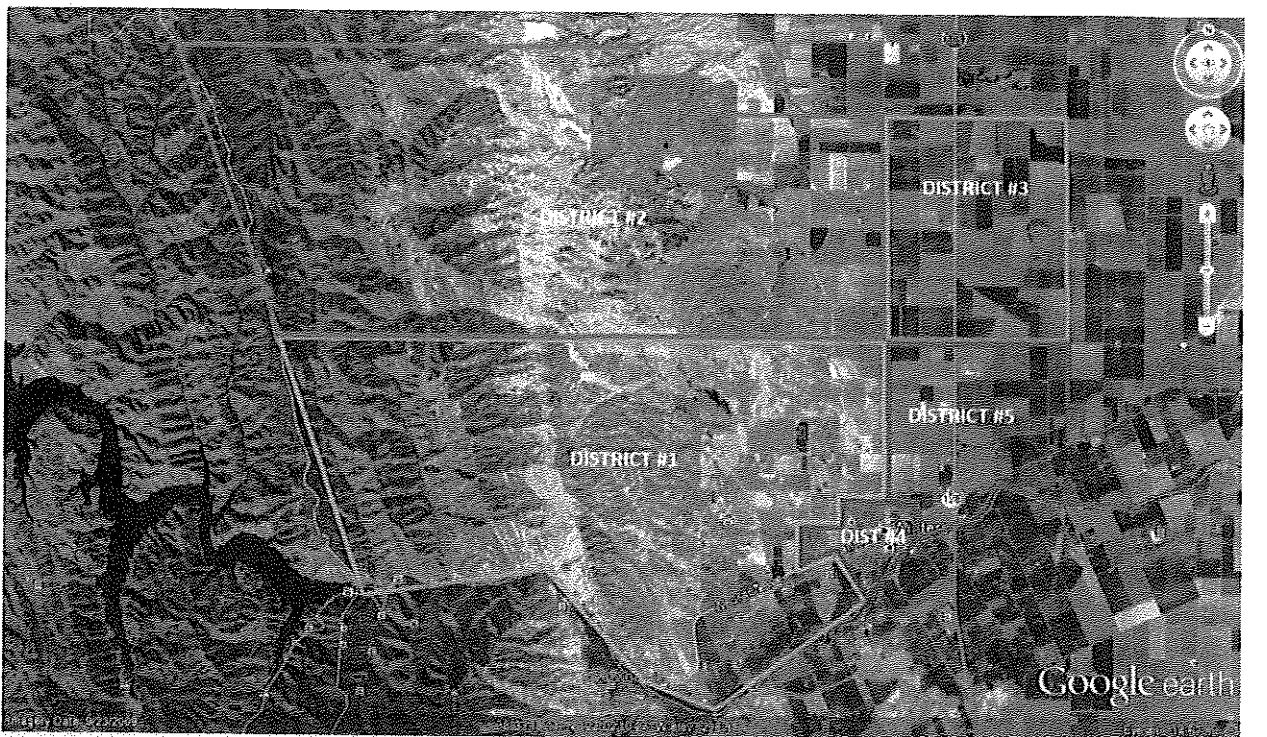
  
Chairman Chris Calvert

APPROVED AS TO FORM:

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City Attorney

Exhibit "A"





## **CITY COUNCIL STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE:** March 19, 2024  
**THROUGH:** Jeremy Craig, City Manager  
**FROM:** Jack S. Snyder III, Fire Chief  
**SUBJECT:** Resolution 2024-11 Approving an Automatic Aid Agreement between the City of Winters and the Vacaville Fire Protection District

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### **RECOMMENDATION:**

Adopt Resolution 2024-11 Approving an Automatic Aid Agreement between the City of Winters and the Vacaville Fire Protection District.

### **BACKGROUND:**

The Winters Fire Department and Vacaville Fire Protection District want to enhance the service to our citizens in both response areas. The need for an automatic aid agreement will enhance response times and capitalize on joint specialty equipment use for water rescues as an example and reducing the impact of any emergencies in the automatic aid area.

