Winters Regular Council Meeting

Tuesday, January 21, 2025 @ 6:30 PM
AGENDA

Members of the City Council

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

Meeting Information
Winters City Council meetings are conducted in person at City Hall Council Chambers- 318 1st Street, accessible via the Abbey St side entrance. As a courtesy, and technology permitting, members of the public may continue to participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, City Council meetings will continue despite technical difficulties for participants using the teleconferencing option.

Zoom: https://us02web.zoom.us/j/85023197139?pwd=U2xRNUg1U0V6T1ZqUlBGTlVZRlJjdz09

Meeting ID: 850 2319 7139 Passcode: 405995

+1 669 900 6833 US (San Jose)

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. 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 ALLEGIANCE

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. Warrant Register for the Month of November 2024
Staff Report Warrant Register Reports for 11-2024.docx
11.24 AP Register.pdf
Payroll Registers.pdf
Affidavit_Warrant Register.pdf

B. Appointment of Winters Planning Commission Members to fill two vacant positions with terms ending January 1, 2027

Staff_Report_Appointing_Members_to_the_Planning_Commission_1 (2).docx
Attachment A PLanning commissioner Roster.xlsx

C. Minutes of the Special Meeting of the Winters City Council Held on December 11, 2024
City_Council_Minutes_12.11.24 Final-sc.docx

D. Minutes of the Regular Meeting of the Winters City Council Held on December 17, 2024
City_Council_Minutes_12.17.24 Final.docx

7. PRESENTATIONS

A. Introduction of Officer Ivan Martinez

8. DISCUSSION ITEMS

A. Public Hearing: Introduce and Waive First Reading of Ordinance No. 2025-01 amending the Chapter 5.36 of the Winters Municipal Code relating to Food Vendors.
Winters_ Staff report re Food Vendors.01.21.25.doc

Attachment 1 - PC Resolution 2024-05.pdf
Attachment 1, Exhibit A - ORDINANCE NO 2025-01 Food Vendor Ordinance.docx
Attachment A, Exhibit A - Exhibit 1 Ordinance.docx
Attachment 2: Redline_-
_How_the_Proposed_Ordinance_Revises_WMC_Chapter_5.36.docx

B. Public Hearing: Introduce and Waive First Reading of Ordina nce No. 2025-02 amending the Winters Municipal Code, Sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements.
Staff report Cannabis.01.21.25.doc
Attachment 1 - PC Resolution 2024-06.pdf
Attachment 1, Exhibit A - Cannabis_Ordinance.docx
ATTACHMENT 2 - Assessors Map showing allowable properties for the location of a retail storefront commercial cannabis business.pdf

9. CITY MANAGER REPORT

10. INFORMATION ONLY

11. ADJOURNMENT
I declare under penalty of perjury that the foregoing agenda for the January 21, 2025, regular meeting of the Winters City Council was posted on the City of Winters website at 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,on January 16, 2025, and made available to the public during normal business hours.

_____
Zorina Treat, 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_/

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_/

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/.

CITY COUNCIL
STAFF REPORT

TO:	Honorable Mayor and Councilmembers
DATE:	January 21, 2025
THROUGH:	Jeremy Craig, City Manager
FROM:	Shery Reyes, Senior Accountant
SUBJECT:	Payment of Claims for the month of November 2024

RECOMMENDATION:
Approve payments made in accordance with the adopted City of Winters budget.

BACKGROUND:
The Administrative Services Department is responsible for ensuring the financial obligations of the City are met in a timely and accurate manner. Accounts Payable processes payments to external vendors on a weekly basis and employee payroll is processed biweekly while any payment requiring remittance by wire transfer is paid on an as-needed basis.
Pursuant to California Government Code Section 37208, payments drawn in accordance with the City's approved budget need not be ratified by the legislative body prior to payment. The warrant registers (accounts payable and payroll) shall be presented to the legislative body for ratification and approval at the first meeting after payments have been processed. The Administrative Services Director has submitted the register(s) showing the payments processed within the timeframe above for approval by the City Council.

FISCAL IMPACT:
Total of payments processed for the reporting period: $1,407,831.79

ATTACHMENTS:
1. Affidavit of Administrative Services Director
2. A/P Registers
3. Payroll Registers

City of Winters
Month End Cash Disbursements Report
Prior Period Report for 11-24 BANK ACCOUNT 10100

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
11-24	062139	11/18/24	\M054 (MK YOLO INVESTORS LLC,		(100.00)	.00	(100.00)	Ck# 062139 Reversed
	062760	11/01/24	MP2 (SIX STATES SOLAR II, LLC)		40,743.82	.00	40,743.82	Automatic Generated Check
	062761	11/01/24	ACP01 (ACP INTERNATIONAL,INC/SA-SO)		8,088.55	.00	8,088.55	Automatic Generated Check
	062762	11/01/24	AFL01 (AFLAC)		1,302.42	.00	1,302.42	Automatic Generated Check
	062763	11/01/24	AND06 (ANDREA GONZALEZ)		54.00	.00	54.00	Automatic Generated Check
	062764	11/01/24	APS01 (APS ENVIROMENTAL)		1,062.50	.00	1,062.50	Automatic Generated Check
	062765	11/01/24	ATK01 (ATKINSON,ANDERSON,LOYA,RUUD		1,200.00	.00	1,200.00	Automatic Generated Check
	062766	11/01/24	AUS01 (VESTIS SERVICES,LLC)		143.27	.00	143.27	Automatic Generated Check
	062767	11/01/24	BSK00 (BSK ASSOCIATES)		766.75	.00	766.75	Automatic Generated Check
	062768	11/01/24	BUT01 (BUTTE COLLEGE)		1,848.68	.00	1,848.68	Automatic Generated Check
	062769	11/01/24	CHA02 (CHARLES LOMELI,TAX COLLECTOR		48.82	.00	48.82	Automatic Generated Check
	062770	11/01/24	DIX03 (DIXON LANDSCAPE MATERIALS IN		1,324.79	.00	1,324.79	Automatic Generated Check
	062771	11/01/24	FLO02 (INDUSTRIAL SERVICE AND SUPPL		58,647.29	.00	58,647.29	Automatic Generated Check
	062772	11/01/24	INT09 (INTERSTATE SALES)		1,086.06	.00	1,086.06	Automatic Generated Check
	062773	11/01/24	JOS05 (JOSEPH KREINS)		83.60	.00	83.60	Automatic Generated Check
	062774	11/01/24	LNCUR (LN CURTIS & SONS)		92.01	.00	92.01	Automatic Generated Check
	062775	11/01/24	MUT01 (MUTUAL OF OMAHA)		4,467.55	.00	4,467.55	Automatic Generated Check
	062776	11/01/24	PBC01 (PITNEY BOWES GLOBAL FINANCIA		1,505.13	.00	1,505.13	Automatic Generated Check
	062777	11/01/24	PER01 (PERS)		49,699.42	.00	49,699.42	Automatic Generated Check
	062777	11/05/24	PER01 (PERS)		(49,699.42)	.00	(49,699.42)	Ck# 062777 Reversed
	062778	11/01/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		52,098.08	.00	52,098.08	Automatic Generated Check
	062779	11/01/24	PIS02 (PISANI'S SERVICE)		66.80	.00	66.80	Automatic Generated Check
	062780	11/01/24	PLT01 (PLATT)		281.93	.00	281.93	Automatic Generated Check
	062781	11/01/24	PSO01 (PSOMAS)		15,453.43	.00	15,453.43	Automatic Generated Check
	062782	11/01/24	QUI01 (QUILL CORPORATION)		164.05	.00	164.05	Automatic Generated Check
	062783	11/01/24	SON01 (SONCO HEATING & A/C)		550.00	.00	550.00	Automatic Generated Check
	062784	11/01/24	SON04 (SONSRAY MACHINERY LLC)		916.43	.00	916.43	Automatic Generated Check
	062785	11/01/24	VOID (Reversed Check)		.00	.00	.00	Ck# 062785 Reversed
	062786	11/01/24	HDL01 (HDL, COREN & CONE)		2,070.00	.00	2,070.00	Automatic Generated Check
	062787	11/01/24	HOL06 (HOLT OF CALIFORNIA)		1,816.51	.00	1,816.51	Automatic Generated Check
	062788	11/01/24	NJA01 (NJA ARCHITECTURE)		8,632.50	.00	8,632.50	Automatic Generated Check
	062789	11/01/24	PAV01 (PAVE-TECH INC.)		1,400.00	.00	1,400.00	Automatic Generated Check
	062790	11/01/24	PAV02 (PAVEMENT COATINGS CO.)		981.15	.00	981.15	Automatic Generated Check
	062791	11/01/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		5,662.78	.00	5,662.78	Automatic Generated Check
	062792	11/01/24	RAN02 (RANEY PLANNING & MANAGEMENT,		61,518.85	.00	61,518.85	Automatic Generated Check
	062793	11/01/24	SAC19 (SACRAMENTO BAG MFG. CO.)		918.01	.00	918.01	Automatic Generated Check
	062794	11/01/24	VAL15 (ALBERT VALLECILLO)		1,628.66	.00	1,628.66	Automatic Generated Check
	062795	11/01/24	VUL01 (VULCAN CONSTRUCTION MATERIAL		209.43	.00	209.43	Automatic Generated Check
	062796	11/06/24	ANA01 (ANA P. CARRILLO)		3,150.00	.00	3,150.00	Automatic Generated Check
	062797	11/06/24	BAY05 (STEVEN RESTIVO)		5,000.00	.00	5,000.00	Automatic Generated Check
	062798	11/06/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062799	11/06/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062800	11/06/24	COM12 (COMDATA)		22,526.24	.00	22,526.24	Automatic Generated Check
	062801	11/06/24	DAS01 (DAS-DEVELOPMENT ADVISORY SER		13,125.00	.00	13,125.00	Automatic Generated Check
	062802	11/06/24	FAR03 (FARMERS CLOSET)		1,100.00	.00	1,100.00	Automatic Generated Check
	062802	11/13/24	FAR03 (FARMERS CLOSET)		(1,100.00)	.00	(1,100.00)	Ck# 062802 Reversed
	062803	11/06/24	FOL02 (FOLSOM LAKE FORD)		58,647.29	.00	58,647.29	Automatic Generated Check
	062804	11/06/24	LNCUR (LN CURTIS & SONS)		457.28	.00	457.28	Automatic Generated Check
	062805	11/06/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		2,420.23	.00	2,420.23	Automatic Generated Check
	062806	11/06/24	PIT01 (PITNEY BOWES INC)		1,546.20	.00	1,546.20	Automatic Generated Check
	062807	11/06/24	QUI01 (QUILL CORPORATION)		291.93	.00	291.93	Automatic Generated Check

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
11-24	062808	11/06/24	SLO01 (SLOAN SAKAI YEUNG & WONG LLP		23,978.00	.00	23,978.00	Automatic Generated Check
	062809	11/06/24	SWI01 (SWITZER ENTERPRISES)		16,012.55	.00	16,012.55	Automatic Generated Check
	062810	11/06/24	WAV01 (WAVE BROADBAND)		158.05	.00	158.05	Automatic Generated Check
	062811	11/06/24	WIN0A (CITY OF WINTERS-UTILITIES)		9,068.49	.00	9,068.49	Automatic Generated Check
	062812	11/06/24	\D034 (DURAN, DAVID		464.48	.00	464.48	Automatic Generated Check
	062813	11/06/24	\G048 (GIORGIO, JOSHUA & HANNAH		110.00	.00	110.00	Automatic Generated Check
	062814	11/06/24	\U005 (UNGER ENTERPRISES LP,		300.00	.00	300.00	Automatic Generated Check
	062815	11/20/24	ABA02 (ASSOCIATION OF BAY AREA GOVE		611.01	.00	611.01	Automatic Generated Check
	062816	11/20/24	AIR01 (AIRGAS-N.CALIF & NEVADA)		292.47	.00	292.47	Automatic Generated Check
	062817	11/20/24	AMA01 (AMAZON CAPITAL SERVICES)		1,418.44	.00	1,418.44	Automatic Generated Check
	062818	11/20/24	ATK01 (ATKINSON,ANDERSON,LOYA,RUUD		13,800.00	.00	13,800.00	Automatic Generated Check
	062819	11/20/24	AUS01 (VESTIS SERVICES,LLC)		374.07	.00	374.07	Automatic Generated Check
	062820	11/20/24	BAD01 (BADGER METER INC.)		992.16	.00	992.16	Automatic Generated Check
	062821	11/20/24	BAY01 (ROADSAFE TRAFFIC SYSTEMS INC		448.33	.00	448.33	Automatic Generated Check
	062822	11/20/24	BAY03 (BAY ALARM COMPANY)		360.00	.00	360.00	Automatic Generated Check
	062823	11/20/24	BAY05 (STEVEN RESTIVO)		2,000.00	.00	2,000.00	Automatic Generated Check
	062824	11/20/24	BSK00 (BSK ASSOCIATES)		1,150.99	.00	1,150.99	Automatic Generated Check
	062825	11/20/24	CAS03 (CASCADE FIRE EQUIPMENT CO)		741.28	.00	741.28	Automatic Generated Check
	062826	11/20/24	CHE01 (SCP DISTRIBUTORS LLC)		978.51	.00	978.51	Automatic Generated Check
	062827	11/20/24	CIN03 (CINTAS CORPORATION #622)		627.20	.00	627.20	Automatic Generated Check
	062828	11/20/24	CLA01 (CLARK PEST CONTROL)		234.00	.00	234.00	Automatic Generated Check
	062829	11/20/24	CON07 (WASHINGTON NATIONAL INS)		214.50	.00	214.50	Automatic Generated Check
	062830	11/20/24	DAV12 (DAVIDS ENGINEERING,INC.)		6,419.50	.00	6,419.50	Automatic Generated Check
	062831	11/20/24	DEV01 (DEVELOPMENT COMPLIRNCE SOLUT		2,830.48	.00	2,830.48	Automatic Generated Check
	062832	11/20/24	DIX03 (DIXON LANDSCAPE MATERIALS IN		96.64	.00	96.64	Automatic Generated Check
	062833	11/20/24	ECS01 (ECS HOUSE INDUSTRIES, INC)		1,517.45	.00	1,517.45	Automatic Generated Check
	062834	11/20/24	FAR03 (FARMERS CLOSET)		600.00	.00	600.00	Automatic Generated Check
	062835	11/20/24	FAS02 (FasTrak INVOICE PROCESSING D		7.00	.00	7.00	Automatic Generated Check
	062836	11/20/24	GEC01 (TOSHIBA FINANCIAL SERVICES)		5,081.49	.00	5,081.49	Automatic Generated Check
	062837	11/20/24	GRO01 (FERGUSON WATERWORKS)		1,224.01	.00	1,224.01	Automatic Generated Check
	062838	11/20/24	HIN01 (HINDERLITER DE LLAMAS & ASSO		1,650.00	.00	1,650.00	Automatic Generated Check
	062839	11/20/24	HOL06 (HOLT OF CALIFORNIA)		4,252.10	.00	4,252.10	Automatic Generated Check
	062840	11/20/24	HOM01 (HOMEWOOD HOLDINGS, LLC)		369.24	.00	369.24	Automatic Generated Check
	062841	11/20/24	HOR00 (HORIZON)		464.94	.00	464.94	Automatic Generated Check
	062842	11/20/24	INT03 (INTERSTATE OIL COMPANY)		3,878.41	.00	3,878.41	Automatic Generated Check
	062843	11/20/24	JTM01 (JT MARTIN TRUCKING)		13,184.00	.00	13,184.00	Automatic Generated Check
	062844	11/20/24	LIN04 (SCP DISTRIBUTION LLC)		2,530.56	.00	2,530.56	Automatic Generated Check
	062845	11/20/24	LNCUR (LN CURTIS & SONS)		1,794.01	.00	1,794.01	Automatic Generated Check
	062846	11/20/24	MUT01 (MUTUAL OF OMAHA)		4,120.72	.00	4,120.72	Automatic Generated Check
	062847	11/20/24	NEO01 (NEOGOV)		36,291.86	.00	36,291.86	Automatic Generated Check
	062848	11/20/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062849	11/20/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062850	11/20/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062851	11/20/24	PAC07 (PACIFIC ACE HARDWARE)		2,241.23	.00	2,241.23	Automatic Generated Check
	062852	11/20/24	PAY01 (PAYMENTUS CORP)		2,366.52	.00	2,366.52	Automatic Generated Check
	062853	11/20/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		692.80	.00	692.80	Automatic Generated Check
	062854	11/20/24	PIS01 (PISANIS AUTO PARTS)		429.32	.00	429.32	Automatic Generated Check
	062855	11/20/24	PIS02 (PISANI'S SERVICE)		1,680.07	.00	1,680.07	Automatic Generated Check
	062856	11/20/24	PLT01 (PLATT)		165.54	.00	165.54	Automatic Generated Check
	062857	11/20/24	PRO07 (PROFESSIONAL POOLS)		2,446.00	.00	2,446.00	Automatic Generated Check
	062858	11/20/24	QUI01 (QUILL CORPORATION)		3,364.13	.00	3,364.13	Automatic Generated Check

