Winters Regular Council Meeting

Tuesday, February 18, 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 First 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

1 669 444 9171 US

Meeting ID: 850 2319 7139 Passcode: 405995

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 and Payment of Claims for the Month of December 2024
2.18.25_Staff_Report__Warrant_Register_Reports_for_12-2024 (1).docx
1. Affidavit of Administrative Services Director.pdf
2. A/P Register.pdf
3. Payroll Registers.pdf

B. Minutes of the Regular Meeting of the Winters City Council Held on February 4, 2025
city-council_minutes_summary Final.docx

C. Resolution 2025-06 Authorizing Updates and Additions to Job Descriptions/Classifications
StaffReport_ClassificationUpdates_2025Feb18__.docx
Resolution 2025-06_ClassificationUpdates_2025Feb18 (1).docx
All Classifications.pdf

D. Consideration of a 3% Wage Increase for the Human Resources Technician and the Executive Assistant to the City Manager/Deputy City Clerk retroactive to the pay period ending 7/21/24.
Staff_Report_ConfidentialPositions_WageAdjustment (1).docx

7. PRESENTATIONS

A. Proclamation Recognizing the Month of February As National Senior Independence Month
Proclamation Month of February is Senior Citizen Independence Month.pdf

8. DISCUSSION ITEMS

A. Presentation of annual report and adoption of Resolution 2025-07 renewing Ordinance 2022-03 “Military Equipment Use” Policy for the Winters Police

Department per Assembly bill 481 (Government Code §7072 et seq.)
2025_GC_7202_Military_Equipment_Staff_Report__1_.docx
2025 GC 7202 Military Equipment report.pdf
Policy_706_Military_Equipment.pdf
Ordinance_2022-03_Military_Equipment_Use_Policy.pdf
2025_GC_7202_Military_Equipment_Resolution (1).docx

B. Discussion and Consideration of a Proclamation Calendar for Calendar Year 2025
Winters_ Staff Report_2025 Proclamation Calendar.doc
Attachment A - Proposed proclamation list for 2025 .docx

C. 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.
Staff_report_re_Food_Vendors.02.18.25 (1).doc
Attachment 1 - PC_Resolution_2024-06.pdf
ORDINANCE_NO_2025-01_Food_Vendor_Ordinance (1).docx
Attachment 2 - Exhibit_1_Ordinance.docx

D. 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.012.18.25.doc
Attachment 1 - PC Resolution 2024-06.pdf
Attachment 1, Exhibit A - Cannabis_Ordinance.docx
Attachment 2 - Map showing 500-foot setbacks from sensitive areas
Attachment 3 - Minutes of the Regular Meeting of January 21 2025.pdf
ATTACHMENT 4 2025-02 Cannabis Ordinance FEB 18 VER.docx

9. CITY MANAGER REPORT

10. INFORMATION ONLY

11. ADJOURNMENT
I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org 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 February 13, 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: February 18, 2025

THROUGH: Jeremy Craig, City Manager

FROM: Shery Reyes, Senior Accountant

SUBJECT: Warrant Register and Payment of Claims for the month of December 2024

RECOMMENDATION:
Approve warrant register and payment of claims for the month of December 2024 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: $994,459.52

ATTACHMENTS:
1. Affidavit of Administrative Services Director

2. A/P Registers
3. Payroll Registers

Check Register Totals for Month Ending December 31, 2024

Accounts Payable	$	635,843.77
Payroll	$	358,615.75
Grand Total	$	994,459.52

Prepared by:

Shery Reyes

Shery Reyes, Senior Accountant

Certified by:

Cathy Mathews, Director of Administrative Services

City of Winters
Month End Cash Disbursements Report
Prior Period Report for 12-24 BANK ACCOUNT 10100

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
12-24	061743	12/30/24	\A017 (BLANCO, JUAN		(100.00)	.00	(100.00)	Ck# 061743 Reversed
	061755	12/30/24	\B007 (CORTES, JOSE		(100.00)	.00	(100.00)	Ck# 061755 Reversed
	061759	12/30/24	\B014 (PLECHATY, DANNY		(100.00)	.00	(100.00)	Ck# 061759 Reversed
	061760	12/30/24	\B015 (GALVAN, FRANCISCO DEL RIO &		(100.00)	.00	(100.00)	Ck# 061760 Reversed
	061761	12/30/24	\B016 (LOSH, KEVIN		(100.00)	.00	(100.00)	Ck# 061761 Reversed
	061770	12/30/24	\B025 (CAMARERO, BERNABE		(100.00)	.00	(100.00)	Ck# 061770 Reversed
	061780	12/30/24	\B035 (MORALEZ, JEREMIAS & MAGGIE		(100.00)	.00	(100.00)	Ck# 061780 Reversed
	061781	12/30/24	\B036 (MEDINA, MARIA		(100.00)	.00	(100.00)	Ck# 061781 Reversed
	061787	12/30/24	\B042 (BENTZ, ADAM		(100.00)	.00	(100.00)	Ck# 061787 Reversed
	061843	12/30/24	\C021 (BOONE, ELIZABETH WESTFALL &		(100.00)	.00	(100.00)	Ck# 061843 Reversed
	061862	12/30/24	\C040 (DAN LAMOUREAX PROPERTY MANAG		(100.00)	.00	(100.00)	Ck# 061862 Reversed
	061884	12/30/24	\D002 (ELTAGONDE, RIANNA L.		(100.00)	.00	(100.00)	Ck# 061884 Reversed
	061887	12/30/24	\D006 (LOPEZ, DEBBIE		(100.00)	.00	(100.00)	Ck# 061887 Reversed
	061910	12/30/24	\D029 (SANTOS, JAZMINE ZAMORA & CRI		(100.00)	.00	(100.00)	Ck# 061910 Reversed
	061914	12/30/24	\D033 (GOFORTH, PUANANI		(100.00)	.00	(100.00)	Ck# 061914 Reversed
	061923	12/30/24	\E009 (GETER, GUYSELL		(100.00)	.00	(100.00)	Ck# 061923 Reversed
	061929	12/30/24	\F007 (LEE, BEN HOOBER & MEGAN		(100.00)	.00	(100.00)	Ck# 061929 Reversed
	061937	12/30/24	\F015 (SHIMBOFF, SOPHIA		(80.00)	.00	(80.00)	Ck# 061937 Reversed
	061938	12/30/24	\F016 (BOUZOS REALTY,		(100.00)	.00	(100.00)	Ck# 061938 Reversed
	061974	12/30/24	\G035 (MCCOY, NANCIE SCUDDER & KYLE		(100.00)	.00	(100.00)	Ck# 061974 Reversed
	061981	12/30/24	\G042 (PALCHIK, SAMUEL		(100.00)	.00	(100.00)	Ck# 061981 Reversed
	061990	12/30/24	\H017 (HAMILTON, SUSAN		(100.00)	.00	(100.00)	Ck# 061990 Reversed
	061992	12/30/24	\H019 (ANDREASON, ANNE MARIE		(100.00)	.00	(100.00)	Ck# 061992 Reversed
	062002	12/30/24	\H029 (ALANIS, JAVIER & MARIA		(100.00)	.00	(100.00)	Ck# 062002 Reversed
	062008	12/30/24	\H035 (VALCEZ, ZEPHANIAH		(100.00)	.00	(100.00)	Ck# 062008 Reversed
	062038	12/30/24	\J010 (MERKEY, KRISTEN		(100.00)	.00	(100.00)	Ck# 062038 Reversed
	062076	12/30/24	\L014 (RUSSELL, TRISSY		(100.00)	.00	(100.00)	Ck# 062076 Reversed
	062079	12/30/24	\L017 (SANCHEZ, JANAI		(100.00)	.00	(100.00)	Ck# 062079 Reversed
	062098	12/30/24	\M007 (GONZALEZ, JOSE & SUSAN		(100.00)	.00	(100.00)	Ck# 062098 Reversed
	062123	12/30/24	\M038 (COLEMAN, ERIC		(100.00)	.00	(100.00)	Ck# 062123 Reversed
	062148	12/30/24	\M063 (HALL, DIANA KEOLA & CHRISTOP		(200.00)	.00	(200.00)	Ck# 062148 Reversed
	062158	12/30/24	\M073 (EADS, WESLEY & ASHLEY		(100.00)	.00	(100.00)	Ck# 062158 Reversed
	062165	12/30/24	\N003 (OLIVAS, MICHAEL & KIMBERLY		(100.00)	.00	(100.00)	Ck# 062165 Reversed
	062180	12/30/24	\O009 (ORTIZ, ANGELICA		(100.00)	.00	(100.00)	Ck# 062180 Reversed
	062210	12/30/24	\P027 (CHAVEZ, JUAN & ALICIA		(200.00)	.00	(200.00)	Ck# 062210 Reversed
	062223	12/30/24	\R021 (DAVIS, SELENA		(100.00)	.00	(100.00)	Ck# 062223 Reversed
	062233	12/30/24	\R031 (LOPEZ, JESUS		(100.00)	.00	(100.00)	Ck# 062233 Reversed
	062240	12/30/24	\R038 (BARNETT, TODD		(80.00)	.00	(80.00)	Ck# 062240 Reversed
	062270	12/30/24	\S009 (VITAL, LAURA		(80.00)	.00	(80.00)	Ck# 062270 Reversed
	062274	12/30/24	\S020 (DEL RIO, GUIERMINA S. & FRAN		(100.00)	.00	(100.00)	Ck# 062274 Reversed
	062288	12/30/24	\S034 (MUELLER, JIM		(100.00)	.00	(100.00)	Ck# 062288 Reversed
	062290	12/30/24	\S036 (MILLER, MAVERICK & ABIGAIL		(100.00)	.00	(100.00)	Ck# 062290 Reversed
	062303	12/30/24	\S049 (THR, CALIFORNIA LLC		(100.00)	.00	(100.00)	Ck# 062303 Reversed
	062321	12/30/24	\S067 (LUTTRELL, AMANDA & BRANDON		(100.00)	.00	(100.00)	Ck# 062321 Reversed
	062326	12/30/24	\T004 (LEVINE, BETSY		(100.00)	.00	(100.00)	Ck# 062326 Reversed
	062364	12/30/24	\V017 (RINGHAM, CHARLES		(100.00)	.00	(100.00)	Ck# 062364 Reversed
	062381	12/30/24	\Y002 (YELTON, ROBIN		(100.00)	.00	(100.00)	Ck# 062381 Reversed
	062382	12/30/24	\Y003 (FAIN, MICHELLE		(100.00)	.00	(100.00)	Ck# 062382 Reversed
	062386	12/30/24	\Y007 (TANG, MICHAEL		(100.00)	.00	(100.00)	Ck# 062386 Reversed
	062444	12/30/24	\C062 (CARBAHAL, ERIN		(100.00)	.00	(100.00)	Ck# 062444 Reversed
	062447	12/30/24	\G047 (GEERTS, SKYLER & MORGAN BRAC		(100.00)	.00	(100.00)	Ck# 062447 Reversed