### **DISCUSSION:**

The Winters Fire Department and Vacaville Fire Protection District would like to enhance the response capabilities to the automatic aid areas for our citizens. This agreement will allow for simultaneous dispatches of resources to specified call types, enhancing response times, reducing the impact, and capitalizing on specialty resources from both agencies. Due to limited staffing of both agencies, and area of coverage, both agencies have determined that this agreement will better protect our citizens and increase our operational effectiveness and responder safety.

### **ENVIRONMENTAL ANALYSIS:**

The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" per Section 15378(b)(5) of the CEQA Guidelines. The action involves an organizational or administrative activity of governments that will not result in the direct or indirect physical change in the environment.

**FISCAL IMPACT:**

There will be no fiscal impact to the general fund.

**ATTACHMENTS:**

1. Resolution 2024-11
2. Automatic Aid Agreement

## RESOLUTION 2024-11

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF WINTERS AND THE VACAVILLE FIRE PROTECTION DISTRICT

**WHEREAS**, the City of Winters (“City”), through its Fire Department, provides mutual to the Vacaville Fire Protection District (“District”) and vice versa; and

**WHEREAS**, an Automatic Aid Agreement has been proposed between the two agencies to enhance response capabilities and reduce the impact of emergencies; and

**WHEREAS**, the City’s participation in this agreement would enhance the City’s and District’s ability to get more resources on scene of specific emergency types. This would also enhance the safety and effectiveness of resources on an emergency scene, capitalize on specialty resources and enhance responder safety; and

**WHEREAS**, the City and District desire to enter into an Automatic Aid Agreement based upon the terms and conditions therein.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Winters does hereby approve an Automatic Aid Agreement between the City of Winters and the Vacaville Fire Protection District, attached hereto as Exhibit A and incorporated herein by this reference.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute the agreement, subject to any minor, technical, or non-substantive changes approved by the City Attorney.

**PASSED AND ADOPTED** by the City Council, City of Winters, this 16th day of January 2024 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Bill Biasi, Mayor

**ATTEST:**

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Jeremy Craig, City Clerk



# Proclamation

## A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS HONORING WOMEN'S HISTORY MONTH

**WHEREAS**, Women's History Month is a celebration of women's contributions to history, culture and society and has been observed annually in the month of March in the United States since 1987; and

**WHEREAS**, The actual celebration of Women's History Month grew out of a weeklong celebration of women's contributions organized by the school district of Sonoma, California, in 1978; and

**WHEREAS**, in the Month of March, we take the time to celebrate the accomplishments and the countless ways women, of every race, class and ethnic background, have strengthened and contributed to the fabric of the Nation and acknowledge that we all benefit from the leadership and contributions of women in education, medicine, government, law, business, military service, and every other field; and

**WHEREAS**, in Winters, we have a long history of female leaders in different roles, including Mayors, Council Members, School Board Presidents, School Board Members, Chamber of Commerce Presidents and many more.

**NOW, THEREFORE, BE IT RESOLVED** on behalf of the City of Winters, we do hereby recognize the month of March as Women's History Month and honor women's contributions in Winters and American history.

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**Mayor Bill Biasi**

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**Mayor Pro Tem Albert Vallecillo**

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**Councilmember Jesse Loren**

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**Councilmember Carol Scianna**

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**Councilmember Richard Casavecchia**



# Proclamation

## A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS HONORING WINTERS HIGH SCHOOL WOMEN'S SOCCER TEAM

**WHEREAS**, it is with great pride and jubilation that the City of Winters, California celebrates the remarkable achievement of the Winters High School Women's Soccer Team; and

**WHEREAS**, on March 2nd, our exceptional athletes exhibited unparalleled skill, teamwork, and dedication in clinching the NorCal Division 5 Championship, thereby bringing honor and glory to our beloved city; and

**WHEREAS**, their journey to victory has not only exemplified the highest standards of athleticism but has also inspired the entire community with their resilience, perseverance, and unwavering commitment to excellence; and

**WHEREAS**, the triumph of the Winters High School Women's Soccer Team serves as a testament to the extraordinary talents of our youth and underscores the importance of fostering an environment that nurtures their potential and encourages them to pursue their dreams; and

**WHEREAS**, the dedication and hard work demonstrated by the players, coaches, and supporting staff of the Winters High School Women's Soccer Team embody the values of sportsmanship, integrity, and determination, which are symbolic of our city's spirit; and

**WHEREAS**, it is fitting and proper that we, the citizens of Winters, California, express our heartfelt congratulations and extend our sincerest appreciation to the Winters High School Women's Soccer Team for their outstanding achievement and for bringing immense pride and joy to our community.