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
11-24	062859	11/20/24	RIC08 (RICHARD CASAVECCHIA)		1,884.77	.00	1,884.77	Automatic Generated Check
	062860	11/20/24	SAL10 (SALLY SWANSON ARCHITECTS, IN		110.00	.00	110.00	Automatic Generated Check
	062861	11/20/24	SAN01 (SANDRA GUILLEN)		445.00	.00	445.00	Automatic Generated Check
	062862	11/20/24	SHR01 (STERICYCLE INC)		156.21	.00	156.21	Automatic Generated Check
	062863	11/20/24	SIE02 (ALHAMBRA SPRING WATER)		355.89	.00	355.89	Automatic Generated Check
	062864	11/20/24	SON01 (SONCO HEATING & A/C)		3,040.00	.00	3,040.00	Automatic Generated Check
	062865	11/20/24	SUI00 (SUISUN VALLEY GROWER)		354.88	.00	354.88	Automatic Generated Check
	062866	11/20/24	SUP02 (SUPER EXTRA FANCY LLC)		8,000.00	.00	8,000.00	Automatic Generated Check
	062867	11/20/24	SWI01 (SWITZER ENTERPRISES)		9,083.89	.00	9,083.89	Automatic Generated Check
	062868	11/20/24	TOS02 (TOSHIBA FINANCIAL SERVICES)		1,746.45	.00	1,746.45	Automatic Generated Check
	062869	11/20/24	VER02 (VERIZON WIRELESS)		4,759.19	.00	4,759.19	Automatic Generated Check
	062870	11/20/24	VIS01 (VISION SERVICE PLAN (CA))		296.65	.00	296.65	Automatic Generated Check
	062871	11/20/24	VUL01 (VULCAN CONSTRUCTION MATERIAL		1,391.49	.00	1,391.49	Automatic Generated Check
	062872	11/20/24	WAL04 (UNIVERSAL ENGINEERING SCIENC		728.75	.00	728.75	Automatic Generated Check
	062873	11/20/24	WAV01 (WAVE BROADBAND)		4,390.37	.00	4,390.37	Automatic Generated Check
	062874	11/20/24	WEB01 (WEBER GENERAL ENGINEERING)		1,058.00	.00	1,058.00	Automatic Generated Check
	062875	11/20/24	WIN01 (DAVIS ENTERPRISE INC.)		247.25	.00	247.25	Automatic Generated Check
	062876	11/20/24	WOO05 (WOOD RODGERS)		12,969.22	.00	12,969.22	Automatic Generated Check
	062877	11/20/24	YCP01 (YCPARMIA)		2,013.50	.00	2,013.50	Automatic Generated Check
	062878	11/25/24	FAR03 (FARMERS CLOSET)		550.00	.00	550.00	Automatic Generated Check
	062879	11/26/24	AIR01 (AIRGAS-N.CALIF & NEVADA)		473.72	.00	473.72	Automatic Generated Check
	062880	11/26/24	AME13 (AMERICAN EXPRESS)		6,386.52	.00	6,386.52	Automatic Generated Check
	062881	11/26/24	AMR00 (AMERICAN RIVER COLLEGE)		106.50	.00	106.50	Automatic Generated Check
	062882	11/26/24	ATT02 (AT&T)		237.40	.00	237.40	Automatic Generated Check
	062883	11/26/24	AUS01 (VESTIS SERVICES,LLC)		143.27	.00	143.27	Automatic Generated Check
	062884	11/26/24	AXO01 (AXON ENTERPRISE, INC)		7,999.12	.00	7,999.12	Automatic Generated Check
	062885	11/26/24	BOB02 (BOB HALL AND ASSOCIATES)		6,750.00	.00	6,750.00	Automatic Generated Check
	062886	11/26/24	BSK00 (BSK ASSOCIATES)		481.75	.00	481.75	Automatic Generated Check
	062887	11/26/24	CALWF (CAL-WEST FIRE ALARM SERVICES		63.00	.00	63.00	Automatic Generated Check
	062888	11/26/24	COR01 (CORBIN WILLITS SYSTEMS)		1,200.48	.00	1,200.48	Automatic Generated Check
	062889	11/26/24	CRE07 (CREEKSIDE SIGNS)		1,287.00	.00	1,287.00	Automatic Generated Check
	062890	11/26/24	DEP07 (DEPARTMENT OF JUSTICE)		361.00	.00	361.00	Automatic Generated Check
	062891	11/26/24	DEV01 (DEVELOPMENT COMPLIRNCE SOLUT		48,720.00	.00	48,720.00	Automatic Generated Check
	062892	11/26/24	DIG01 (DIGNITY HEALTH MED FDTN-SACR		795.00	.00	795.00	Automatic Generated Check
	062893	11/26/24	DSI01 (D-SIGN GRAFFIX)		703.31	.00	703.31	Automatic Generated Check
	062894	11/26/24	FAS03 (FAST & EASY WINTERS)		126.00	.00	126.00	Automatic Generated Check
	062895	11/26/24	IMA01 (IMAGE TREND, INC.)		6,895.66	.00	6,895.66	Automatic Generated Check
	062896	11/26/24	INT03 (INTERSTATE OIL COMPANY)		2,347.17	.00	2,347.17	Automatic Generated Check
	062897	11/26/24	JIM08 (JIM KEATING)		22.50	.00	22.50	Automatic Generated Check
	062898	11/26/24	JOS05 (JOSEPH KREINS)		49.99	.00	49.99	Automatic Generated Check
	062899	11/26/24	LNCUR (LN CURTIS & SONS)		800.92	.00	800.92	Automatic Generated Check
	062900	11/26/24	NJA01 (NJA ARCHITECTURE)		6,590.50	.00	6,590.50	Automatic Generated Check
	062901	11/26/24	PAC07 (PACIFIC ACE HARDWARE)		98.03	.00	98.03	Automatic Generated Check
	062902	11/26/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		9,861.12	.00	9,861.12	Automatic Generated Check
	062903	11/26/24	PIS01 (PISANIS AUTO PARTS)		232.18	.00	232.18	Automatic Generated Check
	062904	11/26/24	PIS02 (PISANI'S SERVICE)		971.13	.00	971.13	Automatic Generated Check
	062905	11/26/24	PSO01 (PSOMAS)		7,241.71	.00	7,241.71	Automatic Generated Check
	062906	11/26/24	QUI01 (QUILL CORPORATION)		771.19	.00	771.19	Automatic Generated Check
	062907	11/26/24	SCR02 (PERMITIUM, LLC)		132.00	.00	132.00	Automatic Generated Check
	062908	11/26/24	SIE02 (ALHAMBRA SPRING WATER)		1,204.62	.00	1,204.62	Automatic Generated Check
	062909	11/26/24	SWI01 (SWITZER ENTERPRISES)		64.33	.00	64.33	Automatic Generated Check

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
11-24	062910	11/26/24	THE16 (THE GUMSHOE GROUP,LLC)		4,950.00	.00	4,950.00	Automatic Generated Check
	062911	11/26/24	TRU05 (I-505 TRUCK REPAIR,LLC)		9,087.88	.00	9,087.88	Automatic Generated Check
	062912	11/26/24	YOL01 (YOLO COUNTY ENVIRONMENTAL)		1,169.00	.00	1,169.00	Automatic Generated Check
	EFT112	11/13/24	PER01 (PERS)		32,397.42	.00	32,397.42	PERS ALLOCATIONS FOR PPE
	EFT113	11/14/24	PER01 (PERS)		29,193.79	.00	29,193.79	PERS PPE 10-27-24 ALLOCAT
	EFT115	10/31/24	PER01 (PERS)		49,699.42	.00	49,699.42	PERS HEALTH COVERAGE FOR
	EFT116	11/19/24	PER01 (PERS)		28,897.41	.00	28,897.41	PERS ALLOCATIONS PPE 11-1
			Total for Bank Account 10100 ----->		880,024.12	.00	880,024.12	
			Grand Total of all Bank Accounts ----->		880,024.12	.00	880,024.12	

Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount		
	Manual	1	641.91		641.91		
	Reg	198	1,230.02	348,789.69	350,019.71		
	Totals	**199**	**1,871.93**	**348,789.69**	**350,661.62**	è	**350,661.62**

Third Party Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount		
	Agency	23	21,609.64	6,590.00	28,199.64		
	Totals	**23**	**21,609.64**	**6,590.00**	**28,199.64**	è	**28,199.64**
	Total Net Payroll Liability		**23,481.57**	**355,379.69**	**378,861.26**	è	**378,861.26**

Tax Liabilities

CA and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
California SITW	698-1462-2		Fed Semi-Weekly	472,392.90	472,392.90	21,446.55			
CA SDI - Employee				225,772.27	225,772.27				
Totals						**21,446.55**		è	**21,446.55**

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
CA Edu & Training		0.001000		532,689.95	20,514.20		20.51		
California SUI	698-1462-2	0.026000	Quarterly	532,689.95	20,514.20		533.36		
Totals							**553.87**	è	**553.87**

FITW and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
Federal Income Tax	94-6000457		Semi-Weekly	472,392.90	472,392.90	53,165.45			
Medicare				532,689.95	532,689.95	7,724.00			
Medicare - Additional				532,689.95	532,689.95	215.21			
Medicare - Employer				532,689.95	532,689.95		7,724.00		
OASDI				532,689.95	468,687.96	29,058.68			
OASDI - Employer				532,689.95	468,687.96		29,058.65		
Totals						**90,163.34**	**36,782.65**	è	**126,945.99**

FUTA and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
Fed Unemployment	94-6000457		Quarterly	225,772.27	19,726.70				
Totals								è	**0.00**

Total Tax Liability	**111,609.89**	**37,336.52**	è	**148,946.41**
Total Payroll Liability		**527,807.67**	è	**527,807.67**

RP 500 0301 (04/02/2021) © 2001-2020 RP

Check Register Totals for Month Ending November 30, 2024

Accounts Payable	$	880,024.12
Payroll	$	527,807.67
Grand Total	$	1,407,831.79

Prepared by:

Shery Reyes

Shery Reyes, Senior Accountant

Certified by:

Cathy Mathews, Director of Administrative Services

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: January 21, 2025

FROM: Jeremy Craig, City Manager

SUBJECT: Appointment of Winters Planning Commission Members

RECOMMENDATION:

Staff recommends that the City Council receive the Planning Commission Interview and Selection Committee's recommendation and appoint

- Eric Dye
- Matt Stone

to the two current vacant commission positions with terms ending 1/1/2027.

BACKGROUND:

Interviews were conducted for two vacant positions with terms that expire on 1/1/2027.

The City Clerk's office received two applications for serving on the Planning Commission. The selection committee, consisting of Council Members Jesse Loren and Bill Biasi, interviewed those two applicants. They reviewed the Applications of Interest submitted, held interviews, and recommend appointment of both Mr. Dye and Mr. Stone. Since the positions are vacant, if approved by the City Council, the term of appointment will begin immediately.

DISCUSSION:

The two recommended appointments are to fill two current vacant commission terms that expire on 1/1/2027.

FISCAL IMPACT:
None

ATTACHMENT:
Proposed Planning Commission Roster

ATTACHMENT A - PLANNING COMMISSION ROSTER

Gregory Contreras, Chair	Term Expires
Lia Baker,Vice Chair	7/1/2025
JessicaSmith	7/1/2025
Judith Arce	7/1/2025
Ramon Altamirano	7/1/2027
Vacant #1	7/1/2027
Vacant #2	7/1/2027

Minutes of the Special Meeting of the Winters City Council Held December 11, 2024

Mayor Bill Biasi Called the meeting to order 5:31 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, Assistant City Attorney Joanna Gin, Interim Chief Joseph Kreins, Fire Chief Jack Snyder, Deputy City Clerk Zorina Treat.

PLEDGE OF ALLIEGENCE

Elliot Landes led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

City Manager Jeremy Craig recommended that items 8A-8C, which include item 8A, Resolution Certifying the Results of the General Municipal Election Held on November 5, 2024; item 8B, Oath of Office for Councilmembers Elected on November 5, 2024; and item 8C, Designation of Mayor and Mayor Pro Tempore, be taken up immediately after the approval of the agenda. This change will allow for the certification of the election results and the swearing-in of the newly elected Council members, enabling the new council to convene.

Motion by Council Member Loren, seconded by Council Member Scianna, to approve the agenda as amended. Motion carried unanimously by the following vote:

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

NOES: None

ABSTAIN: None

DISCUSSION ITEMS

8.A. Resolution Certifying the Results of the General Municipal Election Held on November 5, 2024

City Manager Jeremy Craig announced the county has certified the final election results included in the packet. The Council must accept and officially certify these results.

Motion by Council Member Scianna, seconded by Mayor Pro Tem Albert Vallecillo to adopt Resolution Certifying the Results of the General Municipal Election Held on November 5, 2024. Motion carried unanimously by the following vote:

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

NOES: None

ABSTAIN: None

8.B. Oath of Office for Councilmembers Elected on November 5, 2024, General Municipal Election

Deputy City Clerk Zorina Treat administered the oath of office to re-elected Council Member Jesse Loren and the Mayor Pro Tem Bill Biasi.

8.C. Designation of Mayor and Mayor Pro Tempore

City Manager Jeremy Craig stated that perthe Winters Municipal Code, the current Mayor Pro Tem Albert Vallecillo automatically ascends to the position of Mayor, and Mayor

Bill Biasi, who received the highest vote count in the previous election, is designated Mayor Pro Tem. The City Council would ratify the designations.