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
12-24	062893	12/18/24	DSI01 (D-SIGN GRAFFIX)		(703.31)	.00	(703.31)	Ck# 062893 Reversed
	062913	12/04/24	AFL01 (AFLAC)		1,996.47	.00	1,996.47	Automatic Generated Check
	062914	12/04/24	AIR01 (AIRGAS-N.CALIF & NEVADA)		63.44	.00	63.44	Automatic Generated Check
	062915	12/04/24	AMA01 (AMAZON CAPITAL SERVICES)		257.44	.00	257.44	Automatic Generated Check
	062916	12/04/24	ANA01 (ANA P. CARRILLO)		3,150.00	.00	3,150.00	Automatic Generated Check
	062917	12/04/24	AUS01 (VESTIS SERVICES,LLC)		143.27	.00	143.27	Automatic Generated Check
	062918	12/04/24	BAD01 (BADGER METER INC.)		2,199.19	.00	2,199.19	Automatic Generated Check
	062919	12/04/24	BSK00 (BSK ASSOCIATES)		603.75	.00	603.75	Automatic Generated Check
	062920	12/04/24	CAS03 (CASCADE FIRE EQUIPMENT CO)		6,877.04	.00	6,877.04	Automatic Generated Check
	062921	12/04/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062922	12/04/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062923	12/04/24	COM12 (COMDATA)		17,689.69	.00	17,689.69	Automatic Generated Check
	062924	12/04/24	COU01 (COUNTY OF YOLO)		528.00	.00	528.00	Automatic Generated Check
	062925	12/04/24	CPS02 (CPS-HR CONSULTING)		564.50	.00	564.50	Automatic Generated Check
	062926	12/04/24	DAS01 (DAS-DEVELOPMENT ADVISORY SER		11,375.00	.00	11,375.00	Automatic Generated Check
	062927	12/04/24	DEV01 (DEVELOPMENT COMPLIRNCE SOLUT		13,066.29	.00	13,066.29	Automatic Generated Check
	062928	12/04/24	DOU01 (DOUBLE M TRUCKING)		1,603.53	.00	1,603.53	Automatic Generated Check
	062929	12/04/24	DRA01 (DRAPER'S LOCKSMITH SVC)		690.00	.00	690.00	Automatic Generated Check
	062930	12/04/24	ERI03 (ERICA, CEJA)		304.00	.00	304.00	Automatic Generated Check
	062931	12/04/24	FAS02 (FasTrak INVOICE PROCESSING D		14.00	.00	14.00	Automatic Generated Check
	062932	12/04/24	GEC01 (TOSHIBA FINANCIAL SERVICES)		1,130.74	.00	1,130.74	Automatic Generated Check
	062933	12/04/24	HDL02 (HDL SOFTWARE,LLC)		12,973.24	.00	12,973.24	Automatic Generated Check
	062934	12/04/24	HIN01 (HINDERLITER DE LLAMAS & ASSO		1,384.56	.00	1,384.56	Automatic Generated Check
	062935	12/04/24	INL01 (INLAND BUSINESS SYSTEMS)		491.71	.00	491.71	Automatic Generated Check
	062936	12/04/24	JAR02 (JARED DAHL)		112.00	.00	112.00	Automatic Generated Check
	062937	12/04/24	LNCUR (LN CURTIS & SONS)		3,167.33	.00	3,167.33	Automatic Generated Check
	062938	12/04/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062939	12/04/24	VOID (Voided Check)		.00	.00	.00	Automatic Generated Check
	062940	12/04/24	PAC07 (PACIFIC ACE HARDWARE)		1,291.85	.00	1,291.85	Automatic Generated Check
	062941	12/04/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		45,364.98	.00	45,364.98	Automatic Generated Check
	062942	12/04/24	PIS01 (PISANIS AUTO PARTS)		139.58	.00	139.58	Automatic Generated Check
	062943	12/04/24	PIT01 (PITNEY BOWES INC)		2,187.42	.00	2,187.42	Automatic Generated Check
	062944	12/04/24	PRO07 (PROFESSIONAL POOLS)		1,500.00	.00	1,500.00	Automatic Generated Check
	062945	12/04/24	QUI01 (QUILL CORPORATION)		36.52	.00	36.52	Automatic Generated Check
	062946	12/04/24	SHR01 (STERICYCLE INC)		165.71	.00	165.71	Automatic Generated Check
	062947	12/04/24	STA08 (CALIFORNIA DEPT. OF TAX AND		468.80	.00	468.80	Automatic Generated Check
	062948	12/04/24	SUB04 (SUBSURFACE TECHNOLOGIES,INC.		26,390.00	.00	26,390.00	Automatic Generated Check
	062949	12/04/24	SWI01 (SWITZER ENTERPRISES)		17,131.86	.00	17,131.86	Automatic Generated Check
	062950	12/04/24	THO09 (THOMAS LETTERMAN)		2,000.00	.00	2,000.00	Automatic Generated Check
	062951	12/04/24	TOS02 (TOSHIBA FINANCIAL SERVICES)		1,858.12	.00	1,858.12	Automatic Generated Check
	062952	12/04/24	WAL06 (WALTON ENGINEERING, INC.)		600.00	.00	600.00	Automatic Generated Check
	062953	12/04/24	WAV01 (WAVE BROADBAND)		29.70	.00	29.70	Automatic Generated Check
	062954	12/04/24	WES02 (WEST COAST GRAPHICS)		5,935.34	.00	5,935.34	Automatic Generated Check
	062955	12/04/24	WES21 (WESTERN EXTRICATION SPECIALI		81,337.22	.00	81,337.22	Automatic Generated Check
	062956	12/04/24	YOL03 (YOLO-SOLANO AIR QUALITY)		196.50	.00	196.50	Automatic Generated Check
	062958	12/17/24	ABA02 (ASSOCIATION OF BAY AREA GOVE		611.01	.00	611.01	Automatic Generated Check
	062959	12/17/24	AIR01 (AIRGAS-N.CALIF & NEVADA)		8.52	.00	8.52	Automatic Generated Check
	062960	12/17/24	ALL01 (ALLSTAR FIRE EQUIPMENT)		4,741.92	.00	4,741.92	Automatic Generated Check
	062961	12/17/24	AMA01 (AMAZON CAPITAL SERVICES)		341.60	.00	341.60	Automatic Generated Check
	062962	12/17/24	AUS01 (VESTIS SERVICES,LLC)		249.38	.00	249.38	Automatic Generated Check
	062963	12/17/24	BAY03 (BAY ALARM COMPANY)		127.50	.00	127.50	Automatic Generated Check

City of Winters
Month End Cash Disbursements Report
Prior Period Report for 12-24 BANK ACCOUNT 10100

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
12-24	062964	12/17/24	BAY05 (STEVEN RESTIVO)		4,265.36	.00	4,265.36	Automatic Generated Check
	062965	12/17/24	BSK00 (BSK ASSOCIATES)		816.50	.00	816.50	Automatic Generated Check
	062966	12/17/24	CALWF (CAL-WEST FIRE ALARM SERVICES		63.00	.00	63.00	Automatic Generated Check
	062967	12/17/24	CIN03 (CINTAS CORPORATION #622)		1,149.96	.00	1,149.96	Automatic Generated Check
	062968	12/17/24	CLA01 (CLARK PEST CONTROL)		286.00	.00	286.00	Automatic Generated Check
	062969	12/17/24	CON07 (WASHINGTON NATIONAL INS)		214.50	.00	214.50	Automatic Generated Check
	062970	12/17/24	CRE07 (CREEKSIDE SIGNS)		160.88	.00	160.88	Automatic Generated Check
	062971	12/17/24	DAV12 (DAVIDS ENGINEERING,INC.)		17,746.50	.00	17,746.50	Automatic Generated Check
	062972	12/17/24	DON06 (DON JORDAN)		4,078.92	.00	4,078.92	Automatic Generated Check
	062973	12/17/24	DRA01 (DRAPER'S LOCKSMITH SVC)		40.00	.00	40.00	Automatic Generated Check
	062974	12/17/24	FAS03 (FAST & EASY WINTERS)		48.00	.00	48.00	Automatic Generated Check
	062975	12/17/24	FLA00 (FLATLAND CONSTRUCTION)		11,100.00	.00	11,100.00	Automatic Generated Check
	062976	12/17/24	GEC01 (TOSHIBA FINANCIAL SERVICES)		3,004.37	.00	3,004.37	Automatic Generated Check
	062977	12/17/24	GRO01 (FERGUSON WATERWORKS)		602.58	.00	602.58	Automatic Generated Check
	062978	12/17/24	INT03 (INTERSTATE OIL COMPANY)		2,872.76	.00	2,872.76	Automatic Generated Check
	062979	12/17/24	LIF01 (LIFE-ASSIST, INC)		299.20	.00	299.20	Automatic Generated Check
	062980	12/17/24	LIN03 (LINDSAY SHIELDS)		105.00	.00	105.00	Automatic Generated Check
	062981	12/17/24	LNCUR (LN CURTIS & SONS)		150.40	.00	150.40	Automatic Generated Check
	062982	12/17/24	LUC06 (ERIC LUCERO)		600.00	.00	600.00	Automatic Generated Check
	062983	12/17/24	MBC01 (M.B. CONSTRUCTION)		10,000.00	.00	10,000.00	Automatic Generated Check
	062984	12/17/24	MUT01 (MUTUAL OF OMAHA)		4,267.01	.00	4,267.01	Automatic Generated Check
	062985	12/17/24	OWE01 (OWEN EQUIPMENT COMPANY)		10,742.11	.00	10,742.11	Automatic Generated Check
	062986	12/17/24	PAC02 (PACE SUPPLY CORP.)		2,915.36	.00	2,915.36	Automatic Generated Check
	062987	12/17/24	PAC07 (PACIFIC ACE HARDWARE)		25.72	.00	25.72	Automatic Generated Check
	062988	12/17/24	PAY01 (PAYMENTUS CORP)		2,394.26	.00	2,394.26	Automatic Generated Check
	062989	12/17/24	PGE00 (PACIFIC GAS & ELECTRIC CO)		14,296.32	.00	14,296.32	Automatic Generated Check
	062990	12/17/24	PIS01 (PISANIS AUTO PARTS)		598.15	.00	598.15	Automatic Generated Check
	062991	12/17/24	PIS02 (PISANI'S SERVICE)		1,007.16	.00	1,007.16	Automatic Generated Check
	062992	12/17/24	PON01 (PONTICELLO ENTERPRISES)		10,070.00	.00	10,070.00	Automatic Generated Check
	062993	12/17/24	PRO07 (PROFESSIONAL POOLS)		836.00	.00	836.00	Automatic Generated Check
	062994	12/17/24	QUI01 (QUILL CORPORATION)		1,585.10	.00	1,585.10	Automatic Generated Check
	062995	12/17/24	RAM12 (RAMOS OIL INC.)		3,750.49	.00	3,750.49	Automatic Generated Check
	062996	12/17/24	RON01 (RON DUPRATT FORD, INC.)		292.79	.00	292.79	Automatic Generated Check
	062997	12/17/24	SAL10 (SALLY SWANSON ARCHITECTS, IN		50.00	.00	50.00	Automatic Generated Check
	062998	12/17/24	SCR02 (PERMITIUM, LLC)		285.00	.00	285.00	Automatic Generated Check
	062999	12/17/24	SEC01 (SECRETARY OF STATE)		40.00	.00	40.00	Automatic Generated Check
	062999	12/19/24	SEC01 (SECRETARY OF STATE)		(40.00)	.00	(40.00)	Ck# 062999 Reversed
	063000	12/17/24	SHR01 (STERICYCLE INC)		165.71	.00	165.71	Automatic Generated Check
	063001	12/17/24	SIE02 (ALHAMBRA SPRING WATER)		335.83	.00	335.83	Automatic Generated Check
	063002	12/17/24	SLO01 (SLOAN SAKAI YEUNG & WONG LLP		1,133.00	.00	1,133.00	Automatic Generated Check
	063003	12/17/24	STA15 (STATE WATER RESOURCES)		47,162.00	.00	47,162.00	Automatic Generated Check
	063004	12/17/24	STA26 (STAPLES BUSINESS CREDIT)		212.31	.00	212.31	Automatic Generated Check
	063005	12/17/24	SUI00 (SUISUN VALLEY GROWER)		63.70	.00	63.70	Automatic Generated Check
	063006	12/17/24	SWI01 (SWITZER ENTERPRISES)		15,118.21	.00	15,118.21	Automatic Generated Check
	063007	12/17/24	TOS02 (TOSHIBA FINANCIAL SERVICES)		1,746.45	.00	1,746.45	Automatic Generated Check
	063008	12/17/24	TYL00 (TYLER TECHNOLOGIES, INC)		3,818.63	.00	3,818.63	Automatic Generated Check
	063009	12/17/24	VER02 (VERIZON WIRELESS)		2,946.91	.00	2,946.91	Automatic Generated Check
	063010	12/17/24	WAV01 (WAVE BROADBAND)		4,518.42	.00	4,518.42	Automatic Generated Check
	063011	12/17/24	WIL12 (WILLDAN FINANCIAL SERVICES)		2,811.23	.00	2,811.23	Automatic Generated Check
	063012	12/17/24	WIN09 (WINTERS JOINT UNIFIED)		86,990.06	.00	86,990.06	Automatic Generated Check
	063013	12/17/24	WIN0A (CITY OF WINTERS-UTILITIES)		4,797.38	.00	4,797.38	Automatic Generated Check

City of Winters
Month End Cash Disbursements Report
Prior Period Report for 12-24 BANK ACCOUNT 10100

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
12-24	063014	12/17/24	YOL01 (YOLO COUNTY ENVIRONMENTAL)		1,664.00	.00	1,664.00	Automatic Generated Check
	063015	12/17/24	ZAC02 (ZACHARY DAVIS)		231.98	.00	231.98	Automatic Generated Check
	063016	12/17/24	ZOR01 (ZORINA TREAT)		23.64	.00	23.64	Automatic Generated Check
	063017	12/17/24	\C004 (CARDINALE, VINCENZO & DANA		165.43	.00	165.43	Automatic Generated Check
	063018	12/17/24	\C063 (CARDINALE, VINCENZO & DANA		165.43	.00	165.43	Automatic Generated Check
	063019	12/17/24	\C064 (CASTRO, GEORGE		10.00	.00	10.00	Automatic Generated Check
	063020	12/17/24	\C065 (GONNELLA, NANCY		10.00	.00	10.00	Automatic Generated Check
	063021	12/17/24	\D035 (DENK, ETHAN & SAMANTHA		225.00	.00	225.00	Automatic Generated Check
	063022	12/17/24	\H001 (HANSEN, ARDITH KENTNER &CHRI		102.09	.00	102.09	Automatic Generated Check
	063023	12/17/24	\J005 (JOHNSON, STEPHEN & RACHEL		899.04	.00	899.04	Automatic Generated Check
	063024	12/17/24	\R066 (REYES, LUIS		4,112.71	.00	4,112.71	Automatic Generated Check
	063025	12/17/24	BBK01 (BEST BEST & KRIEGER LLP.)		32,683.08	.00	32,683.08	Automatic Generated Check
	063026	12/17/24	GRA05 (GRANICUS INC)		9,702.49	.00	9,702.49	Automatic Generated Check
	EFT123	12/03/24	PER01 (PERS)		36,154.23	.00	36,154.23	HEALTH BILLING FOR DECEMB
			Total for Bank Account 10100 ----->		635,843.77	.00	635,843.77	
			Grand Total of all Bank Accounts ----->		635,843.77	.00	635,843.77	

Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount		
	Reg	130	6,585.30	239,749.42	246,334.72		
	Totals	**130**	**6,585.30**	**239,749.42**	**246,334.72**	è	**246,334.72**

Third Party Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount		
	Agency	14	13,429.24	3,995.00	17,424.24		
	Totals	**14**	**13,429.24**	**3,995.00**	**17,424.24**	è	**17,424.24**
	Total Net Payroll Liability		**20,014.54**	**243,744.42**	**263,758.96**	è	**263,758.96**

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	322,044.53	322,044.53	14,273.74			
CA SDI - Employee				154,074.05	154,074.05				
Totals						**14,273.74**		è	**14,273.74**

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
CA Edu & Training		0.001000		361,308.32	6,207.00		6.21		
California SUI	698-1462-2	0.026000	Quarterly	361,308.32	6,207.00		161.38		
Totals							**167.59**	è	**167.59**

FITW and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
Federal Income Tax	94-6000457		Semi-Weekly	322,044.53	322,044.53	35,170.63			
Medicare				361,308.32	361,308.32	5,239.00			
Medicare - Additional				361,308.32	361,308.32	282.71			
Medicare - Employer				361,308.32	361,308.32		5,238.97		
OASDI				361,308.32	278,098.26	17,242.06			
OASDI - Employer				361,308.32	278,098.26		17,242.09		
Totals						**57,934.40**	**22,481.06**	è	**80,415.46**

FUTA and Related Taxes	Tax Id	Rate	Frequency	Wages	Cap Wages	EE Amount	ER Amount		
Fed Unemployment	94-6000457		Quarterly	154,074.05	5,457.00				
Totals								è	**0.00**

Total Tax Liability	**72,208.14**	**22,648.65**	è	**94,856.79**
Total Payroll Liability		**358,615.75**	è	**358,615.75**

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Minutes of the Regular Meeting of the Winters City Council Held February 4, 2025

Mayor Vallecillo called the meeting to order at 6:32 PM.