**NOW, THEREFORE, BE IT RESOLVED** on behalf of the City of Winters, we do hereby recognize the outstanding season of the Winters High School Women's Soccer Team and declare March 20, 2024, as Winters High Women's Soccer Team Day in the City of Winters.

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**Mayor Bill Biasi**

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**Mayor Pro Tem Albert Vallecillo**

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**Councilmember Jesse Loren**

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**Councilmember Carol Scianna**

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**Councilmember Richard Casavecchia**

## **ORDINANCE NO. 2024-02**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS ADDING CHAPTER 9.24 TO TITLE 9 OF THE CITY OF WINTERS MUNICIPAL CODE RELATED TO ENCAMPMENTS WITHIN THE CITY LIMITS**

**WHEREAS**, the City Council of the City of Winters (“City”) finds that the City has a legitimate and compelling interest in protecting the public health, welfare and safety of its residents, as well as preserving the same within the City and other public property; and

**WHEREAS**, public rights-of-way and public property are generally intended for public use and travel. The City Council is the authority for public rights-of-way within the City; as such, the City must consider the safety of pedestrians and motorists travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences. The City has had increasing concerns regarding safety due to camping on or in City rights-of way and City property in or near streets, roads, sidewalks, and public access points; and

**WHEREAS**, encampments such as tents and other habitable structures persist and have become a problem on City property. Such encampments are unsafe and unhealthy for the people living in them, and they make public spaces and the surrounding neighborhoods and businesses intimidating, less safe, and less healthy for families, residents, and visitors to City facilities; and

**WHEREAS**, maintaining accessible and safe access to City facilities for everyone is an important public safety objective. Tents and other habitable structures erected for temporary shelter often exhibit the following public safety hazards, all of which present public health risks and can become vectors for disease, illness, and rodents: (1) solid waste from discarded food and other garbage; (2) the presence of syringes; (3) accumulation of waste (hazardous and bio-hazardous waste); (4) unsanitary food storage; and (5) lack of potable running water for personal hygiene; and

**WHEREAS**, in addition to the foregoing concerns, tents and other habitable, temporary shelters provide a shield for criminal activity and expose members of the public and law enforcement to increased risk of assault and other threats to personal safety. This risk extends not only to members of the public seeking to access City facilities for lawful purposes, but also to nearby residents, business owners, and pedestrians; and

**WHEREAS**, the City must appropriately consider various interests and formulate policy to best protect public health, safety, welfare, property, and the environment, with limited resources; and

**WHEREAS**, the City Council acknowledges the lack of nightly shelter beds and housing currently available regionally and recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness; and

**WHEREAS**, the City Council acknowledges that it is currently unavoidable that some people will live or shelter for survival outdoors until they are able to access affordable or free

shelter or housing. In Winters, this has typically meant camping, sometimes for extended periods of time, on City rights-of-way and City property; and

**WHEREAS**, the City Council has heard reports from residents of negative interactions between those using City rights-of-way and City property as sleeping and living accommodations and pedestrians traveling on paths towards, and locations near, bridges and creeks, which have resulted in damaging activities that if left unaddressed would result in negative impacts to the environment and ecological and water quality; and

**WHEREAS**, the City's rights-of-way and public areas are not intended for shelter or camping, and individuals who make shelter in these areas create health and safety risks for themselves and for persons encountering encampments; and