The floor was opened for public comment at 5:43 PM. Tara Thronson, Chief of Staff to Yolo County Board of Supervisor Frerichs; Dr. Melissa Moreno from the Yolo County Office of Education; Normie Kumadai, a resident of Davis; and Kate Laddish and Deborah Skaggs, residents of Winters, each expressed their congratulations to the re-elected officials and thanked them for their efforts and community service. Public comment closed at 5:47 PM.

Council Member Jesse Loren nominated Albert Vallecio as Mayor, Seconded by Council Member Scianna.
Motion carried unanimously by the following vote:

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

NOES: None

ABSTAIN: None

Council Jesse Loren nominated Bill Biasi as Mayor Pro Tempore, Seconded by Council

Member Richard Casavecchia. Motion carried unanimously by the following vote:

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

NOES: None

ABSTAIN: None

Mayor Pro Tempore Biasi passed the gavel to Mayor Vallecillo, to continue with the meeting with Mayor Vallecillo as the presiding officer.

COUNCIL/STAFF COMMENTS
Council Members provided verbal updates.

PUBLIC COMMENTS
None.

CONSENT CALENDAR

6.A. Minutes of the Regular Meeting of the Winters City Council Held on November 19, 2024

6.B. 2025 Holiday and City Hall Closure Schedule

6.C. Contract Amendment with Hinderliter de Llamas and Associates (HDL) for tracking and auditing the City's new Use and Transactions Sales Tax activity.

6.D. Warrant Register for the Month of October 2024

6.E. Resolution 2024-73, which authorizes the City Manager to execute agreements with the California Department of Tax and Fee Administration (CDTFA) for the implementation of local transactions and use tax, and Resolution 2024-74, which authorizes the City Manager and Director of Administration to examine sales and transactions tax records

Mayor Pro Tem, Bill Biasi corrected the minutes of the November 19, 2024, Winters City Council meeting, stating that the Pledge of Allegiance was led by former Mayor Wade Cowan, not the City Manager.

City Manager Jeremy Craig confirmed that the Measure S Tax will take effect on April 1, 2025, before a motion was made to approve the amended consent calendar.
Kate Laddish expressed gratitude to the council for putting Measure S to a vote, praising the community's strong support.

Motion made by Council Member Jesse Loren to approve the consent calendar as amended, seconded by Council Member Scianna. Motion carried unanimously by the following vote:

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

NOES: None

ABSTAIN: None

PRESENTATIONS

7.A. Presentation from Paseo Park Council Subcommittee and Super Extra Fancy, LLC on the design of the Paseo Park area and discussion regarding the design.

Cole Skaggs gave an overview of the design features and took some public feedback from Kate Laddish and Deborah Skaggs. The following steps include a budgeting exercise and presentation to the contractors, permit preparation, and seeking grants and additional funding.

CITY MANAGER REPORT

City Manager Jeremy Craig announced the next regularly scheduled council meeting will be held on Tuesday, December 17, 2024.

Craig acknowledged the efforts of city staff and partners in organizing events like the Tractor Parade and expressed gratitude towards volunteers and supporting departments.

INFORMATION ONLY

None

ADJOURNMENT

Meeting Adjourned at 6:42 PM

_____

Albert Vallecillo, MAYOR

ATTEST:

_____

Zorina Treat, Deputy City Clerk

Mayor Albert Vallecillo Called the meeting to order at 6:31 PM.

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

Absent: Council Member Jesse Loren

Staff: City Manager Jeremy Craig, Assistant City Attorney Joanna Gin, Fire Chief Jack Snyder, Deputy City Clerk Zorina Treat

PLEDGE OF ALLIEGENCE

Editor in Chief Crystal Apilado led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

City manager Jeremy Craig stated that the draft interagency agreement in connection with Item 6A, Resolution 2024-76, Approving ARPA Allocations and Authorizing an Interagency Agreement with the Finance Department Obligating $143,000 from the ARPA Fund (347) and Authorizing the City Manager to Execute Said Agreement was now available as it was not published when the agenda packet was published. Copies were made available on the dais and in the back of the Council Chambers.

Assistant City Attorney Joanna Gin recommended moving Item 6C, Consideration of a 3% Salary Increase for City Manager, Retroactive to November 1, 2024, to the Discussion Calendar for the purpose of stating an oral recommendation for the record.

Motion by Council Member Scianna, seconded by Mayor Pro Tem Bill Biasi, to approve the agenda as amended. Motion carried unanimously by the following vote:

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

NOES: None

ABSENT: Council Member Jesse Loren

ABSTAIN: None

COUNCIL/STAFF COMMENTS

Verbal Updates were provided by Council Members.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

6.A. Resolution 2024-76 Approving ARPA Allocations and Authorizing an Interagency Agreement with the Finance Department Obligating $143,000 from the ARPA Fund (347) and Authorizing the City Manager to Execute Said Agreement

6.B. Resolution No. 2024-74 amending the Professional Services Agreement with Lakeview Consulting, LLC for accounting services to increase by $56,800 for a total not-to-exceed amount of $76,800.00 and authorizing the City Manager to execute the amendment.

6.C. Consideration of a 3% Salary Increase for City Manager, Retroactive to November 1, 2024

Item C was moved to Discussion Items.

City Manager Jeremy Craig announced that the consent calendar includes items A and B. Item C was moved to Discussion Items.

Motion by Council Member Richard Casavecchia, seconded by Council Member Scianna to approve the Consent Calendar as amended. Motion carried unanimously by the following vote:

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

NOES: None

ABSENT: Council Member Jesse Loren

ABSTAIN: None

PRESENTATIONS

None

DISCUSSION ITEMS

8A. Resolution No. 2024-77 Approving First Amendment to Professional Service Agreement with Development Compliance Solutions to Increase by $228,500 for Total Not-to-Exceed Amount of $503,500 and Authorizing the City Manager to Execute Said Amendment.

The City Manager announced a partnership with Devcom to fill the city planner role with a candidate providing 32 hours per week of planning support. Retired planners will assist during the transition and remain available for key projects. Kate Laddish and Crystal Apilado provided public comments supporting the plan.

Motion by Mayor Pro Tem Bill Biasi, seconded by Council Member Richard Casavecchia to approve Resolution 2024-77. Motion carried unanimously by the following vote:

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

NOES: None

ABSENT: Council Member Jesse Loren

ABSTAIN: None

6.C. Consideration of a 3% Salary Increase for City Manager, Retroactive to November 1, 2024

Assistant City Attorney Gin announced that the City's employment agreement states that upon a satisfactory performance review, the City Manager receives a salary adjustment, at the City Council's discretion. If approved by the City Council, the 3% adjustment would increase the City Manager's salary to $206,000, retroactive to November 1, 2024.

Council praised the manager's valuable work and the importance of fair compensation. Mayor Pro Tem Biasi noted that the managers received a cost-of-living increase this year of 3%, and that this adjustment would likewise be a cost-of-living adjustment for the City Manager.

Public comment from Kate Laddish in support of the Council's decision to move forward with the increase.

Motion by Council Member Richard Casavecchia, seconded by Council Member Scianna to approve the 3% Salary Increase for City Manager, Retroactive to November 1, 2024. Motion carried unanimously by the following vote:

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

NOES: None

ABSENT: Council Member Jesse Loren

ABSTAIN: None

CITY MANAGER REPORT

City Manager Jeremy Craig reminded everyone that City Hall will be closed from December 24th to January 6th. Public safety and public works will have adjusted shifts. Building inspections are available by appointment during these closures.

INFORMATION ONLY

Mayor Albert Vallecillo extended holiday wishes and expressed anticipation for continued service and community progress in the upcoming year.

ADJOURNMENT

Meeting adjourned at 7:00 PM

_____

Albert Vallecillo, MAYOR

ATTEST:

_____

Zorina Treat, Deputy City Clerk

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: January 21, 2025

THROUGH: Jeremy Craig, City Manager

FROM: David Storer, AICP & David Dowswell, AICP, Planners

SUBJECT: Public Hearing: Introduce and Waive First Reading of Ordinance No. 2025-01 amending the Chapter 5.36 of the Winters Municipal Code relating to Food Vendors.

RECOMMENDATION:
Staff recommends that the City Council:

1. Conduct a public hearing on Ordinance No. 2025-01
2. Close the public hearing.
3. Introduce and waive first reading of Ordinance No. 2025-01 amending Chapter 5.36 of the Winters Municipal Code relating to food vendors, as recommended by the Planning Commission.

BACKGROUND:

On September 17, 2018, Governor Brown signed into law Senate Bill (SB) 946 which regulates sidewalk vendors. This law required numerous changes to the City's regulations and on October 23, 2018, the Planning Commission recommended the City Council approve in Ordinance 2018-06 relating to sidewalk and stationary food vendors. On December 4, 2018, the City Council adopted Ordinance 2018-06.

SB 972, which took effect on January 1, 2023, decriminalized sidewalk food vending, which further limit cities' enforcement options against sidewalk food vendors selling in violation of the law to administrative citations.

At the July 2, 2024 Council meeting, the Council discussed the recent influx of pop-up food

vendors. Staff was directed to bring forward to the Planning Commission a review of the City's current sidewalk and stationary food vendors regulations and to possibly place a limit on the total number allowed in the City. Staff was also directed to update the existing Winters Municipal Code ("WMC") to comply with SB 972.

DISCUSSION:

On October 22, 2024, the Planning Commission held a public hearing to review possible changes to the WMC and receive public input. Staff had provided a proposed resolution (and related ordinance) to the Planning Commission that limited the number of sidewalk food vendors and stationary food vendors to eight, respectively, based on the number of stationary food vendors currently operating in the City. The Planning Commission continued the public hearing and gave direction to staff to return with changes to the proposed ordinance based on their discussion, including the removal of a limit on the number of sidewalk or stationary food vendors operating in the City. The Planning Commission saw caps of any kind unnecessary in light of current market conditions and an absence of traffic or other health, safety, or welfare concerns.

Staff returned to the Planning Commission on December 10, 2024, with a revised draft ordinance that incorporated the aforementioned requested amendments. The Commission received public testimony and voted 4-1 to recommend that the City Council adopt the ordinance with a revision to not limit the number of stationary food vendors that could operate within each quadrant at the intersection of Grant Avenue and Railroad Avenue.

The proposed ordinance establishes administrative fines/penalties for violations of Chapter 5.36, places a 500 foot sales setback from schools or publicly owned property for food vendors unless a Conditional Use Permit (CUP) is obtained from the Planning Commission, and places restrictions on sound emittance for the purposes of making a sale for food vendors.

Considerations

1. A member of the public at the December 10, 2024 Planning Commission meeting stated the stationary food vendors currently operate at the Winters Market at the intersection of Grant Avenue and Railroad Avenue, which is less than 500 feet from the high school. Should the ordinance be adopted as recommended by the Planning Commission, food vendors that currently operate with authorized permits (for example, a "CUP" on private property) within 500 feet of a school or publicly owned property (i.e., in the vicinity of Grant Avenue and Railroad Avenue) will be grandfathered in and would only lose their ability to operate when they have ceased operations pursuant to Chapter 17.104 (Nonconforming Uses, Structures and Lots) of the WMC. The City Council could consider making an exception to the 500-foot sales setback from schools or publicly owned property for the vicinity of Grant Avenue and Railroad Avenue under WMC Section 5.36.060(C)(9).

2. A member of the public at the December 10, 2024 Planning Commission meeting asked

about the definition of “stationary food vendor” and its application. Both mobile and stationary food vending vehicles are regulated in the City. Under WMC Section 5.36.010, a “stationary food vendor” means “any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four hours in a single day. Accordingly, a stationary food vendor operating more than four hours in one day must obtain a CUP. The City Council could consider removing the hours threshold by deleting the words “for more than four hours in a single day” from the definition of a “stationary food vendor” so that any stationary food vendor operating on private property obtains a CUP.

Clarification

While the proposed Ordinance before the Planning Commission was numbered as “Ordinance No. 2024-08,” that ordinance number has already been assigned. Accordingly, the proposed Ordinance has been renumbered as “Ordinance No. 2025-01.”

ALTERNATIVES

1. The City Council may choose to make changes to the draft ordinance that include limitations on the number of food vendors that can operate within the City.

2. The City Council may decline to proceed with the proposed ordinance as presented by the Planning Commission and not amend Chapter 5.36 of the WMC.

ENVIRONMENTAL ANALYSIS:

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it is covered by the general rule that CEQA applies only to projects causing a significant effect on the environment, and adoption of the proposed ordinance has no potential for causing a significant effect on the environment.

FISCAL IMPACT:

None. The proposed ordinance amends existing provisions of the WMC to comply with state law and establishes fines and penalties for violations of Chapter 5.36.

ATTACHMENTS:

1. Planning Commission Resolution No. 2024-05 recommending that the City Council adopt an Ordinance amending Chapter 5.36 (Food Vendors) of the Winters Municipal Code relating to food vendors and finding the resolution exempt from the California Environmental Quality Act (CEQA). Exhibit A to the resolution contains draft Ordinance No. 2025-01, amending the Chapter 5.36 of the WMC relating to food vendors.

2. Redline version of proposed changes to Chapter 5.36 of the Winters Municipal Code.

PLANNING COMMISSION RESOLUTION NO. 2024- 05

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 5.36 (FOOD VENDORS) OF THE WINTERS MUNICIPAL CODE RELATING TO FOOD VENDORS AND FINDING THE RESOLUTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Planning Commission recommends that the City Council of the City of Winters amend Chapter 5.36 (Food Vendors) in accordance with state law; and

WHEREAS, the Winters Planning Commission finds that the amendments contained in the proposed Ordinance update the City's existing food vending regulations to be consistent with state law; and

WHEREAS, on October 22, 2024, the Planning Commission held a public hearing to consider the amendments described above: and

WHEREAS, a notice of public hearing relating to the proposed ordinance was published in the Winters Express on October 10, 2024; and

WHEREAS, the Planning Division staff presented its oral and written staff report on the proposed Ordinance at a regular meeting of the Planning Commission on October 22, 2024; and

WHEREAS, the Planning Division staff recommended approval of the ordinance proposed in the agenda materials for the October 22, 2024 meeting; and

WHEREAS, on October 22, 2024, the Planning Commission held a public hearing on the proposed Ordinance to receive oral and written testimony, and the Planning Commission directed Planning Division staff to return with revisions to the proposed Ordinance; and

WHEREAS, on October 22, 2024, the Planning Commission continued the public hearing to December 10, 2024; and

WHEREAS, on December 10, 2024, the Planning Commission received oral and written testimony on the revised proposed ordinance attached hereto as Exhibit A prior to reaching its decision; and

WHEREAS, sidewalk vendors often seen in the City do not have a health permit issued by Yolo County and can present a health concern; and

WHEREAS, unregulated food vendors in the City can be problematic for

traffic safety for motorists and pedestrians; and

WHEREAS, the Planning Commission finds that the City has a legitimate and compelling interest in protecting the public health, welfare and safety of its residents by establishing additional regulations for sidewalk vendors and stationary food vendors that can operate within the City.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the City Council approve the proposed Ordinance 2024-08 attached hereto as Exhibit A and incorporated herein by this reference; and

BE IT FURTHER RESOLVED that the Planning Commission finds that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of the Ordinance has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing restrictions and regulations regarding food vendor uses in the City of Winters, and does not permit or authorize new or increased intensity of uses.