ROLL CALL

Present: Council Members Casavecchia, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo

Absent: Council Member Loren

Staff: Acting City Manager Joe Gorton, Assistant Attorney Joanna Gin, Police Chief John Miller, Public Works Director Eric Lucero, Deputy City Clerk Zorina Treat.

PLEDGE OF ALLEGIANCE

Tina Lowden led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion made by Council Member Scianna, seconded by Mayor Pro Tem Biasi, to approve the agenda as presented. Motion passed 4-0, with Councilmember Loren absent.

COUNCIL/STAFF COMMENTS

Verbal updates were provided by Council Members, and Mayor Vallecillo noted that there was no reportable action from the closed session at today's special meeting.

PUBLIC COMMENTS

Tina Lowden proposed renaming the Winters Community Center to the Winters Community Center/Senior Center, citing underuse for senior events. Lowden highlighted the needed upgrades, accessibility features, and senior-only parking.

CONSENT CALENDAR

6.A. First Amendment to Subrecipient Agreement No. 23-86 with the Winters Joint Unified School District Regarding Community Development Block Grant CARES ACT for COVID-19 Response and Recovery for Public Services (CDBG-CV)

6.B. Resolution 2025-02 Accepting the Pool Resurfacing Project located at 708 Railroad Ave. as Complete and Directing the City Clerk to File a Notice of Completion

6.C. Appointment of Kristine DeGuerre to Yolo County Waste Advisory Committee

6.D. Minutes of the Regular Meeting of the Winters City Council Held on January 21, 2025

6.E. Resolution 2025-04 Approving the License Agreement with Solano Subbasin Groundwater Sustainability Agency (Solano GSA) for Access to City Property for the Purpose of Groundwater Monitoring.

6.F. Resolution No. 2025-05 Approving First Amendment to Professional Service Agreement with Hinderliter, de Llamas and Associates (HdL) to Increase by $24,000 for a Total Not-to-Exceed Amount of $42,000 and Authorizing the City Manager to Execute Said Amendment.

Acting City Manager Joe Gorton introduced the Consent items.

Public comment was given by Kate Laddish. She expressed support for the pool resurfacing project and Kristine DeGuerre's appointment to the Yolo waste advisory committee.

Motion made by Mayor Pro Tem Biasi, seconded by Council Member Scianna, to approve the consent calendar as presented. Motion passed 4-0, with Council Member Loren absent.

PRESENTATIONS

7.A. Presentation of Yolo County Housing Strategic Plan 2025-2029 by Ian Evans, Executive Director, Yolo County Housing

Ian Evans, Executive Director of Yolo County Housing, outlined the agency's funding sources (HUD, Office of Migrant Services, HCD) and key programs, including migrant centers, public housing (431 units), voucher programs, client services, and development partnerships. Strategic goals focus on increasing homeownership by 50% by 2029, expanding affordable housing by 15% in five years, improving housing infrastructure, and enhancing operations. Key projects include the El Rio Redevelopment (Phase One by 2029) and the Putah Creek Walking Path kickoff on February 14th. The strategic plan will be presented to Davis and West Sacramento City Councils on February 13th, with final adoption in March.

Public comment was given by Kate Laddish. She expressed enthusiasm for the proposed path down to the Putah Creek Walking Path, and Council Member Scianna expressed her support. They emphasized the importance of accessibility considerations for individuals using wheelchairs, walkers, and strollers.

DISCUSSION ITEMS

None

CITY MANAGER REPORT

None

INFORMATION ONLY

Council Member Casavecchia asked Police Chief Miller for updates on the homeless population and environmental conditions and whether there have been any improvements due to weather changes.

ADJOURNMENT

Meeting Adjourned at 7:35 PM

_____

Albert Vallecillo, MAYOR

ATTEST:

_____

Zorina Treat, Deputy City Clerk

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 18, 2025
FROM: Cathy Mathews, Director of Administrative Services
SUBJECT: Resolution 2025-06 Authorizing Updates and Additions to Job Descriptions/Classifications .

RECOMMENDATION:
Approve Resolution 2025-06 updating fourteen (14) job descriptions/classifications and one (1) proposed job description/classification.

BACKGROUND:
On January 16, 2024, City Council awarded an agreement to Sloan, Sakai, Yeung & Wong LLP for Classification and Compensation Study Services with Resolution 2024-03. On November 5, 2024, the Classification and Compensation Study Report prepared by Sloan, Sakai, Yeung & Wong LLP was presented to and received by Council.

DISCUSSION:

The classification portion of the study addressed changes in operations, organizational structure, reporting relationships, and staffing, which may have affected the type, scope, level, and classification of work being performed by employees. The study encompassed 25 classes. Many of the City's classes are of an undetermined age. Job duties and requirements evolve over time due, in part, to changes in the way we do business, updates to technology, or updates to professional certification and license programs and requirements. The goal was to ensure that those changes are reflected so that the job descriptions keep pace with the essential job functions as they are being performed today. Throughout the process, employees and management have had input. This data was used to identify the key skills, knowledge, and abilities required for each job class and changes in job duties/responsibilities which are included in the fourteen proposed updated classifications listed below.

	City Class Reviewed	**Updated Classification Recommendation with Title Change (if applicable)**
1	Building Official	Building Official
2	Senior Planner	Senior Planner
3	City Manager	City Manager
4	Executive Assistant to City Manager/Deputy City Clerk	Executive Assistant to City Manager/Deputy City Clerk
5	Senior Accountant	Senior Accountant
6	Director of Administrative Services	Director of Administrative Services
7	Human Resources/Administrative Services Technician	Human Resources Technician
8	Fire Captain	Fire Captain
9	Fire Chief	Fire Chief
10	Fire Engineer	Fire Engineer
11	Firefighter	Firefighter
12	Police Chief	Police Chief
13	Director of Operations & Maintenance	Director of Operations & Maintenance
14	Environmental Services Manager	Environmental Services Analyst

The consultant further recommended a new job description for a Payroll/Accounting Technician to appropriately capture work currently being done within the city and created

the job description of Accounting/Payroll Technician before you this evening for adoption. Upon adoption, any effects of implementation can be reviewed with the affected employee(s), manager(s), and employee groups (if applicable).

The remaining ten (10) recommended updated job descriptions/classifications listed below are in review with the affected employee(s), manager(s), and employee groups (if applicable) and will be brought to council at a future date.

	City Class Reviewed	**Updated Classification Recommendation with Title Change (if applicable)**
16	Development Services Technician I/II	Development Services Technician I/II
17	Accountant	Accountant
18	Records Clerk I/II	Fiscal/Administrative Clerk I/II
19	Administrative Coordinator – Police Department	Administrative Coordinator – Police Department
20	Community Services Officer I/II	Community Services Officer I/II
21	Sergeant	Police Sergeant
22	Police Officer	Police Officer
23	Facilities Manager	Maintenance Manager
24	Maintenance Worker II	Maintenance Worker I/II/III
25	Maintenance Worker III	Maintenance Worker I/II/III

FINANCIAL IMPACT

There is no financial impact associated with adopting the job description(s)/classification(s).

ATTACHMENT(S):

1. Resolution 2025-06
   - Proposed Updated Job Descriptions/Classifications (14) and Proposed New Job Description/Classification (1)

RESOLUTION NO. 2025-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING UPDATES AND ADDITIONS TO JOB DESCRIPTIONS/CLASSIFICATIONS

WHEREAS, On January 16, 2024, City Council awarded an agreement to Sloan, Sakai, Yeung & Wong LLP for Classification and Compensation Study Services. On November 5, 2024, the results of that study were presented to and received by Council; and

WHEREAS, The study identified and recommended updates and title changes to existing classifications and a new job description/classification; and

WHEREAS, staff has proposed new and updated job descriptions/classifications aligned with the study for the positions of Building Official, Senior Planner, City Manager, Executive Assistant to City Manager/Deputy City Clerk, Senior Accountant, Director of Administrative Services, Human Resources Technician, Fire Captain, Fire Chief, Fire Engineer, Firefighter, Police Chief, Director of Operations & Maintenance, Environmental Services Analyst and Payroll/Accounting Technician (Attachment A to the accompanying staff report on file with the City Clerk); and

WHEREAS, proposed changes to the Job Description(s)/Classification(s) will accurately reflect the requirements for these positions.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Winters does hereby approve the new and updated job descriptions for the positions of Building Official, Senior Planner, City Manager, Executive Assistant to City Manager/Deputy City Clerk, Senior Accountant, Director of Administrative Services, Human Resources Technician, Fire Captain, Fire Chief, Fire Engineer, Firefighter, Police Chief, Director of Operations & Maintenance, Environmental Services Analyst and Payroll/Accounting Technician in Attachment A to the accompanying staff report on file with the City Clerk.

PASSED AND ADOPTED by the City Council, City of Winters, this 18th day of February 2025 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Albert Vallecillo, MAYOR

ATTEST:

_____
Jeremy Craig, City Clerk

CITY MANAGER

DEFINITION

To plan, organize, direct and review the overall administrative activities and operations of the City; to advise and assist the City Council; to represent the City's interests with other levels and agencies of government, business interests, and the community at large; and to provide leadership to the City and its staff.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Council. Exercises direct and indirect supervision over assigned staff as well as overall responsibility for all City personnel.

CLASS CHARACTERISTICS

This is an exempt executive (at-will) position, appointed by the City Council in accordance with Winters Municipal Code Chapter 2.08. The City Manager exercises the full range of administrative and management responsibilities.

EXAMPLES OFIMPORTANT/ESSENTIAL DUTIES

The duties and responsibilities of the City Manager are outlined in Winters Municipal Code, Section 2.01.010 – Position created – Powers and duties.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Principles and practices of complex municipal administration, departments, organization, and economic development functions and services
- Principles and practices of effective public relations and interrelationships with community groups, agencies, private businesses, and other levels of government
- Principles and practices of leadership, motivation, team building, and conflict resolution
- Pertinent local, state and federal laws, codes and regulations
- Current social, political, and economic trends and operating issues of municipal government
- Organizational management practices as applied to the analysis and evaluation of programs
- Principles and practices of personnel and organizational management
- Principles and practices of budget preparation and administration

Ability to:

- Plan, direct and control the administration and operations of the City
- Prepare, administer, and implement a City-wide budget

- Develop and implement City-wide policies and procedures
- Supervise, evaluate and provide clear direction to staff
- Gain cooperation through discussion and persuasion
- Provide effective leadership and coordinate the activities of the organization
- Analyze, interpret, summarize and present administrative and technical information and data in an effective manner
- Serve effectively as the administrative agent of the City Council
- Interpret and apply Federal, state, local, and City policies, procedures, laws, and regulations
- Communicate clearly and concisely both orally and in writing
- Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION/EXPERIENCE

Any combination of education and experience that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Equivalent to a Bachelor's Degree from an accredited college or university with major work in public administration or related field (a Master's Degree in public administration or related field is preferred) and five years of increasingly responsible experience in a municipality comparable to the City of Winters at an executive level capacity which involved responsibility for the planning, organizing, implementing and supervising of a wide variety of work programs.

License/Certificate

- This position requires possession of a valid Class C California Driver's License within 30 days of appointment and a satisfactory driving record as a condition of initial and continued employment

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Work emphasizes speech, hearing, and vision, as well as prolonged sitting, moderate lifting, reaching, stooping, pulling and pushing activities.

Work Environment

- Work is conducted primarily in an office setting. Conditions include frequent attendance at evening meetings and frequent irregular hours as necessary to meet deadlines and achieve objectives.

BUILDING OFFICIAL

DEFINITION

Under general direction, plans, organizes and provides direction and oversight to the Building Division including plan check and inspection services; provides enforcement and interpretations of all state and local building codes and the creation and implementation of policies and procedures; ensures the life, health and safety of the citizens of the City of Winters. Serves as the principal enforcement officer of the building and housing codes of the city. Coordinates assigned activities with other departments and outside agencies; provides highly responsible and complex administrative support to the City Manager and others.