**WHEREAS**, the City Council recognizes the difficult challenge of balancing the needs of the residents and public at large to access clean and sanitary public areas, as well as the assurance of safe travel with the needs of individuals who have no alternatives for living accommodations and the storage of their personal property, but also balancing those needs with the concerns of residents that using such property as living and sleep accommodations and storing personal property interferes with the rights of other members of the public to use public areas for their intended purposes and can create a public health or safety hazard that adversely affects those who use public areas; and

**WHEREAS**, at the February 6, 2024 City Council regular meeting, the City Council held a discussion on the processes and programs for addressing the unhoused in the City, current City responses, and additional resources that may be employed in further addressing these challenges. During the meeting, members of the community addressed the Council with their concerns regarding the impacts of encampments on Putah Creek, Downtown businesses, and the health, safety and welfare of residents. Following public comment, the City Council expressed support for a proposed ordinance regulating encampments within the City limits to be brought back for consideration and potential adoption; and

**WHEREAS**, the City has determined that this ordinance is necessary to protect the public health, welfare and safety of residents of the City, by enacting regulatory restrictions on using public rights-of-way for sleeping or living accommodations at designated locations; and

**WHEREAS**, the City now desires to proceed with the process of enacting this ordinance for the purpose of protection of the public health, welfare and safety of its residents; and

**WHEREAS**, the City Council has considered the report from City staff and all public comments on the need to enact an ordinance prohibiting unlawful encampments on public and private property and authorizing the removal of such encampments when encampment occupants are provided notice and the opportunity to retrieve removed personal belongings.

**THE CITY COUNCIL OF THE CITY OF WINTERS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The above recitals are adopted as findings of the City Council in enacting this ordinance.

**Section 2.** Chapter 9.24 of the Winters Municipal Code is hereby added in its entirety as follows:

## **Chapter 9.24** **ENCAMPMENTS WITHIN THE CITY LIMITS**

### **9.24.010. Definitions.**

For purposes of this chapter, the following definitions shall apply.

“Camp” or “camping” means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, hammocks or non-City designated cooking facilities, including but not limited to fueled cooking equipment, flammable gas canisters, combustible liquid containers, or similar items.

“City property” means all real property owned or leased by the City or any agency or department thereof, irrespective of whether such real property is located within an incorporated area.

“Encampment” means a tent or any similar temporary structure consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied to a structure or bush to create an enclosed area. Encampment includes any camp paraphernalia.

“Enforcing employee” means the employee of the City authorized to enforce this chapter.

“Housing” means placement in a shelter or another housing option provided by the City or Yolo County.

“Personal property” means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, blankets, sleeping bags, personal items such as household items, luggage, backpacks, clothing, food, documents, and medication.

“Shelter” means temporary shelter or another shelter option.

### **9.24.020. - Prohibition.**

A. Camping on City Property Prohibited at All Times. It shall be unlawful at all times of the day for any person to camp or to place an encampment in or on the following City property:

1. Inside any public building, inside any fully-fenced area attached to a public building, or within twenty-five feet (25') of any entrance or exit to a public building;

2. Within fifty feet (50') of any house or other permanent structure used as a residence;
3. Within one hundred feet (100') of the property line of any property used as a school, preschool, playground, daycare, or other licensed childcare facility;
4. City creeks and creek embankments within City limits;
5. Within one hundred feet (100') of critical infrastructure, including water wells, storm drain basins, and bridges;
6. Within a Very High Fire Severity Zone, as established in accordance with California Government Code §§ 51178 and 51179;
7. Within any public park, except as authorized under Chapter 12.12 of this Code;
8. Within any public highway, road, or street; and,
9. Within any public sidewalk, easement, or right of way, where the presence of the person or their property thereon hinders or obstructs the free passage, access, or movement of any persons, bicycles, or vehicles travelling or attempting to pass along the same right of way.

B. Camping on City Property Prohibited at Certain Times. As to any City property not specifically identified in subsection (A) above, it shall be unlawful for any person to camp or to place an encampment in or on any City property daily between the hours of 7:00 a.m. and 9:00 p.m.