IT IS HEREBY CERTIFIED that the foregoing Planning Commission Resolution No. 2024-05 as duly adopted on a motion by Commissioner Vice Chair Lisa Baker and seconded by Commissioner Ramon Altamirano, at a special meeting of the City of Winters Planning Commission held on the 10th day of December 2024, by the following vote:

Ayes: Commissioners Jessica Smith, Judith Arce, Ramon Altamirano, Vice Chair Baker

Noes: Chairperson Gregory Contreras

Absent: None

Abstain: None

Gregory Contreras, Chairperson

Attest:

Jeremy Craig, Planning Commission Secretary

Exhibit A

Proposed Ordinance

ORDINANCE NO. 2025 – 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 5.36 (FOOD VENDORS) OF THE WINTERS MUNICIPAL CODE RELATING TO FOOD VENDORS

WHEREAS, the City of Winters ("City) has authority to adopt this ordinance pursuant to the general police power granted to cities by Article XI, Section 7 of the California Constitution.

WHEREAS, Chapter 5.36 of the Winters Municipal Code regulates food vendors; and

WHEREAS, sidewalk vendors often seen in the City do not have a health permit issued by Yolo County and can present a health concern; and

WHEREAS, unregulated food vendors in the City can be problematic for traffic safety for motorists and pedestrians; and

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 by regulating sidewalk vendors and stationary food vendors that can operate within the City; and

WHEREAS, the City Council desires to amend the Winters Municipal Code to address issues related to food vendors and also be consistent with state law.

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

Section 1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code necessary to regulate mobile and sidewalk food vendors.

Section 2. Amendments to Chapter 5.36. Chapter 5.36 (Food Vendors) of Title 5 (Business Regulations) of the Winters Municipal Code is hereby amended in its entirety to read as set forth in Exhibit 1 attached hereto and incorporated herein by reference:

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 no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of the ordinance has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing not permit or authorize new or increased intensity of uses.

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.

INTRODUCED on the _____ day of _____, 2025, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF WINTERS

_____

Albert Vallecillo, Mayor

ATTEST:

_____

Jeremy Craig, City Clerk

Exhibit 1

Proposed Ordinance

Exhibit 1

Chapter 5.36

FOOD VENDORS

Sections:

5.36.010 Purpose.

5.36.020 Definitions.

5.36.030 Permit.

5.36.040 Application for permit.

5.36.050 Revocation of permit.

5.36.060 Food vending vehicles.

5.36.070 Sidewalk vendors.

5.36.080 Violation—Nuisance.

5.36.090 Insurance.

5.36.100 Fees.

5.36.110 Renewals.

5.36.120 Enforcement.

5.36.130 No preemption.

5.36.140 Violation—Penalty.

5.36.150 Nuisance—Injunction.

5.36.160 Temporary permits.

5.36.010 Purpose.

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile food vending, since it should be their burden to ensure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

5.36.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless

the context clearly indicates that a different meaning is intended:

“City” means the City of Winters.

“Food vending vehicle” includes any motor vehicle from which food or beverages are sold directly to a customer; does not include vehicles that involve the delivery of food or beverages ordered by home delivery customers.

“Mobile food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle on any public street.

“Public street or sidewalk” includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only for a brief time to complete a transaction.

“Sidewalk vendor” means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, in a public park, upon a public sidewalk or other pedestrian path.

“Stationary food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four hours in a single day.

“Stationary sidewalk vendor” means any person who sells food, beverages or merchandise from a fixed location from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance or from one’s person upon a public sidewalk or other pedestrian path.

“Vendor” means any person who operates a food vending vehicle, stand or cart.

5.36.030 Permit.

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street or on private property in the city without first securing a permit and paying the fee therefor.

5.36.040 Application for permit.

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;

B. Address of place of residence during the past three years if other than present address;

C. Age of applicant;

D. Physical description of applicant;

E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;

F. Name and address of employer during the past three years if other than the present employer;

G. Description sufficient for identification of the type of commodity or commodities to be vended;

H. Period of time for which the permit is applied;

I. The date, or approximate date, of the last previous application for permit under this chapter, if any;

J. If a permit is issued to the applicant under this chapter has ever been revoked;

K. Names of the three most recent communities where the applicant has engaged in street vending;

L. Proposed method of operation;

M. Signature of applicant;

N. Social Security number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the City in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications.

Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of a violation of any of

the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

5.36.050 Revocation of permit.

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

5.36.060 Food vending vehicles.

The following rules and regulations shall be complied with by each person operating a

food vending vehicle.

A. Food Vendors. It shall be unlawful for any food vendor to:

1. Sell or attempt to by means of any outcry, sound, speaker or amplifier, or any instrument which violates the City of Winters noise ordinance contained in Chapter 8.20.

2. Sell within five hundred (500) feet of any school or publicly owned property at any time unless a use permit is approved by the planning commission. A use permit shall not be required for fundraising activities/special sales/events which are sponsored by the school district or approved by the City.

3. To use, play or employ the use of, any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.

B. Mobile Food Vendors. It shall be unlawful for any mobile food vendor to:

1. Exceed a speed of twelve (12) miles an hour when driving through neighborhoods seeking sales or when attempting to make a sale;

2. Make more than two (2) stops in any one (1) block to make any sale;

3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;

4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting to make a sale;

5. Make a U-turn on any block;

6. Drive a vehicle backwards when making a sale or attempting to make a sale;

7. Sell to any person who is standing in the street;

8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;

9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;

10. Conduct business within twenty (20) feet of any disabled parking space or access ramp;

11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

C. Stationary Food Vendor. Stationary food vendors shall comply with the following:

1. A use permit shall be obtained from the planning commission to allow a stationary food vendor except as allowed by subsection (C)(2) below. The permit shall be processed in accordance with and subject to the use permit requirements contained in Chapter 17.20.

2. A special permit shall be obtained from the City to allow a stationary food vendor to participate in an event approved by the City.

3. Locate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way.

4. Stationary food vending vehicles shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, and temporary landscaping.

5. Hours of operation may be limited as determined by the planning commission. Minor modifications to the hours of operation may be approved by the zoning administrator.

6. Provide a trash container immediately adjacent to the food vending vehicle. Trash container must be removed from the site during non-vending hours. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site.

7. Be limited to one (1) freestanding, non-illuminated sign, not exceeding four (4) feet in any dimension to be placed within ten (10) feet of the stationary food vendor. These regulations do not include any graphics or signs painted directly onto the vehicle. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes). No stationary food vendor signs shall be located within the Caltrans right-of-way.

8. Have a certificate of compliance from the county health department, as appropriate. Additionally, vendors must apply for and participate in the Reciprocity Program if required and meet all applicable County requirements.

9. Stationary food vending vehicles are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; and west on Grant Avenue three hundred (300) feet. The planning commission can issue a conditional use permit for stationary food vendors on commercially zoned property in accordance with the Land Use/Zone Matrix in Section 17.52.020.

10. Stationary food vendors shall not be permitted within two hundred (200) feet from another stationary food vendor. Special events approved by the City may be exempt from the separation requirements.

11. Stationary food vendors shall be prohibited from having chairs and tables for customer use unless approved by the planning commission. Any chairs and tables must be stored off site unless previously stated approval of the property owner is declared during the application process.

12. Stationary food vendors must comply with the American Disabilities Act and other accessibility access standards.

13. Stationary food vendor permits may be revoked upon there being just cause.

14. Stationary food vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

15. Stationary food vendors operating adjacent to, or within close proximity to a traffic intersection cannot visually impair drivers utilizing said intersection.

5.36.070 Sidewalk vendors.

The following provisions shall regulate sidewalk vending stands and carts or other operations deemed similar by the zoning administrator, which operate on publicly owned land or parks not within enclosed buildings. Nothing in this section shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

1. A sidewalk vendor shall obtain a business license from the City. The permit shall be processed in accordance with the requirements contained in Chapter 5.04.

2. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.

3. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods; hours of operation shall be between 9:00 am and 5:00 p.m. Hours of operation in nonresidential areas shall be consistent with the hours of other businesses operating in the nonresidential area as determined by the zoning administrator.

4. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.

5. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length and four (4) feet in width; not impede access to the entrance of any adjacent building or driveway; not impede pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes); not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with the American Disabilities Act and other accessibility access standards.

6. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, disabled parking space, access ramp, fire station or police department driveway.

7. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and within twenty-five (25) feet surrounding their site.

8. Sidewalk vending stands and carts shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, awnings, or other attractive shading devices.

9. Sidewalk vending stands and carts shall be prohibited from having a signs except those that are limited to one (1) freestanding, non-illuminated sign not exceeding four (4) feet in any dimension, to be attached to or placed within ten (10) feet of the stand or cart. These regulations do not include any graphics or signs painted directly onto the vending stand or cart. No sign shall impede vehicle traffic, pedestrian right-of-way, or pedestrian personal vehicle traffic (bike lanes). No sidewalk vendor signs shall be located within the Caltrans right-of-way.

10. Sidewalk vendors shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must apply for and participate in the Reciprocity Program if required and meet all applicable County requirements.

11. Sidewalk vendors locating near an intersection shall not block the visibility of motorists and pedestrians.

12. Sidewalk vendors wanting to vend within a City park may vend only during hours the park is open. Sidewalk vendors may not vend within a City park during a City-approved event when there is an exclusive agreement with one or more concessionaires.

13. Sidewalk vendors shall be prohibited from having tables and chairs for customer use unless the vendor is located in a given area that has adequate

sidewalk width or is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.

14. Sidewalk vendor permits may be revoked upon there being just cause.

15. Sidewalk vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.

5.36.080 Violation—Nuisance.

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter.

5.36.090 Insurance.

No permit shall be issued to an applicant unless the applicant furnishes proof to the City of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars ($300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant.

5.36.100 Fees.

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits issued under this chapter shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein.

5.36.110 Renewals.

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The City may review applications for renewal to

determine that:

A. The applicant is in full compliance with the provisions of this chapter;

B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by a subsequent resolution of the City Council. If the City finds that the applicant meets the above requirements, the city shall issue a new permit.

5.36.120 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident.

5.36.130 No preemption.

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law.

5.36.140 Violation—Penalty.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this chapter. A violation of this chapter shall by punished by:

1. An administrative fine not exceeding $100 for a first violation.

2. An administrative fine not exceeding $200 for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding $500 for each additional violation within one (1) year of the first violation.

B. A violation of vending without a sidewalk vending permit may, in lieu of the penalties set forth in subsection (A) set forth above, be punished by:

1. An administrative fine not exceeding two hundred fifty ($250) dollars for a first violation.

2. An administrative fine not exceeding five hundred dollars ($500) for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding one thousand dollars ($1,000) for each additional violation within one (1) year of the first violation.

C. Notwithstanding the above, the City may exercise its rights to pursue any other remedies authorized by state law.

5.36.150 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

5.36.160 Temporary Permits

Temporary permits provided to vendors are strictly regulated and shall provide guidelines that vendors must abide by. These permit fees shall be set by the City Council by resolution and based on the length of time in which the food vendor is serving within the City limits. The permits shall go into effect upon approval from the City and shall expire upon the designated time noted on the approved permit.

Exhibit 1

Chapter 5.36

FOOD VENDORS

Sections:

5.36.010 Purpose.

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5.36.010 Purpose.

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile food vending, since it should be their burden to ensure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

5.36.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless

the context clearly indicates that a different meaning is intended:

“City” means ~~city~~the City of Winters.

“Food vending vehicle” includes any motor vehicle from which food or beverages are sold directly to a customer; does not include vehicles that involve the delivery of food or beverages ordered by home delivery customers.

“Mobile food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle on any public street.

“Public street or sidewalk” includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only for a brief time to complete a transaction.

“Sidewalk vendor” means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, in a public park, upon a public sidewalk or other pedestrian path.

“Stationary food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four hours in a single day.

“Stationary sidewalk vendor” means any person who sells food, beverages or merchandise from a fixed location from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance~~,~~ or from one’s person~~,~~ upon a public sidewalk or other pedestrian path.

“Vendor” means any person who operates a food vending vehicle, stand or cart.

5.36.030 Permit.

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street or on private property in the city without first securing a permit and paying the fee therefor.

5.36.040 Application for permit.

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;

B. Address of place of residence during the past three years if other than present address;

C. Age of applicant;

D. Physical description of applicant;

E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;

F. Name and address of employer during the past three years if other than the present employer;

G. Description sufficient for identification of the type of commodity or commodities to be vended;

H. Period of time for which the permit is applied;

I. The date, or approximate date, of the last previous application for permit under this chapter, if any;

J. If a permit is issued to the applicant under this chapter has ever been revoked;

K. Names of the three most recent communities where the applicant has engaged in street vending;

L. Proposed method of operation;

M. Signature of applicant;

N. Social Security number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the ~~city~~City in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications.

Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of a violation of any of

the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

5.36.050 Revocation of permit.

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

5.36.060 Food vending vehicles.

The following rules and regulations shall be complied with by each person operating a food vending vehicle~~:~~.

A. Food Vendors. It shall be unlawful for any food vendor to:

1. Sell or attempt to by means of any outcry, sound, speaker or amplifier, or any instrument which violates the ~~city~~City of Winters noise ordinance contained in Chapter 8.20.

2. Sell within five hundred (500) feet of any school or publicly owned property at any time unless a use permit is approved by the planning commission. A use permit shall not be required for fundraising activities/special sales/events which are sponsored by the school district or approved by the ~~city~~City.

3. To use, play or employ the use of, any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.

B. Mobile Food Vendors. It shall be unlawful for any mobile food vendor to:

1. Exceed a speed of twelve (12) miles an hour when driving through neighborhoods seeking sales or when attempting to make a sale;

2. Make more than two (2) stops in any one (1) block to make any sale;

3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;

4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting to make a sale;

5. Make a U-turn on any block;

6. Drive a vehicle backwards when making a sale or attempting to make a sale;

7. Sell to any person who is standing in the street;

8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;

9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;

10. Conduct business within twenty (20) feet of any disabled parking space or access ramp;

11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

C. Stationary Food Vendor. Stationary food vendors shall comply with the following:

1. A use permit shall be obtained from the planning commission to allow a stationary food vendor except as allowed by subsection (C)(2) ~~of this section~~below. The permit shall be processed in accordance with and subject to the use permit requirements contained in Chapter 17.20.

2. A special permit shall be obtained from the ~~city~~City to allow a stationary food vendor to participate in an event approved by the ~~city~~City.

3. Locate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way.

4. Stationary food vending vehicles shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, and temporary landscaping.

5. Hours of operation may be limited as determined by the planning commission. Minor modifications to the hours of operation may be approved by the zoning administrator.

6. Provide a trash container immediately adjacent to the food vending vehicle. Trash container must be removed from the site during non-vending hours. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site.

7. Be limited to one (1) freestanding, ~~nonilluminated~~non-illuminated sign, not exceeding four (4) feet in any dimension~~,~~ to be placed within ten (10) feet of the stationary food vendor. These regulations do not include any graphics or signs painted directly onto the vehicle. No sign shall impede vehicle traffic, pedestrian ~~right of way~~right of way, or pedestrian personal vehicle traffic (bike lanes). No stationary food vendor signs shall be located within the Caltrans right-of-way.