SUPERVISION EXERCISED AND RECEIVED

This position works under the direction of the City Manager and is responsible for supervising and overseeing assigned inspection or other staff assigned to building permit and construction activities.

CLASS CHARACTERISTICS

This is a single position management classification responsible for overseeing daily and long-term operations of the Building Division. This position plays a critical role in the City's overall development services operation and is the City's primary technical expert on building safety. The incumbent is responsible and accountable for the quality of services provided by the Building Division staff.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Manage, oversee, and participate in the development of work plans, assignment of work activities, projects and programs, monitors workflow.
- Provide leadership and enforce all federal, state, and local building regulations.
- Develop, recommend, and implement division goals, objectives, policies and procedures.
- Examine, evaluate, and approve building, plumbing, mechanical, and electrical installations or alterations of buildings; this includes evaluating activities, methods, and procedures and ensuring compliance with seismic standards.
- Inspect, evaluate, and approve construction of structural system fire, life and safety and disability access requirements, on-site grading, landscaping, and related architectural and zoning requirements and improvements.
- Assist the Fire and Police Departments in the investigation of alleged violations of the City of Winters Municipal Code associated with building construction, disability access, housing and site improvements.

- Oversee the compilation of statistical data and report preparation related to building permit activity used by various federal, state and local agencies.
- Supervise, train, and evaluate assigned staff.
- Answer questions, provide information to the public, recommend corrective action; investigate, document, and resolve problems.
- Meet with architects, engineers, developers, contractors, builders, property owners, and other City Departments to identify and resolve issues related to design and construction standards.
- Issue Certificates of Occupancy.
- Ensure safe work environment and safe work practices.
- Establish and maintain cooperative relationships with those contacted during the course of work.
- Perform other duties and responsibilities if needed or as delegated.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Approved building construction methods, materials, and proper inspection methods.
- Principles and practices of the adopted Building, Plumbing, Mechanical, Electrical, and Fire Codes and applicable Federal, State and local laws, rules, codes and regulations.
- Building code standards and other regulations that govern the design and occupancy of buildings; accessibility (ADA) standards and requirements.
- Principles and practices of supervision, staff selection, training, and personnel management.
- Methods and techniques of effective technical report preparation and presentation.
- Principles of structural design, engineering, mathematics, and architectural plan review and inspections.
- Safe work practices and related regulations.
- Legal procedures involved in enforcing building regulations.

Ability to:

- Provide assistance in developing and administering budgets
- Interpret, explain and apply building codes, inspection methods, plan check principles, relevant laws, departmental rules and regulations.
- Analyze, interpret and check complex plans, specifications, and calculations.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Use computers and needed technology effectively.
- Negotiate alternative means and approvals for projects with practical difficulties.
- Communicate effectively both orally and in writing.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

An associate degree from an accredited college or university with significant course work in the areas of structural, mechanical, or civil engineering, architecture or a related field.

And

Eight years of progressively responsible experience in building inspection, construction, or plan review with extensive experience interpreting and enforcing California Building, Plumbing, Mechanical, and Electrical Codes.

Three years of supervisory experience is highly desirable.

License/Certificate

- Current certification as a Building Official by the International Code Council (ICC), California Building Official's (CALBO) Leadership academy or Council of American Building Officials is required.
- ICC or ICBO Certification as a Plans Examiner and Building Inspector
- California Driver's License (Class C)
- Obtain a California Access Specialist Program (CASP) certification within twelve (12) months of hire.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Incumbents in this class must have the mobility to work in a standard office or field/construction environment, use standard office equipment and attend off-site meetings. Mobility to traverse uneven terrain. Occasional standing for extended periods of time, bending and squatting. Occasional lifting up to 50 pounds. Constant use of overall vision which must be within normal range. Frequent grasping, holding, and reaching. Frequent hearing and talking in person and over the telephone. Frequent coworker contact, occasionally working alone

Work Environment

- Work is generally performed in an office setting, however, occasional field work for inspections or investigations may be necessary to perform complex inspections, evaluate staff or fill in for vacancies. This position may also involve evening meetings, field visits, occasional weekend and holiday work and assignments which extend the hours of work beyond the normal workday/workweek. May be required to participate in after-hours on-call assignments. The work environment is high pressure, fast paced, and demands and involves accommodating a large volume of work, resolving complaints and frequent interruptions.

SENIOR PLANNER

DEFINITION

Under the general direction of the City Manager, the Senior Planner performs and oversees professional planning work in the area of current and long-range planning; provides highly complex assistance in the areas of Planning, Housing and Economic Development; and oversees the City's housing program and consultants. This position is a member of the City's management group.

SUPERVISION EXERCISED AND RECEIVED

Receives direction from the City Manager. Exercises technical and functional supervision or direction over professional personnel as it relates to the Planning functions and directs the work of professional consultants.

CLASS CHARACTERISTICS

This is the advanced journey level class in the professional planning series and performs at level of Division Manager. Positions at this level are distinguished by the independence with which they perform their more difficult and complex duties requiring the application of advanced principles and practice of urban planning and development. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

PLANNING

- Lead planning and policy efforts, focusing on land use, urban design, regulatory issues, and implementation strategies; prepare amendments to zoning ordinances, create new ordinances, design guidelines, and other policy or regulatory documents.
- Make recommendations on development applications including but not limited to, special use permits, variances, tentative subdivision maps, residential planned development permits, other zoning applications, and prepare appropriate reports.
- Analyze proposed development projects and proposed subdivision maps for compliance with adopted planning and zoning regulations.
- Oversee and administer the General Plan, zoning, specific plans, design guidelines and subdivision ordinances.
- Participate in the work of professional and technical employees including data collecting, analysis, plan formulation, and implementation of a wide variety of planning, zoning and environmental

review activities.

- Perform responsible and complex professional planning work.
- Oversee, participate in, and coordinate special planning, zoning, and environmental studies; prepare reports and findings.
- Prepare assessment of environmental impact for Environmental Impact Reports and other documents required by California Environmental Quality Act (CEQA) for assigned projects. Including monitoring of contract for compliance with contract provisions.

HOUSING

- Assist in preparation and implementation of housing programs for targeted populations including implementation of the General Plan Housing Element; assist developers with affordable housing components of master planned projects; investigate funding mechanisms and sources for affordable housing including bonds for affordable housing.
- Monitor compliance with the adopted affordable housing programs; assist in preparing an economic analysis of the City's affordable housing program and prepares an amendment to the Housing Element as required by State law.

ECONOMIC DEVELOPMENT

- Maintain detailed socioeconomic data and other relevant statistics.
- Monitor available land for development and / or redevelopment for better or higher use.
- Maintain relationships with the business community, including the Chamber of Commerce and Downtown Business Association.

GENERAL

- Provide information to the public regarding zoning, land use, and the general plan; the City's affordable housing program and Housing Element policies; and opportunities and processes related to economic development.
- Prepare and present staff reports on planning and zoning matters to the City Council, Planning Commission, citizen boards and committees; serve as staff to various citizen boards and committees as necessary; prepare agendas and minutes for various boards and commissions.
- Assist in developing and implementing strategies to streamline the planning process.
- Coordinate planning, housing, and economic development activities with other city community development team members (Engineering and Building) and with outside agencies.
- Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.
- Supervise consultant contracts; inclusive of managing work product, quality control, scope, budget, and schedule.
- Conduct community outreach, including facilitating workshops and forums.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Principles and practices of comprehensive urban planning.
- Recent developments, current literature, and information sources in the field of housing, planning and zoning.
- Research methods and techniques including statistics and statistical analysis.
- Applicable federal, state and local laws, rules and regulations relating to planning and housing

activities.

- Principles of organization, administration, budget and personnel management.
- Principles and practices of effective communication, both verbal and written.
- Office methods, electronic filing, and standard software programs, proficient in Word, Excel, PowerPoint, and Outlook. Ability to learn or operate permit software programs.

Ability to:

- On a continuous basis, know and understand all aspects of the job; intermittently analyze work papers, reports and special projects; identify and interpret technical and numerical information; observe and problem solve operational and technical policies and procedures.
- Interpret and explain applicable codes and ordinances.
- Prepare, analyze and make recommendations regarding the financing of housing programs, and policy development and implementation.
- Study, analyze and compile technical, statistical and economic information pertaining to housing, zoning and economic development research.
- Supervise professional, technical and clerical staff and consultants.
- Communicate clearly and effectively, orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Adapt to a changing environment regarding work priorities and projects.
- Exhibit teamwork through participation in collaborative professional dialogue; carries out policy directions and decisions.
- Demonstrate initiative and exercise good judgment in the performance of duties.
- Observe safety principles and work in a safely manner.
- Attend evening meetings as required.
- Represent the City in public events and/or functions.
- Continuously provide and foster an environment that values delivering a high-level of customer services.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

- Four years of responsible experience in the field of housing, urban, economic development, and environmental planning, including one year of supervisory experience.
- Three years minimum of urban planning experience is required and may not be substituted with education unless American Institute of Certified Planners (AICP) “certified planner” designation.
- And, Bachelor’s degree from an accredited college or university with major course work in urban planning, regional planning, business or public administration, or a related field.

  A Master’s degree is highly desirable.

License or Certification:

- Possession of or ability to obtain a California Driver’s license Class C upon hire.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements:

- Must possess mobility to work in a standard office setting, use standard office equipment and move between various office locations; strength to lift and carry office materials weighing up to 10 pounds; vision to read printed materials and on the computer; ability to hear and communicate verbally in person and over the telephone.

Work Environment

- Work is performed in a typical indoor office and occasionally an outdoor environment on a year-round basis. Occasional exposure to loud noise; frequent exposure to chemicals, fumes, and other environmental substances.

Other requirements: Evening, weekend, and holiday work may be required.

EXECUTIVE ASSISTANT / DEPUTY CITY CLERK

DEFINITION

Under direct supervision from the City Manager, this position provides complex and advanced administrative support to the City Manager, City Clerk is, and City Council; performs or assists in a variety of functions associated with City Clerk duties; assists with clerking Council and Planning Commission meetings; assists with municipal elections; performs other duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direct supervision from the City Manager and does not supervise other staff.

CLASS CHARACTERISTICS

The Deputy City Clerk / Executive Assistant position is a single position classification in the City Manager's Office. The incumbent reports directly to the City Manager.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Perform complex and specialized administrative support and special project assistance for the City Manager, City Clerk, and Director of Administrative Services.
- Prepare drafts and publish legal and public notices in coordination with other departments.
- Compile agenda items for City Council and Planning Commission meetings; prepare and distribute agenda packets; summarize and publish agenda information for public meetings.
- Provide administrative support for City Council and Planning Commission meetings; and facilitate meeting audio visual / streaming technology.
- Perform follow-up activities resulting from Council meetings, including preparing drafts and distributing minutes, ensuring that resolutions and ordinances are in proper format and executed, monitoring agenda preparation and publication for various committees and commissions
- Coordinate and track public records act requests and status of responses?
- Update the City's website and assist with social media postings.

- Serve as lead power user for the agenda management platform by creating meetings and agendas, monitoring staff workflow for agenda items, and closing / publishing meeting packets.
- Schedule use of City Hall facilities and Council Chambers; coordinate City Manager's calendar.
- Assist with maintaining the City's centralized records management system, archives, and records retention program.
- Respond to requests from the City Council, City staff, and the public for research and information regarding City codes, ordinances, and established policies and procedures.
- Index and distribute, files, and certify copies of ordinances, resolutions, official minutes, and other public records.
- Coordinate updates to Winters Municipal Code.
- Provide administrative assistance to the Director of Administrative Services in the areas of human resources and risk management, as directed.
- Assist with coordinating and conducting municipal elections.
- Assist in the budget development and processes invoices and purchase orders for the City Manager's Office.
- Provide Notary Public services for City legal requirements.
- Answer phones, monitor public counters, and provide direct assistance to the public.
- Perform other duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Understanding of organization and function of public agencies, including the role of an elected City Council and appointed boards and commissions.
- Basic knowledge of laws and regulations related to City Council agenda and public meetings.
- Proper grammar, spelling, vocabulary, and punctuation; business letter writing and the standard format for reports and correspondence.
- Office management procedures, including filing systems, operations of standard office equipment, and intermediate skills in Microsoft Office Suite products, including Outlook, Work, Excel and PowerPoint.

Ability to:

- Establish, maintain, and foster positive and effective working relationships with staff, elected and appointed officials and the public; effectively communicate in person, over the telephone, and in writing.
- Perform a wide variety of administrative duties in an independent fashion; organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Evaluate, recommend and implement goals, objectives, policies, improvements, and practices for providing effective and efficient services.

- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Maintain confidentiality and be discreet in handling and processing confidential information and data.
- Locate and assemble data; interpret, organize, apply, explain, and ensure compliance with applicable Federal, State, and local laws, rules, regulations, policies, and procedures.
- Learn the operation, policies, and procedures of the City Clerk functions, under the supervision of the City Clerk.
- Compose correspondence and reports independently or from brief instructions; operate office equipment and computer applications related to the work.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Equivalent to the completion of the twelfth grade and three (3) or more years of increasingly responsible experience in a professional office environment; public sector experience highly desirable.

Licenses/Certificates

- Notary Public certification (must be obtained within six months of employment and thereafter kept current).
- Possession of a valid California driver's license.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting.
- Lifting: frequently up to 10 pounds; occasionally up to 25 pounds.
- Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision.
- Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching.
- Hearing/ Talking: frequent hearing and talking, in person and on the phone. (6) Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone.