C. Exceptions.

1. Absent exigent circumstances related to immediate threats to the public health, safety, or welfare, the provisions of this section will not be enforced against indigent homeless persons sitting, lying, or sleeping on City property when no housing or shelter is available.
2. The provisions of this section shall not apply to camping or the placement of an encampment on City property pursuant to and in compliance with a permit or other written authorization signed by the City Manager or other City employee with authority to provide such permits or authorizations.

D. Camping on Private Property. It shall be unlawful for any person to camp or to place an encampment on any private property without first obtaining the written permission of the owner or other person(s) in lawful possession of the property.

### **9.24.030. - Offer of Housing, Shelter and Services.**

Prior to directing a person to remove an encampment or prior to removing the encampment, the enforcing employee shall offer information to the occupant(s) regarding any available housing or shelter and other health and human services that said employee reasonably believes are relevant to the occupant(s) and their individual circumstances.

### **9.24.040. - Enforcement.**

The prohibitions of Section 9.24.020 may be enforced by: (1) the Winters Police Department; or (2) the City's Code Enforcement Division. The City Manager, or a department designated by the City Manager, may issue regulations or guidelines necessary or appropriate to aid in the enforcement and implementation of this chapter and may create any additional procedures consistent with this chapter necessary or appropriate to protect the property rights of individuals whose property is taken into custody pursuant to this chapter.

### **9.24.050. - Notices.**

The enforcing employee shall provide occupants of an encampment notice of intent to remove the encampment at least 24 hours in advance of any action to remove the encampment. Notice shall be in writing and shall be served personally on the occupant(s) of the encampment present when the enforcing employee attempts to serve notice. In addition, the enforcing employee shall post the notice on or near the encampment, so as reasonably to communicate the notice to persons living at the encampment but not present during the attempt to serve notice. The notice shall contain the following information:

1. The location of the encampment;
2. The date and time notice was served or posted;
3. A statement that the encampment violates this chapter;
4. An advisement that the City will remove the encampment 24 hours after the date and time of the notice;
5. Information about any housing or shelter and homeless services available for occupants of the encampment and the phone number and address to contact in order to obtain the housing or shelter or other health and human services;
6. An advisement that any personal property remaining at the encampment site when the enforcing employee returns to remove the encampment will be impounded for no fewer than 90 days and will be discarded thereafter if not claimed; and,
7. The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved and that the City will charge no fee for storage or retrieval.

## **9.24.060. - Personal Property.**

A person occupying an encampment who is present at the time the enforcing employee is removing the encampment may retain his or her personal property except that items constituting an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband may be seized, as permitted by law. Any personal property seized shall be stored for no less than 90 days, with the following exceptions:

1. Items that present a health or safety risk if stored, such as items soiled by bodily fluids, items that are moldy, items infested by insects or vermin, and food, need not be stored and may be discarded; and,
2. Items that constitute evidence of a crime or contraband may be seized and discarded, as permitted by law.

## **9.24.070. - Other laws and orders.**

Nothing in this chapter shall be construed to limit the City's authority to enforce any other federal, state, or local law.

**Section 3. Conflicting Laws.** To the extent that there is any conflict between the provisions of this Ordinance and any provision of the Winters Municipal Code, an ordinance, or a resolution or policy, all such conflicting provisions shall be superseded by this Ordinance.

**Section 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

**Section 5. CEQA.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 6. Effective Date and Publication.** The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Winters City Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Bill Biasi, Mayor

ATTEST:

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City Clerk



## CITY COUNCIL STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

**DATE:** March 19, 2024

**THROUGH:** Jeremy Craig, City Manager

**FROM:** John P. Miller, Chief of Police

**SUBJECT:** Introduce and Waive First Reading of Ordinance 2024-02 Adding Chapter 9.24 of Title 9 of the Winters Municipal Code Related to Encampments Within City Limits

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### **RECOMMENDATION:**

Introduce and waive first reading of Ordinance 2024-02 adding Chapter 9.24 to Title 9 of the Winters Municipal Code related to encampments within the City limits.