8. Have a certificate of compliance from the county health department, as appropriate. Additionally, vendors must ~~complete the reciprocity checklist of Yolo~~apply for and participate in the Reciprocity Program if required and meet all applicable County requirements.

9. Stationary food vending vehicles are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection~~:~~, Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; and west on Grant Avenue three hundred (300) feet. The planning commission can issue a conditional use permit for stationary food vendors on commercially zoned property in accordance with the Land Use/Zone Matrix in Section 17.52.020.

10. Stationary food vendors shall not be permitted within two hundred (200) feet from another stationary food vendor. Special events approved by the City may be exempt from the separation requirements.

~~10~~11. Stationary food vendors shall be prohibited from having chairs and tables for customer use unless approved by the planning commission. Any chairs and tables must be stored off site unless previously stated approval of the property owner is declared during the application process.

~~11~~12. Stationary food vendors must comply with ~~the Americans with~~American Disabilities Act and other accessibility access standards.

~~12~~13. Stationary food vendor permits may be revoked upon there being just cause.

~~13~~14. Stationary food vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

~~14~~15. Stationary food vendors operating adjacent to, or within close proximity to~~,~~ a traffic intersection cannot visually impair drivers utilizing said intersection.

5.36.070 Sidewalk vendors.

The following provisions shall regulate sidewalk vending stands and carts or other operations deemed similar by the zoning administrator, which operate on publicly owned land or parks not within enclosed buildings. Nothing in this section shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

~~A~~1. A sidewalk vendor shall obtain a business license ~~shall be obtained~~ from the ~~city to allow a sidewalk vendor~~City. The permit shall be processed in accordance with the requirements contained in Chapter 5.04.

~~B~~2. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.

~~C~~3. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods; hours of operation shall be between ~~nine a.m.~~9:00 am and ~~five p.m~~5:00 p.m. Hours of operation in nonresidential areas shall be consistent with the hours of other businesses operating in the nonresidential area as determined by the zoning administrator.

~~D~~4. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.

~~E~~5. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length and four (4) feet in width; not impede access to the entrance of any adjacent building or driveway; not impede pedestrian ~~right of way~~right of way, or pedestrian personal vehicle traffic (bike lanes); not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with the ~~Americans with~~American Disabilities Act and other accessibility access standards.

~~F~~6. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, disabled parking space, access ramp, fire station or police department driveway.

~~G~~7. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and within twenty-five (25) feet surrounding their site.

~~H~~8. Sidewalk vending stands and carts shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, awnings, or other attractive shading devices.

~~I~~9. Sidewalk vending stands and carts shall be prohibited from having a signs except those that are limited to one (1) freestanding, ~~nonilluminated~~non-illuminated sign not exceeding four (4) feet in any dimension, to be attached to or placed within ten (10) feet of the stand or cart. These regulations do not include any graphics or signs painted directly onto the vending stand or cart. No sign shall impede vehicle traffic, pedestrian right-of-way, or pedestrian personal vehicle traffic (bike lanes). No sidewalk vendor signs shall be located within the Caltrans right-of-way.

~~J~~10. Sidewalk vendors shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must ~~complete the reciprocity checklist of Yolo~~apply for and participate in the Reciprocity Program if required and meet all applicable County requirements.

~~K~~11. Sidewalk vendors locating near an intersection shall not ~~create a sight distance problem~~block the visibility of motorists and pedestrians.

~~L~~12. Sidewalk vendors wanting to vend within a ~~city~~City park may vend only during ~~those~~ hours the park is open. Sidewalk vendors may not vend within a

~~city~~City park during a ~~city-approved~~City-approved event when there is an exclusive agreement with one or more concessionaires.

~~M~~13. Sidewalk vendors shall be prohibited from having tables and chairs for customer use unless the vendor is located in a given area that has adequate sidewalk width or is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.

~~N~~14. Sidewalk vendor permits may be revoked upon there being just cause.

~~O~~15. Sidewalk vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.

5.36.080 Violation—Nuisance.

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter.

5.36.090 Insurance.

No permit shall be issued to an applicant unless the applicant furnishes proof to the ~~city~~City of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars ($300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant.

5.36.100 Fees.

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits issued under this chapter shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein.

5.36.110 Renewals.

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The ~~city~~City may review applications for renewal to

determine that:

A. The applicant is in full compliance with the provisions of this chapter;

B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by a subsequent resolution of the ~~Winters city council.~~

City Council. If the ~~city~~City finds that the applicant meets the above requirements, the city shall issue a new permit.

5.36.120 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any ~~Winters~~ police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident.

5.36.130 No preemption.

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law.

5.36.140 Violation—Penalty.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this chapter. A violation of this chapter shall by punished by:

1. An administrative fine not exceeding $100 for a first violation.

2. An administrative fine not exceeding $200 for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding $500 for each additional violation within one (1) year of the first violation.

B. A violation of vending without a sidewalk vending permit may, in lieu of the penalties set forth in subsection (A) set forth above, be punished by:

1. An administrative fine not exceeding two hundred fifty ($250) dollars for a first violation.

2. An administrative fine not exceeding five hundred dollars ($500) for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding one thousand dollars ($1,000) for each additional violation within one (1) year of the first violation.

C. Notwithstanding the above, the City may exercise its rights to pursue any other remedies authorized by state law.

~~Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof, be subject to the maximum allowable fine pursuant to the requirements set forth in state law.~~

~~Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six months, or by both a fine and imprisonment.~~

5.36.150 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

5.36.160 Temporary ~~permits.~~Permits

Temporary permits provided to vendors are strictly regulated and shall provide guidelines ~~which~~that vendors must abide by. These ~~permits will range in costs and~~permit fees shall be ~~adjusted~~set by the City Council by resolution and based on the length of time in which the food vendor is serving within the ~~city~~City limits~~ and~~. The permits shall go into effect upon approval from the ~~city~~City and shall expire upon the designated time noted on the approved permit.

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: January 21, 2025

THROUGH: Jeremy Craig, City Manager

FROM: David Storer, AICP, David Dowswell, AICP, Contract Planners

SUBJECT: Public Hearing: Introduce and Waive First Reading of Ordinance No. 2025-02 amending the Winters Municipal Code, Sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements.

RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct a public hearing on Ordinance No. 2025-02
2. Close the public hearing.
3. Introduce and waive first reading of Ordinance 2025-02 amending the Winters Municipal Code, Section 17.140 (Definitions), 17.52.020 (Land Use/Zones Matrix and 17.205 (Commercial Cannabis Uses and Requirements), as recommended by the Planning Commission.

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 (DCC) to allow the City to explore the potential development and implementation of a local cannabis retailer licensing program, which reimburses 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 (ARP) allocation to pay for a public outreach process to determine if the community would be interested in allowing any of the various types

of commercial cannabis licenses for the industry. If the City chooses to move forward with any licensing, the DCC grant will offset the costs of that work.

On February 27, 2024, the City Council and Planning Commission held a joint meeting to introduce the community to commercial cannabis regulations that could be created to allow various types of commercial businesses in the City (i.e., storefront, non-storefront, manufacturing and testing laboratories).

On March 19, 2024, the City Council voted by motion to direct staff to prepare cannabis licensing regulations for some or all cannabis license types, possibly including cultivation, manufacturing, distribution, testing lab, retail, non-store front retail, and micro-business.

On August 27, 2024, the Planning Commission conducted a workshop on proposed regulations regarding the establishment of a retail storefront commercial cannabis business in the City. Staff provided the Planning Commission with draft regulations at the meeting and no formal action was taken. The Planning Commission did, however, provide staff with consensus direction and modifications to the draft regulations to limit retail storefront commercial cannabis businesses to areas in the northwest section of the City near the I-505 interstate freeway and Grant Avenue.

On October 22, 2024, the Planning Commission conducted a public hearing to consider recommending to the City Council changes to the Winters Municipal Code allowing a commercial retail cannabis storefront business. After receiving public input, the Planning Commission provided direction to staff to return with additional information and continued the public hearing to December 10, 2024.

On December 10, 2024, the Planning Commission proceeded with the continued public hearing and adopted Resolution 2024-06, recommending that the City Council adopt an ordinance authorizing commercial cannabis uses in the City by amending sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements).

DISCUSSION:

The proposed ordinance as recommended by the Planning Commission, creates a process to allow a single commercial cannabis retail storefront business in the City at specified locations in the northwest area of the City in the M-1 and M-2 zoning districts (see Attachment 2). The proposed ordinance includes, but is not limited to, regulations relating to compliance with zoning, hours of operation, enforcement, security and safety, appeals, revocation, location and buffers to sensitive locations, odor control and hazardous materials and criminal background checks. The City Council may choose to direct staff to add language to the ordinance relating to any of the aforementioned provisions or add new regulations that may not have been included. Staff from HdL will be present at the meeting to assist the City Council as necessary. Minutes from the December 10, 2024, Planning Commission have not been prepared and adopted as of the date of the preparation of this

report, since the next Planning Commission meeting is scheduled for January 28, 2025.

ALTERNATIVES:

The City Council may:

1) Adopt the Ordinance with revisions;
2) Direct staff to make revisions to the Ordinance and return at a later date; or,
3) Decline to proceed with the proposed ordinance.

ENVIRONMENTAL ANALYSIS:

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it is covered by the general rule that CEQA applies only to projects causing a significant effect on the environment, and adoption of the proposed ordinance has no potential for causing a significant effect on the environment.

FISCAL IMPACT:

Costs will be paid by applicants that apply for a Commercial Cannabis Permit (CCP).

ATTACHMENTS:

1) Planning Commission Resolution No. 2024-06, a Resolution recommending that the City Council adopt an ordinance authorizing commercial cannabis uses in the City of Winters by amending sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements) of the Winters Municipal Code and finding that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA guidelines. Exhibit A to the resolution contains the draft Ordinance.

2) Assessors Map showing allowable properties for the location of a retail storefront commercial cannabis business.

PLANNING COMMISSION RESOLUTION NO. 2024-06

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AUTHORIZING COMMERCIAL CANNABIS USES IN THE CITY OF WINTERS BY AMENDING SECTIONS 17.04.140 (DEFINITIONS), 17.52.020 (LAND USE/ZONE MATRIX), AND 17.205.030 (COMMERCIAL CANNABIS USES AND REQUIREMENTS) OF THE WINTERS MUNICIPAL CODE AND FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES

WHEREAS, in 2017, the City Council adopted Ordinance No. 2017-07 adding Chapter 17.205 and amending Sections 17.04.140 and 19.04.030 of the City of Winters Municipal Code regarding prohibited cannabis uses and related definitions consistent with state law. Specifically, among other things, Ordinance No. 2017-07 updated definitions to the Zoning Code for "cannabis" and "commercial cannabis activity" and expressly prohibited commercial cannabis activity, including commercial cultivation, in the City. Ordinance No. 2017-07 did not include provisions regulating cannabis cultivation for personal use; and

WHEREAS, Section 17.205.020 of the Winters Municipal Code expressly prohibits commercial cannabis cultivation and activity; and

WHEREAS, the Planning Commission recommends that the City Council amend Section 17.205.030 of the Winters Municipal Code to establish regulations for commercial cannabis businesses (retail storefront only), in accordance with state law; and

WHEREAS, the Planning Commission finds that the restrictions and prohibitions contained in the attached Ordinance clarify the scope and intent of the City's existing cannabis regulations and ensures that the City's regulations remain consistent with state law; and

WHEREAS, on August 27, 2024, the Planning Commission held a workshop/study session to consider amendments to the Winters Municipal Code to allow commercial cannabis businesses (retail storefront only) in the City: and

WHEREAS, a notice of public hearing for the adoption of the Ordinance was published in the Winters Express on October 9, 2024; and

WHEREAS, the Planning Division staff presented its oral and written staff report on the proposed Ordinance at a regular meeting of the Planning Commission on October 22, 2024; and

WHEREAS, the Planning Division staff recommended approval of the proposed Ordinance in the agenda materials for the October 22, 2024 meeting; and

WHEREAS, on October 22, 2024, the Planning Commission held a public hearing on the proposed Ordinance to receive oral and written testimony prior to reaching its decision; and

WHEREAS, on October 22, 2024, the Planning Commission continued the public hearing to this date on December 20, 2024.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the City Council approve the proposed Ordinance amending Sections 17.04.140 to add new definitions, 17.052.020 to update the land use/zone matrix to allow for a conditional use permit for commercial cannabis businesses (retail storefront only) in specified zones, and 17.205.030 relating to commercial cannabis uses, in substantially the form attached hereto as Exhibit A and incorporated herein, and finds that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of this Ordinance has no potential for resulting in a physical change in the environment, directly or indirectly, as the Ordinance clarifies and furthers the intent and scope of the City's existing restrictions and regulations regarding cannabis uses in the City of Winters, and does not permit or authorize new or increased intensity of uses.

IT IS HEREBY CERTIFIED that the foregoing Planning Commission Resolution No. 2024-06 was duly adopted on a motion by Vice Chair Lisa Baker and seconded by Commissioner Judith Arce, at a special meeting of the City of Winters Planning Commission held on the 10th day of December 2024, by the following vote:

Ayes: Commissioners Jessica Smith, Judith Arce, Ramon Altamirano, Vice Chair Baker

Noes: Chairperson Gregory Contreras

Absent: None

Abstain: None

Gregory Contreras, Chairperson

Attest:

Jeremy Craig, Planning Commission Secretary

Exhibit A

Proposed Ordinance

EXHIBIT A

ORDINANCE NO. 2025 – 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING COMMERCIAL CANNABIS USES IN THE CITY OF WINTERS BY AMENDING SECTIONS 17.04.140 (DEFINITIONS), 17.52.020 (LAND USE/ZONE MATRIX), AND 17.205.030 (COMMERCIAL CANNABIS USES AND REQUIREMENTS) OF THE WINTERS MUNICIPAL CODE AND FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES

WHEREAS, pursuant to its police powers and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medical and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transportation, and testing within its jurisdiction; and

WHEREAS, the City wishes to establish a uniform regulatory structure for cannabis uses in the City in accordance with state law; and

WHEREAS, the City of Winters Municipal Code ("WMC") regulates allowable uses and development standards within the City; and

WHEREAS, this Ordinance adds new definitions to Section 17.04.140, amends the land use zones matrix in Section 17.52.020, and amends the regulations in Section 17.205.030, of the WMC, relating to commercial cannabis uses; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 22, 2024, at which time it reviewed the amendments to the WMC and considered all public comments on the revisions and the related California Environmental Quality Act ("CEQA") exemption; and

WHEREAS, on October 22, 2024, the Planning Commission continued the public hearing to this date on December 10, 2024, and again, after it reviewed the amendments to the WMC and considered all public comments on the revisions and the related CEQA exemption forwarded a recommendation to the City Council for its consideration; and

WHEREAS, the City Council held a duly noticed public hearing on January 21, 2025, at which time it reviewed the proposed amendments to the WMC and considered the Planning Commission's recommendation, all public comments on the revisions and the related California Environmental Quality Act ("CEQA") exemption; and

WHEREAS, the amendments are consistent with the City's General Plan and will not allow for, nor encourage, any more development than is already anticipated under the City's General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is not a possibility that the proposed ordinance may have a significant impact on the environment; and

WHEREAS, the Ordinance is exempt from the CEQA pursuant to Section 15061(b)(3) ("common sense exemption") of the CEQA Guidelines because there is no possibility that the general policymaking and/or administrative activity in the Ordinance will have a significant effect on the environment.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

Section 1. **Recitals**. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Winters.