Work Environment

- Employees work in an office environment with quiet to moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

- Attending evening meetings is regularly required and may be required to travel out of the City to attend meetings and/or conferences.

SENIOR ACCOUNTANT

DEFINITION

The Senior Accountant performs a variety of professional accounting and financial analysis work involving the recording and reporting of financial transactions; to develop fiscal reports according to generally accepted accounting practices (GAAP), maintains record of assets, liabilities, revenue and expense, tax liability, or other financial activities within the organization; reviews work of lower-level staff, reconciles financial records, and completes reports.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Director of Administrative Services, exercises direct supervision over lower-level staff within the Finance Department.

CLASS CHARACTERISTICS

This is an advanced journey level supervisory position. It is distinguished from the journey level Accountant by the performance of the full range of accounting duties and oversight of fiscal operations as assigned with minimal assistance or direction. Incumbents are thoroughly familiar and possess advanced technical expertise related to financial management procedures and perform the most difficult duties including complex technical analysis and the preparation of sophisticated accounting reports.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Analyze financial operations and expenditures; assist in review of expenditure and fund balances in the preparation of the City's annual budget and long-range financial forecasts.
- Serve as a resource for city staff in resolving financial questions and problems.
- Establish / maintain accounting records, post, balance and reconcile general ledger and subsidiary accounts; monitor, control and report on a variety of accounting activities relating to budgets, revenues, city-wide purchasing, asset management, cash management and investments, debt servicing, and financial reporting.
- Perform complex accounting and analytical work in GL management, fund accounting, asset management and preparation of financial statements.
- Analyze, record, and report financial transactions according to GAAP.
- Prepare accounting and management reports; participate in and oversee interim and annual financial reports and statements, including ACFR and State Controller reports, in accordance with GAAP and legal requirements.

- Coordinate with staff to ensure cost accounting and revenue collection systems are consistent with the budget.
- Prepare and audit working papers, financial statements, and reports for internal use, as well as Federal, State and other outside agencies.
- Prepare working papers, financial statements and other reports for internal use, as well as submittal to Federal, State and other outside agencies.
- Maintain records for capital assets, bond disclosures, and compliance with State, Federal, and local financial reporting laws and regulations.
- Conduct research and analysis of financial transactions; reconcile bank statements.
- Maintain confidentiality of records and information
- Plan, prioritize, assign, supervise and review the work of staff involved in a variety of financial related activities, as assigned.
- Schedule, coordinate and oversee audit activities, evaluate financial systems and internal controls to ensure records are accurate and controls are adequate; recommend controls to ensure reliability and integrity of the data.
- Develop recommendations for enhancements, additions, and changes in methods, computerized procedures, and software; oversee the implementation of system modifications.
- Review and maintain chart of accounts
- Navigate and administer financial and transaction software systems

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Generally Accepted Accounting Principles (GAAP) practices, theories and procedures.
- Cost accounting principles and systems.
- Laws, rules and regulations that apply to fiscal operations.
- Accepted methods of business office management.
- Principles and practices of public administration including budgeting, program planning/evaluation and supervision.
- Principles and practices of training and management consulting as applicable to local government.
- Standard office procedures, practices, equipment, personal computers, and software.

Ability to:

- Understand and interpret principles, laws and procedures involved in fiscal record keeping and accounting functions including federal and state laws, recording requirements, bond indentures, development contracts, grants, deeds, city policies, MOU's, contracts, ordinances and resolutions.
- Plan, organize and administer financial programs/services with multiple or complex fiscal streams.
- Analyze fiscal data and draw logical conclusions.
- Identify and resolve problems relating to fiscal and/or administrative operations.
- Prepare fiscal procedures.
- Communicate effectively both verbally and in writing.

- Establish and maintain cooperative working relationships with those encountered within the course of work.
- Understand electronic and manual accounting systems.
- Explain, analyze and apply accounting and auditing principles and procedures.
- Understand and explain complex policies and procedures
- Train others in accepted general governmental accounting principles, procedures, rules and regulations.
- Supervise and coach employees
- Understand program objectives in relation to departmental goals and procedures.
- Collect and analyze data to establish/identify needs and evaluate program effectiveness.
- Perform administrative duties on behalf of a high-level administrator with little or minimal supervision.
- Display situational awareness; draw logical conclusions and make appropriate recommendations.
- Prepare budgets, funding proposals and narrative, presentations, and statistical reports.
- Secure cooperation and teamwork among professional and/or support staff. • Understand and analyze expenditure reports.
- Maintain accurate records and document actions taken.
- Interview people to obtain information needed to investigate/resolve complaints.
- Research regulations, procedures and/or technical reference materials.
- Communicate clearly and concisely, both orally and in writing.
- Maintain confidentiality of information.
- Utilize personal computer using word processing and spreadsheet computer program applications and Federal/State automated accounting and cost reporting systems.
- Use basic office equipment.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

A Bachelor's degree from an accredited college or university with major course work in accounting and 3 years of professional accounting and auditing experience; two years in government accounting and one year in a lead or supervisory capacity is desirable.

License/Certificate

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- On a continuous basis, sit at a desk and in meetings for long periods of time; intermittently twist to reach equipment surrounding desk; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Occasionally stand, kneel, climb and bend; perform simple and power grasping, pushing, pulling, and fine manipulation; write and use a keyboard to communicate. Occasionally lift or carry weight up to 25 pounds.

Work Environment

- Employees work in an indoor office environment.

DIRECTOR OF ADMINISTRATIVE SERVICES

DEFINITION

Under the general direction of the City Manager, this position directs, plans, organizes and supervises the City's financial operation, including accounting, accounts payable, purchasing, accounts receivable, tax and fee collection (business license, utility billing) and all cashiering related functions; information technology applications, systems, and network; human resources, and recreational activities in service to the community.

SUPERVISION EXERCISED AND RECEIVED

The incumbent reports to the City Manager and has responsibility for providing daily supervision and oversight to department staff.

CLASS CHARACTERISTICS

This is a single, department head level position. The Director of Administrative Services is an executive level classification responsible for all operational sections and program areas of the Administrative Services Department.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Oversee and manage all fiscal-related services and activities including general accounting functions, fiscal reporting, accounts payable, accounts receivable, payroll, business licensing, revenue collection, internal accounting controls, external audit coordination, and annual budget preparation and presentation.
- Plan, organize and direct City-wide Human Resource services; ensure compliance with legislative, regulatory and judicial mandates and meets local personnel and human resource needs;
- Direct operational changes to increase program effectiveness and efficiency; formulates, justifies and administers the departmental budget.
- Administer, interpret and explain memoranda of understanding affecting employer-employee relations.
- Directs through subordinate managers and/or compile reports of revenue estimates; establishes accounts for proper budgetary control; make special expenditure and cost analysis and prepare reports of City financial conditions; and to plan and present long-range fiscal planning.
- Serve as City Treasurer and is responsible for the investment of City funds consistent with policies, standards, and Council direction.

- Oversee technology services, systems, hardware, and software application, which are provided by vendors, consultants, and contractors.
- Oversee the delivery of recreational programs to the community, including the Bobbi Greenwood swim center activities, seasonal sports teams and facility allocation, special events, park facility reservations, community center operations, senior center operations, and other community building/qualify of life programming that may be assigned.
- Confer with other departments to resolve recruitment, selection, classification and employee relations problems.
- Provide costing proposals and fiscal impact analysis related to labor relations matters and participate in negotiations with collective bargaining groups.
- Develop, maintain, and manage record-keeping for critical programs and projects related to department operations and services to other City units, consistent with approved retention schedules, and policies and procedures.
- Identify, coordinate, and provide coaching, mentoring and supervision for department staff; oversee consultants and project outcomes. research and prepare technical and administrative reports; prepare written correspondence; compile reports of expenditures and revenues of previous fiscal years for comparative purposes; prepare a variety of financial statements and statistical reports for State and Federal agencies.
- Provide information to the public in answering questions concerning fiscal procedures and financial transactions; resolve complaints from the public concerning City fiscal affairs; provide technical assistance as necessary.
- Represent the department to outside agencies and organizations.
- Make presentations to various groups within the City, including City Council and agencies outside the City.
- Establish and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Operations, services and activities of a government finance program
- Management skills to analyze programs, policies and operational needs
- Principles and practices of program development and administration
- Accounting principles, practices, and methods; governmental accounting and auditing principles
- Modern office practices, procedures and equipment
- Principles of supervision, training and performance evaluations
- State laws, local ordinances and resolutions affecting municipal operations
- Principals and techniques of data processing systems
- Principles of supervision, training, team building and performance evaluation
- Pertinent federal, state and local laws, codes and regulations

Ability to:

- Plan and direct the maintenance of the complete City financial records
- Analyze and interpret fiscal and accounting records and data
- Develop and implement accounting and record keeping procedures
- Prepare accurate financial and statistical reports

- Plan, organize, direct and coordinate the work of staff; select, supervise, train and evaluate staff; delegate authority and responsibility
- Lead and direct operations, services and activities of the department
- Develop and administer department goals, objectives and procedures
- Identify problems, develop solutions, and implement a plan of action
- Prepare and administer budgets
- Prepare clear and concise management reports; Conduct complex presentations using various media sources
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals
- Research, analyze and evaluate new service delivery methods and techniques
- Interpret and apply federal, state and local policies, laws and regulations
- Communicate clearly and concisely, both orally and in writing
- Establish and maintain effective working relationships with those contacted in the course of work

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

- A Bachelor's Degree from an accredited four-year college or university with major work in accounting, business, public administration, or a closely related field.
- Seven (7) years of increasingly responsible professional accounting or auditing experience, including at least three (3) years of supervisory experience or general administrative experience in public finance.
- Five (5) years of progressive Human Resources Management

License/Certificate

- Possession of or ability to possess a valid California Driver's license upon hire.
- Certified Public Finance Officer, desired
- SHRM-SCP or SPHR, desired

WORK ENVIRONMENT & PHYSICAL DEMANDS

Physical and Sensory Requirements

- Must possess mobility to work in a standard office setting, use standard office equipment and move between various office locations.
- Must be able to lift and carry office materials weighing up to 10 pounds; vision to read printed materials and on the computer; ability to hear and communicate verbally in person and over the telephone.
- Must be able to climb one flight of stairs regularly, to and from office.

Work Environment

- Employees typically work in an office environment with occasional off-site work.
- Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing human resources policies and procedures.
- Some evening work may be required.

HUMAN RESOURCES TECHNICIAN I/II

DEFINITION

Under general direction, provides a variety of responsible, confidential specialized clerical and technical duties in support of administrative services/human resources services and programs; provides information and assistance to employees and the public regarding City programs, services; processes employee payroll and benefits and coordinates and processes recruitment and onboarding activities.

SUPERVISION EXERCISED AND RECEIVED

General direction is provided by the Director of Administrative Services or designee to the Human Resources Technician II and more direct supervision is provided to a Human ResourcesTechnician I.

CLASS CHARACTERISTICS

The Human Resources Technician I is an entry-level position working initially under direct supervision. Incumbents learn and perform routine administrative, clerical, and technical duties in support of human resources and administrative services. As experience is gained, assignments become more varied, complex, and difficult. Positions at this level perform most duties but are not expected to exercise the same level of independent judgment and independence as a more experienced staff member.

The Human Resources Technician II is a journey-level position. Positions at this level perform the full range of duties within the human resources field under general supervision of the Director and take on the more complex assignments. This level works more independently, exercising considerable judgment and initiative.

An incumbent in either position may also be assigned to work in other areas of the department if/when needed.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Provide general assistance, answer questions regarding benefits, payroll, recruitment, onboarding, selection, and related human resources services to City employees and the public; advise applicants regarding recruitment activities and processes, assist employees in completing general human resources forms and documents; process confidential and sensitive personnel data, applicant data, and related information.
- Create, post and track recruitment advertisements or brochures; research costs and receive quotes and bids on ad placement.
- Enter and update employee master data into City's human resources and payroll database system; may review and verify payroll documents and perform employee master data entry for payroll and assist with maintenance of payroll records and preparation of payroll related reports.

- Process new hire and separation benefits and payroll information; prepare personnel files, new hire forms, materials, and data, ensuring accuracy of data entered; coordinate final paycheck data, including timesheet data, applicable deductions, and related payroll information; compile and complete materials and data provided to employees during new hire orientations and exit interviews, including benefits eligibility forms, retiree benefits eligibility forms, and related documents.
- Assist with coordinating benefits activities, including open enrollment benefits and continuation (COBRA); assist employees with completing benefits enrollment and change forms; review and verify data on employee enrollment forms, troubleshoot and coordinate with benefits carriers to ensure employee eligibility and enrollment.
- Prepare communications for recruitment activities by the required deadlines; draft, process and send letters, memos, and related correspondence regarding recruitment activities to applicants, interview panels, and others; notify candidates regarding selection outcomes.
- Receive, input and process employment applications; review and verify application materials submitted; enter applicant information into the applicant tracking database.
- Coordinate leave management programs; advise employees on their rights under Family Medical Leave Act (FMLA), receive and process requests for FMLA, and other leaves; send initial notices; request additional information and prepare other leave-related correspondence.
- Provide general clerical assistance and administrative support to Administrative Services Department; coordinate and prepare materials and set-up meeting sites for HR or Administrative Services events.
- Conduct new employee orientations and processes all documentation for new employees; provide instruction on enrollment forms, review forms for accuracy and completeness, and answer employee questions; process benefit enrollment information; assist in the development of benefits-related communication material.
- Compose a variety of correspondence and documents; research, organize, and compile a variety of data required for preparation of reports
- Coordinate printing of various human resources documents and materials; proof and submit job flyers, open enrollment materials, and related materials; coordinate distribution and mailing of materials.
- Coordinate with temporary and placement agencies as needed; obtain quotes and bids; process agreements.
- Attend and participate in job fairs, assessment testing, open enrollment meetings, and related activities; provide general assistance and information to employees, staff, and the public.
- Receive, screen, and direct calls; provide information regarding Administrative Services and Human Resources services to the public.
- Attend and participate in meetings as required.
- Other duties as assigned.