### **BACKGROUND:**

At the February 6, 2024 City Council regular meeting, the City Council held a discussion on the processes and programs for addressing the unhoused in the City, current City responses, and additional resources that may be employed in further addressing these challenges. During the meeting, members of the community addressed the Council with their concerns regarding the impacts of encampments on Putah Creek, Downtown businesses, and the health, safety and welfare of residents. Following comments from the public, the City Council expressed support for a proposed ordinance regulating encampments within the City limits to be brought back for consideration and potential adoption.

Currently, the Winters Municipal Code (WMC) only prohibits camping in parks and recreation areas without a permit. Recent court decisions have ruled that "anti-camping" ordinances that completely prohibit camping on public property are unconstitutional under the Eighth Amendment to the U.S. Constitution, unless there are enough homeless shelter beds to accommodate the homeless population. However, while current court precedent

restricts the City's ability to prohibit homeless individuals from camping in public spaces when shelter is not otherwise available, communities have adopted camping ordinances that impose reasonable "time, place, and manner" restrictions on camping on public property. The proposed ordinance adding Chapter 9.24 to the Winters Municipal Code follows this model.

### **DISCUSSION:**

As the homeless population of California continues to increase, the City of Winters has experienced more homeless encampments, especially on private and public property along the Putah Creek. Unfortunately, the conditions of these encampments often deteriorate, causing environmental harm and negative impacts to the public health, safety and welfare.

The Winters Police Department's Code Compliance Unit has successfully worked with private property owners to address encampments pursuant to WMC Chapter 19 (Nuisance Abatement); however, there are no provisions in the Winters Municipal Code that specifically address camping and encampments on public property.

Currently, the Winters Municipal Code only prohibits camping in parks and recreation areas without a permit (WMC § 12.12.020). In *Martin v. City of Boise*, No. 15-35845 (9th Cir. 2018) and again in *Gloria Johnson, et al. v. City of Grants Pass*, No. 20-35752 (9th Cir. 2023), the court ruled that the enforcement of "anti-camping," anti-sleeping," and similar municipal ordinances being enforced on the homeless are unconstitutional under the Eighth Amendment unless there are enough beds in local homeless shelters to house the homeless population.

In light of these case law decisions, many California jurisdictions have either amended their current municipal ordinances or adopted new ordinances to implement "time, place, and manner" restrictions on camping on public property. The proposed ordinance adding Chapter 9.24 to the Winters Municipal Code follows this model, and contains elements from camping ordinances adopted by surrounding jurisdictions including Yolo County.

The proposed ordinance would prohibit camping on City property between the hours of 7:00 a.m. and 9:00 p.m., and prohibit camping on City property at all times at or near the following locations:

1. Inside any public building, inside any fully-fenced area attached to a public building, or within twenty-five feet (25') of any entrance or exit to a public building;
2. Within fifty feet (50') of any house or other permanent structure used as a residence;
3. Within one hundred feet (100') of the property line of any property used as a school, preschool, playground, daycare, or other licensed childcare facility;
4. City creeks and creek embankments within City limits;
5. Within one hundred feet (100') of critical infrastructure, including water wells, storm drain basins, and bridges;
6. Within a Very High Fire Severity Zone, as established in accordance with California Government Code §§ 51178 and 51179;

7. Within any public park, except as authorized under WMC Chapter 12.12;
8. Within any public highway, road, or street; and,
9. Within any public sidewalk, easement, or right of way, where the presence of the person or their property thereon hinders or obstructs the free passage, access, or movement of any persons, bicycles, or vehicles travelling or attempting to pass along the same right of way.

The proposed ordinance would be enforced by the Winters Police Department or the City's Code Enforcement Division, and violations of the ordinance would constitute a misdemeanor pursuant to WMC § 1.16.010. However, consistent with *Martin v. City of Boise* and other applicable case law, this ordinance would not be enforced against indigent homeless persons sitting, lying, or sleeping on City property when no housing or shelter is available. Further, occupants of encampments will be offered information regarding any available housing or shelter and other health and human services that are relevant to the occupant(s) and their individual circumstances and given 24 hours to comply. The proposed ordinance also addresses camping on private property and includes procedures regarding the removal and storage of personal property of encampment occupants.