Section 2. **Amendments to Section 17.04.140(B).** Section 17.04.140(B) (Definitions) of Chapter 17.04 (Introductory Provisions and Definitions) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended to include the following definitions:

> "Cannabis permit or commercial cannabis permit" means a permit issued by the City pursuant to Section 17.205.030 for the operation of a commercial cannabis business within the City.
>
> "Cannabis storefront retailer (dispensary)" means a facility operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale, under a state license Type 10 or a cannabis license type subsequently established. This definition does not include mobile dispensaries.
>
> "Youth oriented property" means any property on which any of the following uses are located: (1) a child day care facility (as defined by California Health and Safety Code Section 1596.750, which includes a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis; and includes day care centers, employer-sponsored child care centers, and family day care homes); (2) a day care center (as defined by California Health and Safety Code Section 1596.76, including any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to California Health and Safety Code Section 1596.951); (3) a youth center (as

defined by California Health and Safety Code Section 11353.1, which includes any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities); or (4) a school (including any private or public educational facility providing instruction in kindergarten or grades 1 through 12).

Section 3. **Amendments to Section 17.52.020.** Section 17.52.020 (Land Use/Zone Matrix) of Chapter 17.52 (Land Use Regulations: Zoning Matrix) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended in its entirety to read as follows:

"**17.52.020 Land Use/Zone Matrix.**

LAND USE/ZONE MATRIX

KEY: Zoning Designations:
C= Conditional Use (A-1) General Agricultural (R-4) High Density Residential (B/P) Business Industrial Park
P= Permitted Use (R-R) Rural Residential (C-1) Neighborhood Commercial (M-1) Light Industrial
T= Temporary Use (R-1) Single-Family Residential (C-2) Central Business District (M-2) Heavy Industrial
(R-2) One- and Two-Family Residential (C-H) Highway Service Commercial (PQP) Public/Quasi-Public
(R-3) Multifamily Residential (O-F) Office (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C														P	
Animal Production	P															C	
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						
Bar, Cocktail Lounge							C	C									
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						

Businesses and Uses Prohibited by State or Federal Law																	
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P			C						
Hotel, Motel								C	C								
Nurseries	P						P	P			C	C					
Office, Business and Medical							P	P		P	P						
Outdoor Sales							C	C			C						
COMMERCIAL AND OFFICE USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Personal Retail Services							P	P									
Personal Storage								C			C	C			C	C	
Recreation, Indoor or Outdoor							C	C			C	C					
Recreational Vehicle Park									C		C						
Restaurant							P	P	P		C						
Restaurant, Drive-Through							C	C	P								
Retail Sales, General							P	P	C		C						
Roadside Stand	P	C					C	C									
Service Station							P	P	P		P						
Stationary Food Vendor							C	C	C								
Veterinary Hospital, Kennel	C						C	P									
INDUSTRIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	

Commercial Cannabis (retail storefront only)												C[8]	C[8]				
Finished Goods Assembly											P	P	P				
Heavy Equipment Terminal											C	C	P				
Laboratory, Research, Equipment										C		C	C				
Manufacturing, Heavy General													C				
Manufacturing, Light General												C	P				
Mineral Extraction	C												C	C		C	
Recycling Center Collection							P	P			P	P	P				
Recycling and Salvage Yards													C				
Warehouse, Wholesale, Freight Terminal												C	P				
PUBLIC & QUASI-PUBLIC USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/Community Services	C	C					C	C		C	C			C	C		
Businesses and Uses Prohibited by State or Federal Law																	
Cemetery	C													C		C	
PUBLIC & QUASI-PUBLIC USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			
Cultural Facility						C	C							C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter					P	P		P						P			
Government Offices										C	C			C	C		

Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions			C	C			C	C		C	C			C			
Safety Services							C	C		C	C			C			
Utility Services, Major	C	C											C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C			
RESIDENTIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Accessory Dwelling Units		P	P	P													
Businesses and Uses Prohibited by State or Federal Law																	
Day Care, Limited		P	P	P	P	P											
Dwelling, Multiple-Family					P	P	C	C[3]		C							
Dwelling, Single-Family	P	P[4]	P[4]	P[4]	C	C[4]		C[2,3]								C	
Dwelling, Two-Family or Duplex			P[1]	P	C	C											
Farmworker Housing Unit	P		P	P	P	P		P[5]									
Farmworker Housing Complex	P				P	P		P[5]									
Mobilehome Park		C	C	C	C	C											
Single Room Occupancy					P	P		C									
Residential Care Facility		C	C	C	C									C			
Vacation Rental (Hosted)		C	C	C	C												
Vacation Rental (Nonhosted)		C	C	C	C												
TEMPORARY USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*

Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T
TEMPORARY USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T

Footnotes:
1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.
2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.
4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
5. For single farmworkers, single room occupancy housing is permitted.
6. Vacation rental (hosted) is allowed in all residential zones upon zoning administrator approval of a vacation rental permit.
7. Vacation rental (nonhosted) is allowed in all residential zones upon planning commission approval of a conditional use permit (CUP).
8. Commercial Cannabis Permit (CCP) required – allowed only within respective M-1 and M-2 zones as listed above and the following properties shown on Assessor's Map Book 038: APNs 038-050-013, 038-050-051, 038-050-072 and 038-050-073.

* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use."

Section 4. **Amendments to Section 17.52.020.** Section 17.205.030 of Chapter 17.52 (Cannabis Uses) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended in its entirety to read as follows:

"**17.205.030 Commercial cannabis uses and requirements.**

A. Standards for All Commercial Cannabis Uses.

1. Purpose. This section provides the development, operating, and permit standards for commercial cannabis uses, to ensure neighborhood compatibility, minimize potential environmental impacts, mitigate potential nuisances, and provide safe, legal access to cannabis. Additional standards may apply to particular commercial cannabis uses, as established in other subsections of this section.

2. Applicability. Commercial cannabis uses shall be permitted only in compliance with the requirements of this section, state law and all other applicable requirements for the specific type of commercial cannabis use and those of the underlying base zone. In addition to the requirements of this section, commercial cannabis uses shall comply with all applicable state laws and regulations, including the California Environmental Quality Act (CEQA), and other applicable provisions of the City's General Plan and the Winters Municipal Code. The terms used in this section are defined in Section 17.04.140, except for those terms that are defined specifically in this section. Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to engage in any commercial cannabis use within the City without first having obtained from the City a valid commercial cannabis permit issued pursuant to the provisions of this section. Possession of other types of state or city permits or licenses does not exempt a person or entity from the requirement of obtaining a commercial cannabis permit under this section. Unless specific distinctions are made in subsequent subsections, these requirements shall apply equally to either adult use or medical cannabis activities.

3. Limitations on Use. A commercial cannabis use shall only be allowed if such use is in compliance with this section and all applicable provisions set forth and/or incorporated in the Winters Municipal Code, including but not limited to building, plumbing, electrical, fire, hazardous materials, and public health and safety codes. A commercial cannabis use shall comply with all laws and regulations applicable to that type of commercial cannabis use, including all state cannabis laws, and shall comply with all permit, license, approval, inspection, reporting, and operational requirements of other public agencies having jurisdiction over that type of commercial cannabis use. The commercial cannabis use owner or manager shall provide copies of other agency and department permits, licenses, or certificates to the City to serve as verification of such compliance.

4. Application Procedures and Requirements. The form and content of the commercial cannabis permit application, the procedures for submitting a commercial cannabis permit application, and the procedures for the issuance and/or denial of a commercial cannabis permit shall be specified by the City Manager or his or her designee. In addition to any other disclosures, data, forms, recitals, assurances, agreements, or other information required by federal, state, or local law, applicants for a commercial cannabis permit shall provide the following information when submitting an application for a commercial cannabis permit:

a. Property Owner Consent. Commercial cannabis permits shall only be issued where written permission from the property owner and/or

landlord is provided. The applicant shall provide evidence of such consent. The property owner and applicant, if other than the property owner, shall sign the application for the commercial cannabis permit, and shall include affidavits agreeing to abide by and conform to the conditions of the commercial cannabis permit and all provisions of the Winters Municipal Code pertaining to the establishment and operation of the commercial cannabis use, The affidavit(s) shall acknowledge that the approval of the commercial cannabis permit shall, in no way, permit any activity contrary to the Winters Municipal Code, or any activity which violates any applicable laws.

b. Name of proposed commercial cannabis business. The name of the proposed commercial cannabis business, including, if applicable, the name on file with the California Secretary of State and any fictitious business names and/or DBAs. If the proposed commercial cannabis business is incorporated, the names, titles, addresses, and contact information of each corporate officer, the name, address, and contact information of the agent for service of process, a certified copy of the articles of incorporation, and a certified copy of the bylaws. If the proposed commercial cannabis business is a partnership, the names, addresses, and contact information for each partner and the agent for service of process.

c. Contact information of owners. The name, address, and contact information of each owner of the proposed commercial cannabis business. For purposes of this section, “owner” shall have the same meaning as the word “owner” set forth in California Business and Professions Code Section 26001(am) and California Code of Regulations, Title 4, Division 19, Chapter 1, Article 1, Section 15003, which includes, for each applicable commercial cannabis business, any of the following:

i. a person with an aggregate ownership interest of 20 percent or more in the entity applying for a commercial cannabis permit, unless the interest is solely a security, lien, or encumbrance, or

ii. an individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:

aa. a member of the board of directors of a nonprofit;

ab. a general partner of a commercial cannabis business that is organized as a partnership;

ac. a non-member manager or managing member of a commercial cannabis business that is organized as a limited liability company;

ad. the trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust; and

ae. the chief executive officer, president or their equivalent, or an officer, director, vice president, general manger or their equivalent.

d. Criminal history requirements. For each applicant, owner, and manager, a criminal history ("LiveScan"), to include state and federal level checks, prepared not more than two weeks prior to the date of submitting the commercial cannabis permit application, demonstrating that there are no convictions or pending charges for a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years, and that the business owner is not currently on parole or probation for a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance. For each owner or manager who becomes part of a commercial cannabis business after a commercial cannabis permit is issued, the commercial cannabis business must submit the required criminal history showing the absence within the past ten years of the offenses listed above to the City Manager or his or her designee within two weeks of the new owner or manager joining the commercial cannabis business. For purposes of this section, "manager" shall mean any person(s) designated by the commercial cannabis business to act as the representative or agent of the commercial cannabis business in managing day-to-day operations with corresponding liabilities and responsibilities, and/or the person in apparent charge of the premises where the commercial cannabis business is located; evidence of management includes, but is not limited to, evidence that the individual has the power to direct, supervise, or hire and dismiss employees, controls hours of operations, creates policy rules, or purchases supplies.

i. A conviction within the meaning of this sections means a plea or verdict of guilty or a conviction following a plea of nolo contendere or no contest.

ii. A commercial cannabis use shall notify the police chief in writing of any disqualifying conviction described in subsection A.4.d. for an owner or manager within 10 days of the conviction or of any pending charges for offenses described in subsection A.4.d. for an owner or manager within 10 days of the filing of such charges by a prosecuting agency.

iii. A commercial cannabis use may submit to the police chief a written request for a waiver of the prohibition against the convictions specified in subsection A.4.d with regard to a particular applicant, owner, or manager on the ground that such person's involvement with the commercial cannabis business will not pose a threat to public safety. If the police chief determines that the requesting party has not submitted a preponderance of evidence to support the conclusion that there is no threat to public safety, the police chief shall deny the request, subject to the appeal procedures as set forth in Chapter 2.44. When responding to any request for a waiver under this section, and when determining whether a particular commercial cannabis activity with a particular applicant, owner, or manager will not pose a threat to public safety, the police chief will take into consideration: (1) employers are prohibited from using the types of "criminal history" documented in California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 2, Article 2, Section 11017; and (2) the California Department of Cannabis Control will deny a license based on convictions that are substantially related to the qualifications, functions, or duties of the business for which the application is made, including criteria set forth in California Code of Regulations Title 4, Division 19, Chapter 1, Article 3, Sections 15017 and 15035.

e. Manager's contact information. The name and contact information for each manager of a proposed commercial cannabis business. If such information is not available at the time the commercial cannabis permit application is submitted, the commercial cannabis permit applicant shall submit such information to the City Manager as soon as it becomes available.

f. Type of use. The proposed type of commercial cannabis use.

g. Location and compliance with zoning. The proposed location of the commercial cannabis business, demonstrating compliance with the zoning and locational restrictions applicable to that commercial cannabis use.

5. Compliance with County Health Regulations and Requirements. Commercial cannabis uses may be subject to permit requirements and

regulations, including inspections, established by the Yolo County Health & Human Services Agency (HHSA) under the direction of the County Health Director, or any other individual designated by the County Health Director to act on his or her behalf.

6. Development Standards.

a. Building Requirements. All structures used for commercial cannabis uses must comply with applicable building and fire code provisions as determined by the City's building official and the fire department official, respectively. In addition, the site of the commercial cannabis use and all associated buildings must comply with all applicable sections of the Winters Municipal Code, as determined by the City Manager, prior to issuance of a commercial cannabis permit. Commercial cannabis uses that provide access to the public, including but not limited to employees, vendors, contractors, business partners, members, customers, or patients, shall meet local, state and federal requirements for accessibility, including accessible parking, paths of travel, seating, restrooms, and washing facilities. All facilities must be inspected by the City and fire department prior to issuance of a commercial cannabis permit.

b. Emissions Control. All commercial cannabis businesses shall utilize appropriate measures in operation and, where applicable, construction, to prevent the emission of dust, smoke, noxious gases, or other substances that have the potential to impact local or regional air quality.

c. Hours of Operation. Hours of operation for commercial cannabis businesses are established in sections below pertaining to each particular use category.

d. Operating Plan. All commercial cannabis businesses shall submit, as a part of the commercial cannabis permit application and thereafter maintain, an operating plan that specifies the manner in which operations will be handled and which details the number of employees and hours and days of operation. Any commercial cannabis business approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the facility is consistent with protection of the health, safety and welfare of the community, customers, qualified patients, and primary caregivers, and will not adversely affect surrounding uses. Any change to the operating plan must be approved in writing by the City Manager or his or her designee.

e. Odor Control. Devices and techniques shall be incorporated in all commercial cannabis uses to ensure that odors from cannabis are not

detectable off site. Commercial cannabis uses shall provide a sufficient odor-absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, in any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis use. As such, commercial cannabis uses must install and maintain the following equipment or any other equipment which the building official or designee determines has the same or better effectiveness:

i. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

ii. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business's facility are not detectable on the outside of the facility.

f. Air Quality. A commercial cannabis permit applicant shall provide a calculation of the business's anticipated emissions of air pollutants. The commercial cannabis permit applicant shall also provide assurances that the business will comply with all best management practices established by the Yolo-Solano Air Quality Management District. No commercial cannabis permit shall be issued to any business that would exceed the thresholds of significance established by the Yolo-Solano Air Quality Management District for evaluating air quality impacts under the California Environmental Quality Act for either operation or construction. After the receiving a commercial cannabis permit from the City, a commercial cannabis business must not exceed the thresholds of significant impacts under the California Environmental Quality Act for either operation or construction.

g. Hazardous Materials. To the extent that a commercial cannabis permit applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state, and local requirements for management of such substances. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances. After receiving a commercial cannabis permit for a commercial cannabis use that involves hazardous materials, the commercial cannabis business must comply at all times with its approved hazardous materials management plan.

h. Water Supply. If a proposed commercial cannabis business will occupy an existing building, the applicant shall demonstrate to the satisfaction of the City engineer and building official that water usage will not exceed that of the building's intended occupancy class without additional review and prior approval by the City Manager or his or her designee. If a proposed commercial cannabis business will occupy a newly constructed building, the proposed use and construction design shall include all necessary devices and processes to ensure water usage will not exceed an operation typical of the zone or area in which it is proposed. After receiving a commercial cannabis permit, the commercial cannabis business must ensure that its water usage will not exceed that of the building's intended occupancy class without additional review and prior approval by the City Manager or his or her designee.

i. Wastewater. A commercial cannabis permit applicant shall demonstrate to the satisfaction of the City engineer that sufficient wastewater capacity exists for the proposed use. To the extent the proposed commercial cannabis use will result in agricultural or industrial discharges to the City's wastewater system, the applicant shall provide a plan for meeting all federal, state, and local requirements for such discharges. After receiving a commercial cannabis permit, the commercial cannabis business must ensure that its wastewater discharge does not exceed that of the approved occupancy class without additional review and prior approval by the City Manager or his or her designee.