Human Resources Technician II, in addition to those functions listed above:

- Prepare and process employee injury reports; assist in processing worker's compensation claims.
- Review confidential files and respond to inquiries for the same.
- Assist with classification, compensation, and exam programs.

- Track, coordinate, schedule training sessions and workshops in support of risk management objectives.
- Assist in collection and analysis of labor relations and payroll information.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Office procedures, methods, and equipment including computers and applicable software applications.
- Principles and practices of human resources administration.
- Principles and procedures of record keeping
- Basic business accounting functions.
- Principles and procedures of data entry.
- Principles and practices of proper phone etiquette and customer service.
- English usage, spelling, grammar and punctuation.

Ability to:

- Maintain confidentiality when working with sensitive information.
- Perform a wide variety of clerical and data management duties in support of human resources activities.
- Respond to requests and inquiries from employees and the general public.
- Type at a speed necessary for successful job performance.
- Maintain accurate records and files.
- Perform data entry and retrieval functions through computerized systems and online databases management systems.
- Multi-task and maintain tact and courtesy in a fast-paced environment.
- Operate office equipment including computers and supporting software applications, copier, 10 key.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Human ResourcesTechnician I: Equivalent to the completion of the twelfth grade and one year of administrative and human resources related experience. Coursework or training in human resources or a related field desirable.

Human Resources Technician II: Equivalent to the completion of the twelfth grade. Coursework or training in human resources, business administration, public administration, or a related field and two years of human resources administrative experience.

An associate degree from an accredited college desirable.

License/Certificate

- A valid class C California's driver's license is required upon hire.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone.
- Extended standing and walking may occur.
- Employees will also bend, stoop, kneel, and reach.
- Employees must possess the ability to lift, carry, push, and pull materials and objects up to 35 pounds.
- Employees must be able to use a flight of stairs to reach the second floor of the historic City Hall building.

Work Environment

- Employees typically work in an office environment with occasional off-site work.
- Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing human resources policies and procedures.
- Some evening work may be required.

FIRE CAPTAIN

DEFINITION

Supervises and oversees a fire company including activities involving fire suppression, emergency medical services, emergency rescue and other fire prevention activities, oversees and participates in training, station and equipment maintenance and administration; provides staff assistance to the Fire Chief, represents the Chief, the Department and the City in fire related organizations.

SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the Fire Chief. Exercises direct and indirect supervision over assigned personnel.

CLASS CHARACTERISTICS

The Fire Captain is a supervisory level class. Fire Captain is distinguished from Fire Chief in that the latter has responsibility for the overall activities and operations of the department. This position acts as a chief officer, responsible for directing the day-to-day activities of an entire shift in the department.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Supervises, evaluates, trains, counsels and disciplines employees in the performance of emergency and non-emergency work areas.
- Schedules personnel to maintain staffing levels; plans and coordinates shift activities; coordinates and conducts training, including company drills and safety meetings.
- Responds to and manages activities relating to fire, emergency rescue, medical, hazardous materials and public services calls; provides command and control of emergency incidents in the absence of superiors; performs a variety of fireground and emergency scene tasks; assists paramedics in care and transport of patients; provides emergency medical care to patients within the scope and practice of an EMT-B; may be required to respond to emergency calls during non-duty hours.
- Conducts investigations to determine fire origin and cause.
- Adheres to and enforces department rules, regulations, policies, and procedures.
- Coordinates and participates in daily activities including fire prevention, public education, and vehicle and station maintenance; coordinates special projects as assigned.
- Represents the Fire Chief, the Department and the City at a variety of regional and statewide organizations.

- Prepares and maintains records and reports.
- Coordinates routine purchases of budgeted items.
- implement policies and procedures; prepare reports; maintain records and perform other administrative procedures of the company.
- Assist management in maintaining and improving the operations of the Department.
- Issue correction notices for fire prevention violations.
- May serve as Acting Fire Chief when assigned.
- Participate in the afterhours “on call” duty officer program as needed.
- Attend special training sessions and schooling as directed.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Modern firefighting and rescue principles, techniques, and procedures, including the operation and maintenance of the various types of fire apparatus and equipment.
- Rules, regulations and operational procedures of the Winters Fire Department.
- Emergency medical technician skills including basic life support CPR, defibrillation, and blood borne pathogens.
- Mechanical, chemical and related characteristics of a wide variety of hazardous materials.
- Building construction; fire codes; hazardous material safety procedures; natural gas and electrical shut off procedures.
- Principles of supervision, training and performance evaluation.
- Local geography, types of building construction, major fire hazards, water supply, fire and building laws and regulations as they related to the City of Winters.
- OSHA, NFPA, SB 198 and Health and Safety Codes that pertain to fire department services and employees.
- Fire training principles, methods, and practices.
- Training and instructing career and volunteer personnel in proper methods and use of equipment.

Ability to:

- Plan, direct and review fire suppression, fire and life safety code compliance and emergency medical service activities, hazardous materials responses, and City-wide disaster preparedness efforts.
- Analyze feasibility of projects and proposed programs; prepare complete and accurate reports.
- Lead and motivate individuals and groups toward the successful accomplishment of assigned projects.
- Operate apparatus and equipment used in modern emergency scene activities. Develop programs through collateral assignments.
- Deal courteously and effectively with the general public.
- Interpret and enforce state and federal codes as well as local codes and ordinances.
- Efficiently operate a personal computer.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

- Perform heavy lifting and physical maneuvering.
- Act calmly and quickly in emergency situations and make effective decisions in such cases.
- Effectively deploy personnel and equipment in fire suppression, rescue, and other emergency operations.
- Tactfully and effectively interact with all people regardless of race, ethnicity, gender, age or economic status.
- Effectively lead, motivate, train and evaluate personnel.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

- High school diploma or equivalent. An associate degree or higher from an accredited college or university is highly desirable and

Experience:

- Five years of firefighting experience in a governmental fire department providing services similar to those provided by the City of Winters Fire Department. Experience as a Fire Engineer or Acting Fire Engineer is desirable.

License/Certificate

- Possession of a valid California Class C Driver License with Firefighter "F" Endorsement, or a higher-class license is required. A satisfactory driving record is a condition of initial and continued employment.
- Possession of a current, valid appropriate EMT certification.
- Completion of California Fire Training & Education System, Firefighter 1 & Firefighter (or equivalent)
- Completion of California Fire Training & Education System, Driver/Operator 1A & 1B (or equivalent)
- Completion of ICS 100/200/300
- Possession of the California Fire Service Training and Education System (CFSTES) Fire Officer Certificate or CFSTES Company Officer Certificate or Completion of all requirements for CFSTES Company Officer Certification task book, Pro Board certification or equivalent will be considered.

Special Requirements

- Must be at least 21 years of age by the date of appointment.
- Free of felony convictions under California Government Code Section 1029.
- Must be legally authorized to work in the United States.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Ability to perform tasks requiring: strength and stamina, such as lifting and moving equipment and objects weighing up to 200 pounds; pushing or pulling objects of up to 215 pounds; sitting,

standing, walking on uneven or slippery surfaces, kneeling, bending, twisting, turning, stooping, squatting, grasping and crawling, ascending and descending stairs and ladders; working both inside and outside with exposure to extreme weather conditions, odors, dust, pollen, chemicals, skin irritants, fumes and solvents; hand and finger dexterity sufficient to use tools; visual acuity for reading gauges, documents and street maps; depth perception; verbal communication, including projecting a voice that can be heard in a noisy environment; hearing and distinguishing various sounds, such as alarms, voices of co-workers and warning horns or sirens in both quiet and noisy environments; working odd and irregular hours while maintaining high level cognitive, interpretive and judgment skills. Required personal protective equipment (PPE) appropriate for job assignments.

Work Environment

- Work in an emergency firefighting environment; work in intense life-threatening conditions; exposure to fire, smoke, bodily fluids, and noise; running, walking, crawling, climbing, stooping, and lifting; work in inclement weather conditions; work in an office environment; sustained posture in a seating position for prolonged periods of time; travel to attend a variety of meetings.

FIRE CHIEF

DEFINITION

To plan, direct, supervise and coordinate activities of the Fire Department and Winters Fire Protection District to prevent and extinguish fires, provide emergency medical services, protect life and property; rescue units, volunteer fire personnel and provide highly responsible and technical staff assistance to the City Manager, City Council, and other operating departments. This position concurrently serves as the City's Emergency Manager.

SUPERVISION RECEIVED AND EXERCISED

Administrative direction is provided by the City Manager. Exercises direct and indirect supervision over assigned staff which may include professional, technical, and clerical positions.

CLASS CHARACTERISTICS

This is an executive level department head position. This class differs from the Fire Captain in that the Fire Chief has overall responsibility for the City's Fire Department. It differs from the City Manager in that the Fire Chief's main responsibilities are related to fire suppression and emergency management activities.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Plan, organize and direct the activities of the Fire Department which include formulate departmental policies and procedures
- Formulate, direct and participate in the development implementation of goals, objectives, policies, and priorities for fire department services.
- In consultation with the City Manager and City Council, assure that the department has adequate resources to fulfill its mission through proper budget planning and execution, personnel selection, and training and development.
- Make every reasonable effort to continually improve the way the job is performed and increase the quality of service to the public, direct research of alternative approaches to fire protection and emergency medical services.
- Serve as incident commander of emergency incidents.
- Prepare and present reports to Council; provide technical and professional advice and recommendations related to levels of service and other related matters; coordinate special studies on a variety of complex problems which require a high degree of technical competence and political awareness.
- Assure that positive public relations and effective working relationships are maintained by the

Department with the public, other governmental agencies, the City Council, City departments, and the media.

- Keep records of fire hydrants and have knowledge of water supply and amount of water available at any given location; inspect commercial and residential structures as requested or directed; and enforce the rules and regulations of the adopted fire code for the protection of life and property.
- Issue or cause to be issued all fire permits within the jurisdiction.
- Review work methods and interdepartmental procedures to ensure effective workflow and compliance with established policies and procedures.
- Promote and maintain safety in the workplace.
- Attend emergencies as necessary and exercise overall supervision of fire and emergency medical resources.
- Direct the enforcement of Federal, State, and local fire codes and regulations and the preparation and adoption of appropriate ordinances.
- Direct investigations to determine the cause and origin of fires and assist in the prosecution of arsonists.
- Direct the formulation of in-service training programs for department personnel and see that programs are carried out.
- Represent the department before the City Council, community, outside agencies and at professional meetings as required.
- Supervise fire, rescue, and disaster medical services in the event of a disaster; assist in updating and improving the City's Emergency Plan; coordinate with State and County agencies to ensure plan compliance and approval.
- Work cooperatively with others.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.
- Advanced methods, practices, and techniques of modern firefighting, fire inspection, fire prevention, fire apparatus and equipment purchasing, hazardous material mitigation, and emergency medical services.
- Laws, ordinances, rules, regulations, and codes affecting the work of the Fire Department.
- Geography, types of building construction, major fire hazards, water supply, fire and building laws and regulations as they relate to the City of Winters.
- Operation of a personal computer and related software.

Ability to:

- Develop and implement fire services which will meet the changing needs of the community; use financial, technological and staff resources effectively for the planning, programming, and promoting of services; set priorities, work well under pressure, and meet deadlines.
- Deal patiently and tactfully with other department directors, elected officials, outside agencies, citizens, and the press.
- Act calmly and quickly in emergency situations and make effective decisions in such cases.

- Interpret, analyze, apply, and articulate relevant laws, rules, contracts, ordinances, regulations, and guidelines.
- Provide effective leadership, team building, conflict resolution and motivation to department personnel.
- Monitor and oversee leadership, team building, conflict resolution and motivation to department personnel.
- Monitor and oversee the expenditures of the department's annual operating budget.
- Analyze feasibility of projects and proposed programs; prepare complete and accurate reports.
- Persuade and motivate individuals and groups toward the successful accomplishment of shared goals and objectives.
- Delegate responsibility; schedule and program work on a long-term basis.
- Efficiently operate a personal computer.
- Plan, direct and review fire suppression, fire and life safety code compliance and emergency medical service activities, hazardous materials responses, and City- wide disaster preparedness efforts.
- Communicate clearly and concisely, both orally and in writing; prepare reports and maintain records.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.
- Meet the physical requirements necessary to perform the assigned duties safely and effectively.

EDUCATION/EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

An associate degree from an accredited educational institution in fire science, public administration, business administration or related field is required. (A Bachelor's Degree and/or additional graduate course work in public administration, business administration or personnel management is preferred.)

And

Five years of broad and extensive experience in all major functions of a fire department, including at least five years firefighting experience in a career department.

License/Certificate

- Possession of a valid California driver's license with Firefighter endorsement.
- Possession of Firefighter I and Firefighter II, and Chief Officer certification issued by the State of California Fire Marshal or equivalent.
- Possession of current Emergency Medical Technician (EMT) and CPR certifications.