Finally, as staff has previously noted, case law continues to evolve on this issue, and the U.S. Supreme Court will consider this year whether municipal ordinances that ban homeless persons from camping on public property violate constitutional protections under the Eighth Amendment. The Court's ruling will likely dictate how such ordinances are to be implemented.

#### **ENVIRONMENTAL ANALYSIS:**

This Ordinance is not subject to the California Environmental Quality Act ("CEQA"), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

#### **FISCAL IMPACT:**

There are undetermined costs associated with staff time to implement and enforce the ordinance.

#### **ATTACHMENT(S):**

1. Ordinance 2024-02



## CITY COUNCIL STAFF REPORT

**TO:** Honorable Mayor and Councilmembers

**DATE:** March 19, 2024

**FROM:** Jeremy Craig, City Manager

**SUBJECT:** Provide staff direction on changes (if any) to the City's Municipal Code and zoning regulations related to the establishment of a local cannabis retailer licensing program.

### **RECOMMENDATION:**

Receive report and direct staff on changes (if any) to the City's Municipal Code and zoning regulations related to the establishment of a local cannabis retailer licensing program for future consideration and possible adoption.

### **BACKGROUND:**

In 2017, the City Council adopted Ordinance No. 2017-07, which prohibits commercial cannabis activities within the City of Winters. In 2023, the City received a grant from the State Department of Cannabis Control to allow the City to explore the potential development and implementation of a local cannabis retailer licensing program, which will reimburse the City for any work performed in establishing licensing requirements and related regulations for cannabis retail businesses. The City Council designated funds from the American Rescue Plan allocation to pay for a public outreach process to determine if the community would be interested in allowing any of the varied types of licenses for the industry. If the City chooses to move forward with any licensing, the Cannabis Control Grant will offset the costs of that work.

On February 27<sup>th</sup>, the City Council and Planning Commission held a joint workshop regarding the cannabis industry. The City's consultant, HDL Companies, presented an overview of the cannabis industry's current state and policy options for the City to consider in adopting regulations regarding licensing for the various types of cannabis licenses established by State law. The Council and Commission had their questions answered by the HDL consultant and received public comment. Several members of the community

asked questions and made comments related to the cannabis licensing option.

### **DISCUSSION:**

Staff is seeking direction from the Council on how to proceed with the cannabis licensing program and grant. The Council's options are summarized below, but they are not exhaustive, and the City Council may direct a different path.

Option 1 – Status Quo – Per Winters Municipal Code Chapter 17.205, the City currently prohibits commercial cannabis cultivation and commercial cannabis activity, and would remain that way. Staff would use American Rescue Funds to pay for the current outreach effort expenses and will turn the Cannabis Control grant back to the State of California.

Option 2 – Direct staff to bring back cannabis licensing for some or all cannabis license types as directed by the Council. Possible license types include cultivation, manufacturing, distribution, testing lab, retail, non-store front retail, and micro-business.

Option 3 – Direct staff to bring back cannabis licensing for some or all of the cannabis licensing types but set the allowable number of licenses to zero, pending a resolution adopting a number greater than zero.

Both options 2 and 3 would utilize the Cannabis Control Grant to perform the necessary work to complete the tasks as defined by the Council.

### **Revenue Generation/Cannabis Tax Discussion**

Another issue related to any cannabis licensing is the collection and generation of revenue. Most cities reviewed took a tax proposition to the ballot to establish a tax on cannabis sales and set the maximum rate to be collected. However, other cities have chosen to impose a development fee as a condition of the license equivalent to a percentage of sales, which does not require an election. Should the City Council decide to move forward with a cannabis tax measure, the City would need to adopt the necessary legislation to place the tax measure on the November 2024 ballot.

### **ENVIRONMENTAL ANALYSIS:**

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Depending on direction from the City Council associated with the establishment of a local cannabis retailer licensing program, staff will conduct a CEQA analysis, or verify the applicability of a CEQA exemption, prior to any discretionary action to approve or move forward with any direction from the Council.

**FISCAL IMPACT:**

The fiscal impact of the proposed actions is not determinable until a clear definition of what license types, if any, are chosen to move forward. Revenues would be dependent on further legislation and market forces.