7. Permit Requirements. In addition to state permitting requirements and the requirements of this section, including the requirement of a commercial cannabis permit, commercial cannabis businesses shall be subject to the cannabis permit requirements as shown in the Land Use/Zone Matrix in Section 17.52.020. In addition, all commercial cannabis uses must obtain a zoning clearance and pay applicable fees and taxes. Any violations of the Winters Municipal Code or any other local, state, or federal law pertaining to the structure or property to be used for the commercial cannabis use must be cured prior to issuance of a commercial cannabis permit. The City Manager or his or her designee may design application forms specific to each permitted category and require inspections of proposed facilities before issuing a permit under this section. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the Winters Municipal Code and any additional requirements established by resolution or ordinance of the City Council, or applicable law. A City business license is required for commercial cannabis uses pursuant to Chapter 5.04.

a. Issuance and Term of Permit. Except as provided in subsection B. of this section pertaining to the approval process for a commercial cannabis permit for cannabis storefront retailers, commercial cannabis permits shall be issued to the operator by the City Manager or his or her designee if the applicant has paid all applicable fees and the commercial

cannabis permit application is complete, demonstrates compliance with all applicable federal, state, and local requirements, and includes the information required by this section to the satisfaction of the City Manager, City engineer, building official, or his or her designee as applicable. Each commercial cannabis permit approved under this section, shall be valid for a period not to exceed three years from the date of permit approval and shall be subject to permit renewals, in accordance with subsection A.8. of this section. No property interest, vested right, or entitlement to receive a future permit to operate a commercial cannabis use shall ever inure to the benefit of a commercial cannabis permit holder. Commercial cannabis permits issued pursuant to this section are not transferable without prior City approval. Commercial cannabis permits may be issued with conditions. The City has no duty or obligation to issue commercial cannabis permits. The City may elect at any time to cease issuing commercial cannabis permits, including upon receiving credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

b. Operator/Permit Holder Qualifications. Owners of commercial cannabis permits must be 21 years of age or older.

c. Priority. When processing permit applications for commercial cannabis uses other than cannabis storefront retailers, priority may be given to applications based on a City Council-adopted applicant selection process.

d. Issues of Significant Public Interest. In considering an application under this section for a commercial cannabis permit, the City Manager or his or her designee's review shall be limited to compliance with this section and applicable federal, state, or local laws and regulations. The City Manager or his or her designee may, however, determine that an application does not meet the requirements for a particular license and that the license may remain unissued due to a significant public interest. "Significant public interest" includes, but is not limited to, potential health or safety impacts, potential conflicts with neighboring uses, unique characteristics of the proposed site, unique characteristics of the proposed operations, and/or other factors that, in the City Manager or his or her designee's discretion, warrant rejection of application(s).

e. Denial of Commercial Cannabis Permit. In addition to any other basis for denying a commercial cannabis permit set forth in this section, the City Manager or their designee may deny a commercial cannabis permit if the application contains any false or misleading statement or information, misrepresentation, or material omission or if the criminal history for any applicant, owner, or manager includes a felony, a felony or

misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years.

8. Exercise and Renewal of Permit. Commercial cannabis permits shall be exercised only by the applicant and are not transferable to any other person or entity without prior written City approval. Permits shall expire upon termination of the business for which it was issued, or upon sale or unauthorized transfer of ownership of the cannabis commercial business. Any commercial cannabis permit that is abandoned for a period of six months shall automatically expire and shall become null and void with no further action required on the part of the City. For purposes of this section, “abandonment” shall mean the failure to initiate the activities described in the permit application or cessation of regular and continuous business operations. All commercial cannabis permits, including commercial cannabis permits for cannabis storefront retailers, have a term of three years and must be renewed prior to expiration. A commercial cannabis use must apply for permit renewal no less than 60 days prior to the expiration of their current permit. Approval of permit renewals may be issued by the City Manager or his or her designee following demonstration by the operator/permittee of compliance with all requirements in effect. Review shall also include, but not be limited to, analyses of the following:

a. Compliance with permit requirements. The commercial cannabis use has been conducted in accordance with this section and all applicable permit conditions, and all applicable state and local laws and regulations, and the business is in good standing with all state and local agencies.

b. Violation and complaints satisfied. Any and all code and/or commercial permit violations or complaints, including complaints related to nuisance activities, have been promptly addressed and cured to the satisfaction of the police chief and City Manager or his or her designee depending on the violation.

c. Authorization of transfer. The commercial cannabis use for which the permit was approved has not been transferred without authorization to another owner or operator.

d. No outstanding violations. There are no outstanding violations of applicable laws, including the Winters Municipal Code and state cannabis laws.

e. Current on city taxes and fees. The business for which the permit was approved is current on all City taxes and fees due.

f. A complete application. The application for renewal is complete, does not contain any false or misleading statement or information,

misrepresentation, or material omission, and the criminal history for any owner or manager does not include a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years.

9. Health and Safety. Commercial cannabis businesses shall not create a public nuisance of any kind or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

10. Taxes. Commercial cannabis businesses shall timely remit payment of all applicable taxes that may be enacted by the voters or any additional regulations that may be promulgated in addition to all current applicable state and local taxes.

11. Security. The following security measures shall be adhered to by all commercial cannabis businesses. Additional security measures may apply to particular commercial cannabis uses, as established in this section.

a. Safety and security plan. A safety and security plan shall be required prior to permit issuance and shall be subject to review and approval by the City Manager or his or her designee. All safety and security plans shall be held in a confidential file exempt from disclosure as a public record pursuant to Government Code Section 7922.000. Such plans shall include, at a minimum, information regarding implementation of the requirements of this section. The City Manager or his or her designee may require that additional information be included in the plan. Commercial cannabis permittees must adhere to the requirements of the approved safety and security plan at all times the commercial cannabis permit is active.

b. Security cameras. Security cameras shall be installed with capability to record activity on the property, including parking lots, entry points to the property, and within all buildings and structures on the property, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, apart from any restroom area. Security cameras shall record 24 hours a day, seven days a week. Additionally:

i. Areas where cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear

unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

ii. Cameras shall also be placed at each location where weighing, packaging, transport preparation, processing, or labeling activities occur.

iii. At least one camera must be dedicated to record the access points to the secured surveillance recording area.

iv. At each entrance and exit to the facility, camera coverage must enable recording of customer facial features with sufficient clarity to determine identity.

c. Surveillance video. Surveillance video shall be kept for a minimum of 90 days in a format that can be easily accessed for viewing. Video must use standard industry format to support criminal investigations. Permit holders shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. Failure to do so could result in revocation of a commercial cannabis permit. Motion-sensor lighting and alarms shall be required and shall be professionally installed and monitored to ensure the safety of persons and to protect the premises from theft. Alarm and surveillance systems shall be equipped with a failure notification system that provides prompt notification to the commercial cannabis use of any prolonged surveillance interruption and/or failure of the system. The commercial cannabis business shall notify the Winters Police Department within 24 hours of a failure of the surveillance video system. The commercial cannabis use shall restore the surveillance video system within a time period as determined by the police chief or his or her designee. All surveillance equipment, records, and recordings must be stored in a secured area that is only accessible to management staff. Permittees must keep a current list of all authorized employees who have access to the surveillance system and/or alarm system.

d. Security alarm and contracts. A permittee shall maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the alarm installation company, and the name of any monitoring company. Off-site monitoring and video recording storage of the premises by the licensee or an independent third party is authorized if standards exercised at the remote location meet or exceed all standards for on-site monitoring.

e. Security measures operational during outages. All security measures installed on site shall have the capability to remain fully operational during a sustained power outage.

f. Weapons and firearms. With the exceptions of weapons and firearms possessed by on-duty law enforcement officers, weapons and firearms are prohibited on the property of a commercial cannabis use.

g. Fire safety standards and emergency access. Security measures shall be designed to ensure emergency access in compliance with fire safety standards.

h. Locking doors. All structures used for commercial cannabis uses shall have locking doors, with commercial-grade nonresidential locks, to prevent free access.

i. Security measures to prevent loitering. Security measures shall prevent individuals from remaining on the premises of the commercial cannabis use if they are not engaging in activities expressly related to the operations of the business.

j. Safe and secure transportation plan. Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the business, including the transfer of currency for City tax payments.

k. Storage of cannabis products when not on display. Except for live growing cannabis plants and products on display for sale at retail dispensaries during hours when the business is open to the public, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault that meets approval of the Winters Police Department. To the fullest extent possible, all cannabis and cannabis products shall be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.

l. Duress alarm buttons. Duress alarm buttons shall be installed in all commercial cannabis use facilities with easy access by employees and all employees shall be properly trained in their use.

m. Interior security bars. Any security bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

n. Security personnel approval by police chief. Security personnel hired by the commercial cannabis business shall be subject to prior review and approval of the police chief or his or her designee.

o. Liaison contact information. Each commercial cannabis business shall identify a liaison and provide the liaison’s contact information to the

Winters Police Department. The designated liaison shall be reasonably available to meet with the chief of police or his or her designee regarding security measures and operational issues.

12. Employees.

a. Age of employees. All employees of a commercial cannabis use must be 21 years of age or older.

b. Current register of employees. Each commercial cannabis business shall maintain on site a current register of all the employees currently employed by the commercial cannabis use and shall produce such register to the police chief, his or her designee, or any other City official authorized to enforce the Winters Municipal Code for purposes of determining compliance with this section.

13. Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the California Department of Food and Agriculture's Division of Measurement Standards.

14. Tracking. Commercial cannabis businesses and permittees shall comply with any track and trace program established by the City or by County or State agencies. Commercial cannabis businesses must maintain records tracking all cannabis production and products and shall make all records related to the commercial cannabis business available to the City upon request. The City Manager or his or her designee may require commercial cannabis businesses to comply with a County track and trace system if appropriate.

15. Police Notification. Commercial cannabis businesses shall notify the Winters Police Department within 24 hours of discovering any of the following:

a. Discrepancy in inventory. Significant discrepancies identified during inventory. The level of significance shall be two percent of inventory or per state regulations, whichever is stricter.

b. Diversion, theft, loss or criminal activity. Diversion, theft, or loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

c. Breach of security. Any other breach of security.

16. Inspections. Commercial cannabis businesses shall be subject to inspections by appropriate local and state agencies, including but not limited to the California Department of Public Health, California Department of Food and Agriculture's Division of Measurement Standards, and the City. Commercial cannabis businesses shall be inspected at random times for compliance with the

Winters Municipal Code and permit requirements. Unless otherwise allowed under the law, the inspection shall be conducted during regular business hours. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may request that the City temporarily suspend the permit and order the cannabis operation to immediately cease operations.

17. Restriction on Alcohol Sales. No alcoholic beverages may be sold, dispensed, or consumed on or about the premises of any commercial cannabis business. This section shall not apply to responsible after-hours consumption by employees which does not violate any state or local law or regulation. After-hours consumption, however, is not permitted at any cannabis retail dispensary.

18. Appeal of Decision on Commercial Cannabis Permit. Within 10 days of a decision by the City Manager or his or her designee to approve or disapprove a commercial cannabis permit application for a commercial cannabis use other than a cannabis storefront retailer, or a decision by the City Manager or his or her designee to approve or deny a commercial cannabis permit renewal application, an applicant or interested party may appeal the approval or disapproval by following the procedures for appeals set forth in Chapter 2.44 of the Winters Municipal Code. The appeal hearing shall be set and conducted in accordance with Chapter 2.44.

19. Liability and Indemnification. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this section shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, the permittees under this section shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Winters, the Winters City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgments (including legal costs, attorneys' fees, expert witness or consultant fees, City attorney or staff time, expenses or costs) (collectively called "action") against the City to attack, set aside, void or annul any cannabis related approvals and actions, and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the commercial cannabis permittee shall reimburse the City for its reasonable legal costs and attorneys' fees. Permittees under this section shall be required to agree to the above obligations in writing.

B. Standards for Cannabis Storefront Retailers.

1. Purpose. This subsection provides the locational, operational, and permit standards for any commercial cannabis storefront retailers within the City in order to promote the health, safety, and general welfare of its residents and businesses. The standards in this subsection shall be in addition to standards

contained in subsection A of this section (Standards for All Commercial Cannabis Uses) for all commercial cannabis businesses.

2. Applicability. Commercial cannabis storefront retailers shall be permitted only in compliance with the requirements of this subsection B, all other applicable requirements of subsection A of this section (Standards for All Commercial Cannabis Uses), and all other applicable requirements of the Winters Municipal Code and state and county agencies.

3. Permit Requirements and Application Procedure. A commercial cannabis permit, issued in addition to any applicable permit issued by the Yolo County Health & Human Services Agency, shall be required to operate a cannabis retail dispensary within the City. Cannabis retail dispensaries shall also be subject to permit requirements and regulations established by the state and those established by the City Council through resolution or ordinance, or applicable law.

4. Commercial cannabis permits for retail dispensaries shall be considered and issued according to the following procedure:

a. City Council approval of commercial cannabis permits. The City Council, following an open application period and review of applications by City staff and recommendations by the City Manager or his or her designee, shall consider commercial cannabis permit applications for retail dispensaries meeting all minimum qualifications at a properly noticed public hearing and, in its sole discretion, may approve the issuance of commercial cannabis permits for retail dispensaries.

b. City Manager to create procedures. The City Manager or his or her designee may adopt such forms, fees, and procedures as are necessary to implement this subsection with respect to the selection, investigation process, renewal, revocation, and suspension of commercial cannabis permits for retail dispensaries. Such procedures may include a priority ranking system, and appointment of a staff review panel for retail dispensary permits.

c. Permits valid for three years. Each approved commercial cannabis permit for a retail dispensary shall be valid for a period not to exceed three years from the date of permit issuance and shall be subject to permit renewals in accordance with subsection A.8. of this section.