Special Requirements/Conditions of Employment

- Establish and maintain residency within the fire protection service area of the City of Winters or Winters Fire Protection District.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Positions in this class typically require: the employee is frequently required to sit and talk or hear. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus. Incumbent must maintain the necessary mental and emotional capacities required for the successful performance of the duties and responsibilities of the position. The employee is occasionally required to stand; walk; use hands to finger, or operate objects, tools, or controls; and reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The incumbent must occasionally lift and/or move up to 100 pounds.

Work Environment

- While performing the duties of this job, the incumbent occasionally works in outside weather conditions. The incumbent is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals. The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

FIRE ENGINEER

DEFINITION

Performs advanced firefighting and rescue activities; operates and maintains the entire range of Fire Department vehicles, apparatus, equipment & facilities. Performs related work and other duties as required.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the Fire Chief and Fire Captains

CLASS CHARACTERISTICS

The Fire Engineer is distinguished from the Firefighter in that the former has primary responsibility to drive to emergency situations, and to provide the maintenance for a variety of fire apparatus, firefighting and rescue equipment in addition to participating in fire suppression and fire prevention activities. It is distinguished from the Fire Captain in that the Fire Captain has supervisory and oversight responsibilities for a designated shift.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Responds to fires, emergency rescue, first aid, fire alarms, natural and manmade disasters, and public assist service calls.
- Operates pumps, and all apparatus to effectively suppress fires, determining the best location for apparatus; connects and lays hose lines and determines the correct operating pressures and water flows. This person may take charge and lead the work of an apparatus and its crew.
- Assists in holding nozzles to direct streams of water, carries and operates various fire extinguishers and other firefighting appliances.
- Raises, lowers, and climbs various ladders; makes forcible entry into buildings, when necessary, ventilates buildings and searches for victims.
- Assists with the overhaul. Salvage, and clean-up operations at any incident.
- Makes every reasonable effort to continually improve the way the job is performed and to deliver the highest quality of service to the public.
- May supervise subordinate personnel in the absence of the Fire Captain.
- Assist management in maintaining and improving the operations of the Department.
- Issue correction notices for fire prevention violations.

- Serve as Acting Fire Captain when qualified.
- Participate in the afterhours assistance as directed.
- Attend special training sessions and schooling as directed.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Modern firefighting and rescue principles, techniques, and procedures, including the operation and maintenance of various types of fire apparatus and equipment.
- Rules, regulations and operational procedures of the Winters Fire Department.
- Emergency medical technician skills including basic life support CPR, defibrillation, and blood borne pathogens.
- Mechanical, chemical and related characteristics of a wide variety of hazardous materials.
- Building construction; fire codes; hazardous material safety procedures; natural gas and electrical shut off procedures.
- Local geography, types of building construction, major fire hazards, water supply, fire and building laws and regulations as they related to the City of Winters.
- OSHA, NFPA, SB 198 and Health and Safety Codes that pertain to fire department services and employees.
- Fire training principles, methods and practices.
- Trains and instructs career and volunteer personnel in proper methods and use of equipment.
- The operation and maintenance of firefighting apparatus and related equipment
- Ground hydraulics and principles of fire streams and modern fire prevention techniques.

Ability to:

- Understand and act in accordance with department policies and rules; to demonstrate a high degree of mechanical aptitude as required in the operation and maintenance of firefighting and rescue equipment
- Drive fire and rescue vehicles with care and safety in accordance with traffic laws and ordinances.
- Analyze situations and adopt effective courses of action.
- Think and act quickly and effectively in emergencies
- Administer first aid including CPR
- Direct the activities of firefighting personnel
- Work effectively without direct supervision
- Assist with fire prevention and inspection activities, and to assist with on-going training programs
- Effectively plan, schedule and carry out the equipment maintenance program.
- Keep simple records and prepare reports
- Understand and carry out oral and written instructions
- Meet the physical requirements established by the department
- Analyze feasibility of projects and proposed programs; prepare complete and accurate reports.
- Lead and motivate individuals and groups toward the successful accomplishment of assigned projects.

- Operate apparatus and equipment used in modern emergency scene activities.
- Deal courteously and effectively with the general public.
- Efficiently operate a personal computer.
- Establish and maintain cooperative and effective work relationships with those contacted in the performance of required duties.
- Perform heavy lifting and physical maneuvering.
- Act calmly and quickly in emergency situations and make effective decisions in such cases.
- Effectively deploy personnel and equipment in fire suppression, rescue, and other emergency operations.
- Tactfully and effectively interact with all people regardless of race, ethnicity, sec, age or economic status.
- Effectively motivate, and train personnel.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

High school diploma or equivalent; an associate degree or higher from an accredited college or university is highly desirable.

Two years full-time paid experience in firefighting or two years as a Winters Volunteer/Reserve.

Experience as a Fire Engineer or Acting Fire Engineer is desirable.

License/Certificate

- Possession of a valid California Class C Driver License with Firefighter "F"
- Endorsement, or higher-class license is required.
- A satisfactory driving record is a condition of initial and continued employment.
- Possession of a current, valid appropriate EMT certification.
- Completion of California Fire Training & Education System, Firefighter 1 or equivalent to completion within 12 months if a Winters Volunteer Firefighter for two years
- Completion of California Fire Training & Education System, Driver/Operator 1A & 1B (or equivalent)
- Completion of ICS 100/200
- Completion of a CPAT or passing of the Winters Firefighter candidate physical agility test 4

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Ability to perform tasks requiring: strength and stamina, such as lifting and moving equipment and objects weighing up to 200 pounds; pushing or pulling objects of up to 215 pounds; sitting, standing, walking on uneven or slippery surfaces, kneeling, bending, twisting, turning, stooping, squatting, grasping and crawling, ascending and descending stairs and ladders; working both inside and outside with exposure to extreme weather conditions, odors, dust, pollen, chemicals, skin irritants, fumes and solvents; hand and finger dexterity sufficient to use tools; visual acuity for reading gauges, documents and street maps; depth perception; verbal communication, including

projecting a voice that can be heard in a noisy environment; hearing and distinguishing various sounds, such as alarms, voices of co-workers and warning horns or sirens in both quiet and noisy environments; working odd and irregular hours while maintaining high level cognitive, interpretive and judgment skills.

- Required personal protective equipment (PPE) appropriate for job assignments.

Work Environment

- Work in an emergency firefighting environment; work in intense life-threatening conditions; exposure to fire, smoke, bodily fluids, and noise; running, walking, crawling, climbing, stooping and lifting; work in inclement weather conditions.

FIREFIGHTER

DEFINITION

To respond to fire alarms, medical emergency, and other emergency activities in the protection of life and property; and to participate in fire prevention, plan checks, training and station and equipment maintenance activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Fire Chief.

CLASS CHARACTERISTICS

The Firefighter is an entry level position. Firefighter is distinguished from Fire Engineer in that the latter has the primary responsibility to drive to emergency situations and provide maintenance to a variety of fire apparatus and equipment in addition to participating in fire suppression and fire prevention activities. It is distinguished from the Captain in that the Captain has responsibility for the oversight and management of a designated shift.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Respond to fire alarms, lay and connect hose lines; hold nozzles and direct water streams; raise and climb ladders.
- Provide basic life support during medical incidents, assessing and initiating patient care until relieved by proper medical personnel.
- Operate all types of portable fire extinguishers, hand tools, hose lined, power tools and appliances, salvage covers, forcible entry tools, emergency medical equipment and other rescue equipment.
- Maintain regular and consistent attendance.
- Promote and maintain safety in the workplace.
- Work cooperatively with others.
- Shut down natural gas and electrical services to structures.
- Respond to hazardous materials incidents.
- Test and maintain fire hoses and hydrants.
- Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code.
- Participate in fire drills and attend training sessions.

- Respond to inquiries from the public.
- Assist in investigating fire origin and cause.
- May be requested to respond to fire calls during non-duty hours.
- Participate in the afterhours “on call” duty officer program as directed by the Fire Chief.
- Provide traffic control.
- Inventory supplies; maintain records.
- Maintain fire engines, emergency equipment, clean station quarters and equipment and maintain a clean and orderly condition in and about the firehouse; perform minor building maintenance.
- Operate radio-telephone equipment.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Rules, regulations and operational procedures of the Fire Department.
- Firefighting methods, techniques, and procedures; operating and mechanical principles involved in the operation of fire apparatus and equipment.
- Dangers and disposition of hazardous materials.
- Emergency medical technician skills including basic life support, CPR, defibrillation, and blood borne pathogens.
- Fire prevention codes and ordinances; building construction; natural gas and electrical shut off procedures.
- Learn firefighting methods and techniques, the operation of firefighting equipment, street location and physical layout of the City, and major fire hazards.
- Demonstrate mechanical aptitude as required in the operation of firefighting equipment.
- Retain presence of mind in emergencies; analyze fire and emergency situations and report to officer.
- Understand and follow oral and written directions promptly and accurately.
- Deal courteously and effectively with the general public.
- Efficiently operate a personal computer.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

Ability to:

- Tactfully and effectively interact with all people regardless of race, ethnicity, sec, age or economic status.
- Perform heavy lifting and physical maneuvering.
- Perform general office and clerical duties in support of assigned activities.
- Communicate effectively, both orally and in writing.
- Meet the physical requirements necessary to safely and effectively perform the assigned duties.

EDUCATION/EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

High school diploma or equivalent. College-level coursework in fire science, general management, or related field and previous firefighting experience is desirable.

License/Certificate

- Possession of a valid Class C California Driver's License, with the ability to obtain a Class B Firefighters Driver's license with air brake and tank endorsements before the completion of the probation period.
- Possession of California Firefighter I Certificate or the equivalent of two years experience as a Winters volunteer or reserve firefighter.
- Possession of Emergency Medical Technician I Certificate
- Possession of a CPR and AED Certificate

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Ability to perform tasks requiring: strength and stamina, such as lifting and moving equipment and objects weighing up to 200 pounds; pushing or pulling objects of up to 215 pounds; sitting, standing, walking on uneven or slippery surfaces, kneeling, bending, twisting, turning, stooping, squatting, grasping and crawling, ascending and descending stairs and ladders; working both inside and outside with exposure to extreme weather conditions, odors, dust, pollen, chemicals, skin irritants, fumes and solvents; hand and finger dexterity sufficient to use tools; visual acuity for reading gauges, documents and street maps; depth perception; verbal communication, including projecting a voice that can be heard in a noisy environment; hearing and distinguishing various sounds, such as alarms, voices of co-workers and warning horns or sirens in both quiet and noisy environments; working odd and irregular hours while maintaining high level cognitive, interpretive and judgment skills.
- Required personal protective equipment (PPE) appropriate for job assignments.

Work Environment

- Work in an emergency firefighting environment; work in intense life-threatening conditions; exposure to fire, smoke, bodily fluids, and noise; running, walking, crawling, climbing, stooping and lifting; work in inclement weather conditions.

POLICE CHIEF

DEFINITION

Under broad general direction of the City Manager, the Police Chief plans, directs, and organizes the activities of the Police Department in law enforcement and crime prevention; plans, directs, reviews, and manages Department activities and operations encompassing a wide range of law enforcement-related functions including community-based policing, patrol services, traffic services, , investigations, crime prevention, emergency preparedness, public information, staff training, and related administrative/technical services; assures Department compliance with and enforcement of applicable Federal, State, and local laws, ordinances, and codes; manages and supervises staff; serves as a member of the City's Executive Team.

SUPERVISION RECEIVED AND EXERCISED

This is an executive level department head position. Broad general direction is provided by the City Manager. The Police Chief has broad supervisory authority over a large and diverse group of management, supervisory, professional, technical, and support positions whose incumbents perform the full range of police service-related activities.

CLASS CHARACTERISTICS

This is a single-position executive management classification. The Police Chief's duties are administrative/managerial in nature, and the incumbent performs work that is very complex, with broad authority for overseeing the day-to-day operations of the Police Department as well as responsibility for Department strategic planning and goal setting. The incumbent has extensive contact with public officials, State/Federal/local agencies, other public/private organizations and the general public, and is responsible for developing, proposing, and implementing programs designed to provide quality police protection services, crime-solving and prevention services and maintain excellent customer service within the Department's jurisdiction. The classification of Police Chief is distinguished from other classes in the department by its level and degree of responsibility for broad oversight of all Department functions.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Plan, organize, manage, lead, and direct the overall operations of the Police Department including, but not limited to, those services related to community-based policing, patrol, traffic, investigations, crime prevention, public information, and staff training, as well as related administrative/technical services.