5. Limit on Number of Retail Dispensaries. No more than one retail dispensary shall be permitted within the City at any one time. The one retail dispensary facility authorized under this subsection must maintain a storefront which is open to the public.

6. Location Requirements. Unless otherwise allowed under state law and as modified by this subsection:

a. Allowed in zones listed in Land Use/Zone Matrix. A retail dispensary which is open to the public may only be located within the allowed zoning district(s) in the Land Use/Zone Matrix in section 17.52.020 of the Winters Municipal Code.

b. Location not allowed near residential zones/uses. A retail dispensary shall not be established on any parcel containing a dwelling unit, or immediately abutting (sharing a common property line with) a residential zoning district or within 100 feet of a residential use. Residentially zoned does not include mixed-use zoning for purposes of this section.

c. Locational distance to youth-oriented property. A retail dispensary shall not be established within 500 feet from any youth-oriented property.

d. Distance from public park, public playground or public library. A retail dispensary shall not be established within 500 feet of any public park, public playground, or public library.

e. Measurement of distances from prohibited locations. Distances from prohibited locations listed in subsections b. through d. above are measured as a straight line from the property line (with the cannabis business) to the property line of the prohibited location (parcel to parcel).

7. Operating Standards. In addition to standards contained in subsection A of this section (Standards for All Commercial Cannabis Uses), the following are the minimum development criteria and operational standards applicable to any cannabis retail dispensary:

a. Compliance with local, state and federal rules and regulations. The building in which the retail dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements.

b. Safety and security plan to be confidential. The retail dispensary shall provide adequate security on the premises pursuant to subsection A.11. of this section, and any additional requirements in this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. The applicant shall submit a safety and security plan for review and approval by the Winters Police Department. The safety and security plan will remain confidential.

c. Plans to comply with zoning requirements. The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to all underlying zoning requirements, director review, and approval. The City Manager may waive this requirement where the applicant can demonstrate that existing facilities, including parking, lighting, and landscaping, already meet the requirements of this section.

d. Signage restrictions. No exterior signage or symbols shall be displayed which advertise the availability of cannabis using drug-related symbols which are attractive to minors or which are carried out in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

e. Persons allowed onto the premises. No person shall be allowed onto the premises of a retail dispensary unless they are an employee, customer, vendor or contractor of the retail dispensary, primary caregiver, qualified patient, or employee of an agency having jurisdiction to monitor or investigate the terms of regulatory compliance by the retail dispensary. If the retailer dispensary denies entry for monitoring and inspection to any employee of an agency having such jurisdiction, the facility may be closed and the commercial cannabis permit may be revoked, modified, or suspended. In strict accordance with California Health and Safety Code Section 11362.5 et seq., no person under the age of 18 shall be allowed on a medical cannabis retail site unless allowed under state law, and no person under the age of 21 shall be allowed on a nonmedical cannabis retail site pursuant to California Business and Professions Code Section 26140. All persons entering the site, except those representing a regulatory agency, shall present a photo identification. A doctor's recommendation shall not be required for customers of a nonmedical cannabis retail dispensary. The operating plan submitted as a part of the commercial cannabis permit application shall specify how this provision will be complied with and enforced.

f. Prohibition of alcohol license. No retail dispensary shall hold or maintain a license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises of a retail dispensary.

g. Sale of goods restricted to those products listed in permit. No cannabis retail dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the commercial cannabis permit. A retail dispensary may sell live starter (immature) plants, clones, and seeds from qualified nurseries, but shall

not cultivate or clone cannabis. A retail dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the Yolo County Health & Human Services Agency. Not more than five percent of the retail dispensary area, up to a maximum of 200 square feet, may be devoted to the sale of incidental goods for personal cannabis cultivation and use or promotional items such as clothing, hats, or posters.

h. Consumption of cannabis on premises prohibited. No cannabis shall be consumed on the premises of a retail dispensary. For purposes of complying with this requirement, the term “premises” includes the physical building and leasehold space, as well as any accessory structures, parking areas, sidewalks, driveways, or other immediate surroundings

i. No expansion of facility without prior approval. No retail dispensary may increase in size without amending its commercial cannabis permit, as applicable. The size limitation shall be included in the operational plan required by subsection A.6.d. of this section.

j. Physician on site is prohibited. A retail dispensary shall not have a physician on site to evaluate patients for medical cannabis.

k. Parking to be provided on site. Parking required by Chapter 17.72 shall be provided on site.

l. Operating hours. The retail dispensary’s operating hours shall be limited to no more than Sunday through Thursday, 9 a.m. to 8 p.m. and Friday and Saturday from 9 a.m. to 9 p.m.

m. Delivery. Delivery of cannabis is allowed by retail dispensaries. Delivery functions must be included in the commercial cannabis permit application and approved as a discrete function. Delivery functions shall be in conformance with state cannabis laws and all of the following:

i. Deliveries can only be conducted between the hours of 9 a.m. and 9 p.m.

ii. Deliveries shall be made by an employee of the licensed retail dispensary and said employee shall carry with him/her at all times a physical copy of the business’s commercial cannabis permit, business license, and state cannabis license.

n. Record Keeping. A retail dispensary shall maintain records in accordance with the state and local requirements of its license type. The retail dispensary shall keep accurate records, follow accepted cash handling practices, and maintain a general ledger of cash transactions.

The retail dispensary shall allow the City to access the books, records, accounts, and all data relevant to its operations for purposes of conducting an audit or examination to determine compliance with the Winters Municipal Code, administrative regulations, conditions of approval, and applicable laws. Books, records, accounts, and all relevant data shall be produced no later than 24 hours after receipt of the City's request.

o. Required Signage. The following signs, in measurements of not less than eight by ten inches, shall be clearly and legibly posted in a conspicuous location inside the retail dispensary where they will be visible to customers in the normal course of a transaction, stating:

i. "The dispensing of cannabis without a state license is illegal.

ii. "Use or consumption of cannabis on this premises or property is prohibited."

iii. For retail dispensaries: "All visitors to this premises must be at least 21 years of age, or, at least 18 years of age and able to show a government-issued medical cannabis ID card in accordance with California Health and Safety Code Section 11362.7 et seq."

C. Enforcement.

1. Public Nuisance. The violation of this section, any regulation promulgated under this section, and the condition of any permit issued under this section is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Title 19 (Nuisance Abatement) of the Winters Municipal Code.

2. Enforcement by City. The provisions of this section, any regulation promulgated under this section, and the condition of any permit issued under this section may be enforced by the City by any means provided for in Title 19 (Nuisance Abatement) of in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under the law. Violations of this section, any regulation promulgated under this section, and the condition of any permit issued under this section are punishable as misdemeanors. Each day of engaging in any of the prohibited activities shall constitute a separate offense.

3. Revocation, modification or suspension. In addition to any other remedies available to the City under the law, the City may revoke, modify, or suspend any commercial cannabis permit, following notice and opportunity for a hearing, based on any one of, or combination of, the conditions set forth below:

a. Minimum qualifications or failure to comply. A permittee ceases to meet any of the minimum qualifications listed in this section or has failed

to comply with the requirements of this section or any conditions of approval of the permit.

b. State license revoked. A permittee's state license for the commercial cannabis use is revoked, terminated, suspended, or not renewed. In the case of a suspension, the City shall not reinstate the commercial cannabis permit until documentation is received showing that the state license is eligible to be reinstated or reissued. It shall be within the City's discretion whether to reinstate any permit.

c. Cessation of business for six consecutive months. The commercial cannabis use has not been in regular and continuous operation for six consecutive months.

d. Federal and state laws changed or modified. State law permitting the commercial cannabis use for which the permit was issued is amended or repealed resulting in the prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

e. Change of circumstances. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification.

f. Misrepresentation or material omissions. The permit was granted or renewed, in whole or in part, on the basis of a misrepresentation or material omission in the permit or renewal application, or the permittee made a misrepresentation or material omission in any submittal required after the issuance of the commercial cannabis permit.

g. Taxes and fees. The permittee is not current on City taxes or fees.

h. Violation of permit or municipal code. The permittee has violated the Winters Municipal Code, this section, any regulation promulgated under this section, and/or any condition of a commercial cannabis permit issued under this section, and/or has otherwise created a public nuisance pursuant to Civil Code sections 3479 and 3480 or Title 19 of the Winters Municipal Code.

4. Procedures for revocation, modification or suspension. The following procedures apply to the revocation, modification, or suspension of a commercial cannabis permit:

a. Public hearing before City Council after investigation. If, as the result of an investigation, the City determines that one or more of the

conditions contained in subsection C.3. of this section applies to a commercial cannabis permit granted in accordance with the provisions of this section, the City Manager shall schedule a public hearing before the City Council to consider the revocation, modification, or suspension of the commercial cannabis permit.

b. Notification of hearing. Written notice of the date, time, place and purpose of such public hearing shall be served to the following parties, as applicable:

i. The owner of the property for which the commercial cannabis permit was granted;

ii. The person or entity to which the commercial cannabis permit was issued, as reflected on the permit and permit application; and

iii. Any person or entity who has been identified as an owner of the commercial cannabis business that is subject to the proposed commercial cannabis permit revocation, modification, or suspension.

c. Notice by registered mail, postage prepaid, return receipt requested. Such notice shall be provided by registered mail, postage prepaid, return receipt requested, not less than 10 days prior to the date of such hearing. Notice may also be posted at the entrance to the commercial cannabis use that is subject to the proposed commercial cannabis permit revocation, modification, or suspension.

d. Public hearing procedures. At the public hearing, each party shall have the right to call and examine witnesses and introduce exhibits. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The City Council has the right to ask questions and the discretion to exclude evidence if its tendency to prove or disprove an issue is substantially outweighed by the likelihood that its admission will not assist in proving or clarifying a material issue or consume an undue amount of time. Evidence offered during the hearing must be credible and relevant in the estimation of the City Council, but formal rules governing the presentation and consideration of evidence shall not apply. Evidence presented by staff or other officials of the City tending to support an administrative decision shall constitute prima facie evidence that the decision was justified. The burden of proof shall then be on the aggrieved party or other affected person challenging the decision to refute such evidence. The standard to be applied for meeting this burden shall be a preponderance of evidence.

e. City Council may revoke, modify or suspend permit. Following a public hearing, the City Council may revoke, modify, or suspend the commercial cannabis permit after finding one or more of the conditions set forth in subsection C.3. of this section.

5. City may pursue multiple remedies. The election of any particular enforcement remedy shall in no way act as a waiver of the pursuit of any other available enforcement remedy. The City may pursue any enforcement remedy, or combination of enforcement remedies, permitted by law to achieve compliance with this section, any regulation promulgated under this section, and the condition of any permit issued under this section.

Section 5. **CEQA.** The City Council finds that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the "common sense exemption") because there is no possibility that the general policymaking and/or administrative activity in the Ordinance will have a significant effect on the environment.

Section 6. **Effective Date and Publication.** This Ordinance of the City of Winters shall be effective thirty (30) days after the date of its passage. This Ordinance shall be published in accordance with Government Code Section 36933.

INTRODUCED on the ___ day of _____, 2025, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this ____ day of _____, 2025, by the following vote:

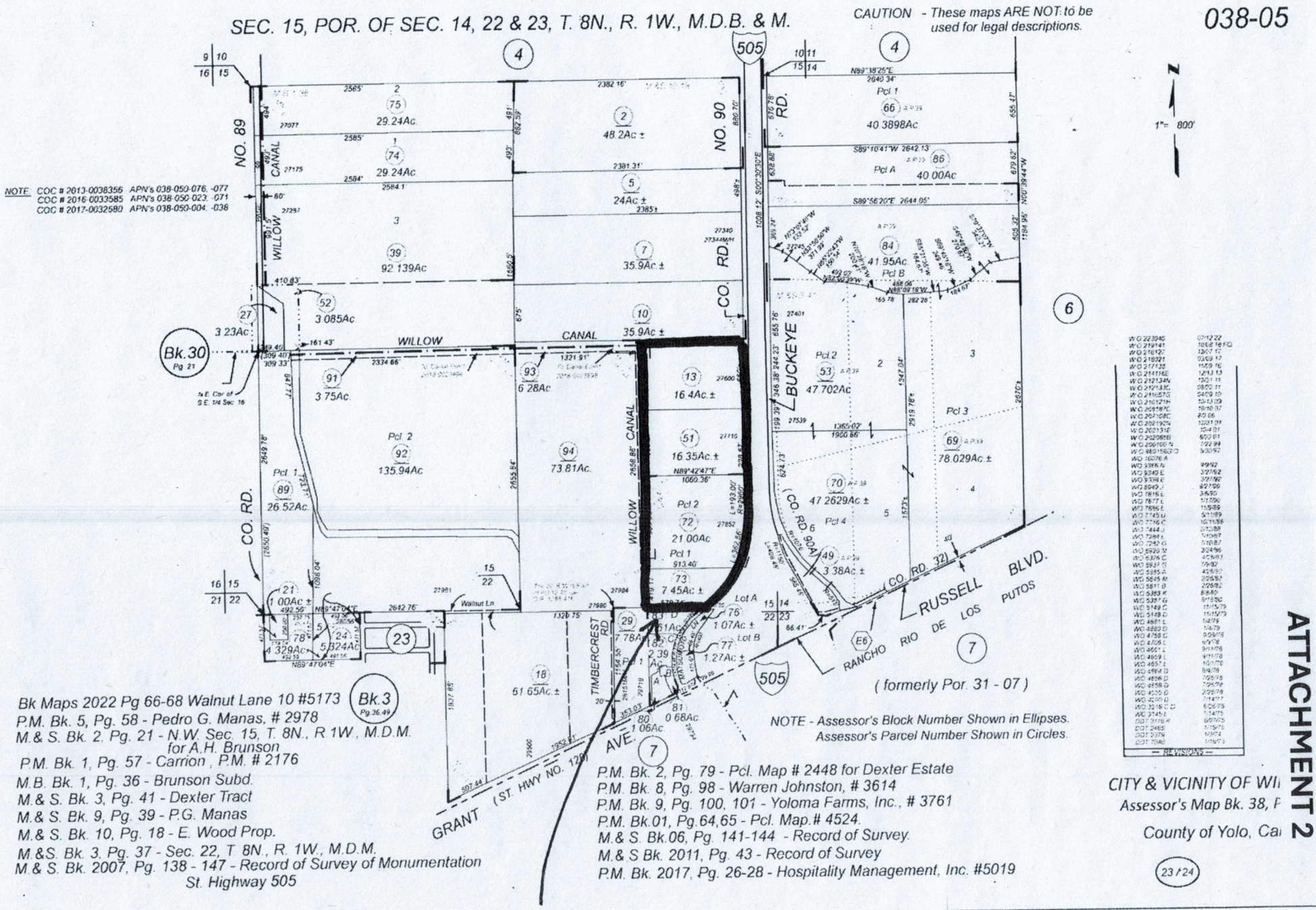
AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

_____
Albert Vallecillo, Mayor

ATTEST:

_____
Jeremy Craig, City Clerk



ATTACHMENT 2

Allowable sites for commercial cannabis retail storefront businesses