- Select, assign, train, direct, and evaluate subordinate staff, including subordinate managers, supervisors, sworn professionals and others; assure training and guidance for staff involved in various aspects of police service; oversee and implement disciplinary actions when necessary.
- Develop, plan, and implement Police Department goals and objectives in accordance with the core purpose, mission, vision, and values of the organization; develop, recommend, and administer policies and procedures; establish priorities; monitor the efficiency and effectiveness of Department work products through quality control and related activities.
- Administer, direct, and participate in development of the Police Department budget; analyze budget data to identify and project resource needs; obtain needed resources; develop strategies to increase Department funding; develop and monitor grant-funded programs; monitor and approve budget expenditures.
- Review legislation and ensure Police Department compliance with appropriate law enforcement-related laws, regulations, statutes, and codes.
- Participate as a member of the City's Executive Team; provide assistance, information, and counsel to the City Manager and the City Council on police service-related matters.
- Coordinate assigned activities with City officials, other City departments, and outside agencies as appropriate; maintain effective working relationships with City staff, Federal/State/local agencies, other public/private organizations, and the general public; seek to achieve positive public relations in all Police Department activities; participate on committees and boards and in community activities as assigned; attend meetings, conferences, and workshops as assigned; may testify in court and/or before legislative bodies.
- Coordinate with the Office of Emergency Services to ensure collaboration and joint efforts in planning and community preparedness efforts.
- Constantly strive to improve Police Department operations through training and professional development opportunities for employees and promotes inclusiveness and values diversity throughout the organization.
- Constantly strive to strengthen Police Department relationships within the community and encourage positive relationships with the public and possess a high degree of awareness of and sensitivity to the cultural diversity of the community.
- Prepare complex statistical and narrative reports, correspondence, and other documents.
- May participate in difficult investigations and/or crime scenes as necessary to help manage and/or oversee operations; may perform special projects.
- Serve as the primary Press Information Officer of the Police Department.
- Perform other related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Principles and practices of modern public administration including planning, organizing, staffing, leading, and controlling.
- Principles and practices of human resources management, supervision, and training.
- Public relations practices and techniques.
- Current principles, practices, methods, and techniques of policing and law enforcement with particular reference to community-based policing including administrative, operational, and investigative services; maintenance and use of modern law enforcement, weapons, and safety equipment.
- Current literature, laws, regulations, and developments, as well as various agencies that impact police-related services.

- Research methods; report writing techniques; statistical concepts and methods; principles and techniques of project management.

Ability to:

- Lead, administer, and oversee a municipal Police Department; make decisions under pressure.
- Supervise subordinate personnel, including managers, supervisors, and sworn professional staff.
- Develop and implement police service-related strategic plans, policies, and procedures.
- Develop, administer, and control budgets.
- Read and interpret complex laws and regulations regarding police-related services.
- Establish effective working relationships with public officials, public/private agencies, and the general public on a variety of issues.
- Prepare complex narrative and statistical reports, correspondence, and other documents.
- Participate in or direct difficult investigations/crime scene activities if required.
- Use of modern office equipment, including computers, computer applications and software.
- Use of modern communication devices including radios and cell phones.
- Use of law enforcement weapons and other equipment.

EDUCATION/EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Possession of a bachelor's degree from an accredited college or university with major work in public/business administration, criminal justice or related field is required. A Master's Degree in public/business administration, criminal justice or a related field is preferred.

Completion of POST Command College, FBI National Academy, or comparable law enforcement executive training is desired.

And

Ten years of increasingly responsible experience in all major phases of municipal police work; at least three years of responsible administrative/management experience in a municipal police department.

Bilingual: Knowledge of a second language is beneficial.

License/Certificate

- Must have and maintain a valid CA POST Basic certificate. A POST Management Certificate and ability to obtain POST Executive Certificate is desirable.
- A California Driver's License, Class C is required

Special Requirements

- Must be at least 21 years of age by the date of appointment.
- Free of felony convictions under California Government Code Section 1029.

- Must be legally authorized to work in the United States under federal law. Must pass a background investigation, which includes a criminal history check for job-related convictions, polygraph Medical/Drug Test/Psychological Test, and credit check.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Sit for extended periods of time; bend, twist, turn, kneel, squat, climb and reach; lift, carry, push up to 90lbs and pull up to 60lbs. when restraining individuals.
- Ability to maintain physical fitness requirements of the position and to successfully complete: pre-employment physical agility evaluation and a comprehensive psychological and medical examination prior to appointment.
- Hand and finger dexterity sufficient to operate office equipment, non-lethal weapons, and firearms
- Vision and hearing ability to P.O.S.T. standards
- Able to maintain attentiveness and concentration throughout their entire shift
- Of good moral character, as determined by a thorough background investigation
- Found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer.
- Must possess mobility to work in a standard office setting and use standard office equipment; Sit for extended periods of time; Regularly bend, twist, turn, kneel, squat, climb and reach
- Regularly push, pull, lift, and/or carry light to moderate weights
- Frequently lift and/or move moderate to heavy weights
- Occasionally lift and/or move heavy weights
- Occasionally climb and balance
- Able to Restrain or subdue individuals; Overcome physical obstacles during the course of work
- Ability to speak well enough to be understood when transmitting information over telephone and radio

Work Environment

- Work is performed in both an indoor and an outdoor setting. Work involves extensive public contact often in high stress and emotionally charged situations. May be exposed to physical and verbal abuse, or combative suspects, where considerable self-control must be exercised. Work may include substantial periods of time exposed to various weather conditions (including extreme heat and rain), irritants and allergens. Must be able to work nights and weekends, subject to callouts.

DIRECTOR OF OPERATIONS AND MAINTENANCE

DEFINITION

Under the general direction of the City Manager, the Director of Operations and Maintenance oversees all Public Works operations and maintenance activities of the City of Winters. This position manages, plans, budgets, directs, and reviews activities relating to the operations, maintenance, and repair of the City's water distribution and wastewater systems; streets, sidewalks, and traffic safety devices; drainage collection systems; and parks and facilities. This position also provides complex administrative work related to the overall operation of the department; monitors projects, maintains records, and provides technical expertise; and responds to problems and emergencies related to all divisions of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager and has responsibility for providing direct supervision over professional, technical, administrative, and supervisory staff and consultants.

CLASS AND CHARACTERISTICS

This is a single, department head level position. The incumbent reports to the City Manager and has responsibility for providing oversight and management to department staff. The Director of Operations and Maintenance an executive level classification responsible for all operational sections and program areas of the Public Works Department.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Provides long range planning of major maintenance projects involving coordination with other divisions and departments to define, prioritize, budget and schedule maintenance programs related to pavement maintenance, water distribution, sanitary sewer collection, wastewater treatment, drainage conveyance and detention maintenance, park and facility maintenance.
- Plans, schedules, assigns, and supervises daily activities directly and through subordinate supervisors. Is responsible for oversight and outcomes of all Public Works program areas.
- Coordinates work with contractors, private utilities, and other City departments, divisions, and sections for the construction, operation, maintenance and repair of water distribution systems, sewage collection systems, flood control and storm drainage systems, streets and facilities maintenance.
- Reviews Capital Improvement Plan (CIP) and private land development project plans and drawings, confers with engineers, contractors, and City staff regarding projects and project problems; provides technical advice and assistance; and evaluates work and makes change recommendations based on observation and operational problems.

- Ensures that City standards are met; ensures compliance with all federal, state, and local rules and regulations related to infrastructure and utility systems.
- Responds to emergencies such as hazard spills, floods, loss of electrical power; and maintains a variety of records and information on the occurrences.
- Develops, implements, and monitors safe operating procedures and safety programs in the construction, maintenance and operation of the distribution, collection, storm drainage, streets, parks and facilities maintenance; inspects work and directs use of the most efficient methods, interprets, analyzes, and explains policies, procedures and programs.
- Prepares and administers department budget; prepares, reviews, and modifies specifications for specialized equipment and contractual repair services; reviews and approves all orders for necessary maintenance supplies and equipment; and recommends the purchase of major equipment and items routinely used; provides highly responsible and complex administrative support on behalf of the department.
- Supervises handling public complaints and inquiries; represents the department to outside agencies and organizations; participates in outside community and professional groups and committees.
- Recommends the appointment of personnel; provides or coordinates staff training; conducts performance evaluations; recommends corrective action and implements discipline procedures as directed; maintains high standards necessary for the efficient, ethical and professional operation of the Department.
- Participates in and assists with supporting multiple community based special events and activities.
- Performs other duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Principles and techniques, methods, tools, supplies, materials, and equipment including machine work applicable to heavy industry used in the construction, maintenance, repair, and replacement of the City's distribution, collection, storm drainage, streets, parks, and facilities maintenance.
- Practices, procedures and operating principles of water distribution and wastewater maintenance and operation to assure water quality, including SCADA systems.
- Principles and practices of organization, administration, budget, and personnel management, including capital planning, public works procurement requirements, and contract management.
- Principles and practices of supervision, training, performance evaluation, and work scheduling.
- Applicable federal, state, and local laws, rules and regulation codes.
- Principles and practices of leadership, motivation, team building and conflict resolution.

Ability to:

- Train, mentor, supervise, evaluate, and discipline subordinate personnel.
- Interpret and work from sketches, plans, diagrams, and blueprints.
- Establish and maintain effective working relationships and realistic goals.
- Provide and manage expectations for the Department.
- Communicate clearly and effectively, verbally and in writing.
- Develop, implement, plan, schedule, and direct construction, repair, and maintenance.
- Monitor and manage the progress of multiple projects simultaneously.
- Observes, anticipate, plan for and problem solve operational, safety and technical policy and

procedures.
- Develop and write clear and concise technical and non-technical reports.
- Current office, SCADA, and maintenance management systems, including Word, Excel, and Outlook.
- Continuously provide and foster an environment that values delivering a high-level of customer service.
- Responds competently, independently, and effectively to emergency situations.
- Ability to keep executive leadership and organization informed of critical information.

EDUCATION/EXPERIENCE

Any combination of education and experience that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Equivalent to completion of a Bachelor's degree from an accredited college or university with major course work in civil engineering, construction management, or a related field.

And

Six (6) years of increasingly responsible experience in the design, construction or maintenance of water distribution, sanitary sewer collection, storm drainage, streets, parks, and facilities maintenance in a municipal public works organization; including a minimum of three (3) years of increasingly responsible experience working in a management capacity.

License/Certificate
- Possession of a Water Distribution Operator Certificate (D3) issued by the California Department of Health Services (DOHS) and/or Collection Systems Maintenance Certificate issued by the California Water Environment Association (CWEA) is desirable.
- A valid class C California driver's license is required upon hire.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical / Sensory Requirements
- Must be able to perform tasks requiring sitting, standing, walking; occasional exposure to chemicals, skin irritants, fumes, and solvents; generally inside work with occasional outside work with exposure to weather, odors, dust and pollen; the use of sense of smell; acute hearing to distinguish audible alarms; finger and hand coordination; use of a computer terminal; and the ability to sit and stand for extended periods of time. The ability to lift 25 pounds such as files, manuals, or small tools and equipment for distances up to 50 feet. Required to wear personal protective equipment (PPE) appropriate for job assignments; must comply with respiratory protection program and Cal OSHA standards.

Work Environment
- Work is performed in chiefly in an indoor environment, however, specific issues may involve outdoor work; incumbents work alone; travel from site to site; incumbents may be exposed to noise, dust, inclement weather conditions, and potentially hostile environments. Night, evening, and weekend work may be required.

ENVIRONMENTAL SERVICES ANALYST

DEFINITION

Under direction of the Director of Operations and Maintenance and/or City Manager, plans, organizes and provides direction and oversight for a variety of public works functions and activities, to include areas such as water distribution, wastewater collection, City environmental programs, storm drain maintenance, storm water pollution prevention, water conservation, and solid waste reduction; provide highly responsible and complex support to upper management. Responsible for regulatory compliance with Local, State, Federal and other agencies regarding all public works departments. Work alongside and in partnership with all Departments to assist in matters and issues and their relationship with the Public Works Department.

CLASS CHARACTERISTICS

This classification provides program management and support. The Environmental Services Analyst works with significant independent authority to perform difficult and complex work in the areas of water, wastewater, parks, streets, roads and facilities. Incumbents are responsible for assisting with the development, recommendation, and implementation of goals, objectives, policies, and procedures, and work extensively with Public Works staff, other City employees, various public/private organizations, and the general public.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Maintain the City's regulatory compliance with all appropriate agencies regarding water, wastewater, storm water, parks, streets, facilities, air quality, and solid waste reduction and other environmental issues as needed.
- Manage assigned services, activities and contracts related to water distribution, wastewater collection, streets and storm drain maintenance, storm water pollution prevention, water conservation, solid waste reduction, and other assigned public works functional areas.
- Participate in the development and implementation of goals, objectives, policies, and priorities for assigned areas.
- Develop and submit key water, wastewater, integrated waste, air quality and other reports to local, state and other governmental agencies.
- Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.
- Participate in the development and administration of the annual budget forecast funds needed for staffing, equipment, regulatory fees, permits, monitor and approve expenditures; make adjustments as necessary.

- Serve as liaison regarding regulatory and contract services functions with City and outside agencies.
- Serve on a variety of committees, teams, boards, and other formal bodies.
- Prepare and present staff reports and other related correspondence.
- Establish, ensure compliance, and enforce safety requirements; coordinate and participate in safety training for staff.
- Conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to assigned areas, policies, and procedures.
- Attend and participate in professional group meetings; stay abreast of new regulations, trends and innovations in the public works field.
- Respond to and resolve difficult and sensitive inquiries and complaints. Service in various emergency response roles as required.
- Schedule quarterly and annual testing of drinking water system.
- Oversee annual backflow testing and reporting.
- Schedule and attend annual inspections with Local, State and Federal agencies and manage new regulatory requirements.
- Complete and file annual Local, State and Federal regulatory reports.
- Investigate grant opportunities, apply for beneficial grants to improve City and Public Works opportunities for improvement, manage grant spending and reporting.
- Serve as Project Manager for assigned engineering and capital projects; monitor for quality of work and adherence to contract terms and conditions.
- Code Public Works purchases, service contracts and capital project related progress billings including issuance of purchase orders, check requests; track Public Works staff certifications and reimbursements. Review plans and specifications for various projects as assigned.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Operational and maintenance services and activities in the assigned areas. Water, wastewater, parks, streets, and facilities.
- Regulations and monitoring requirements for the City related to Public Works Departments.
- Public Works operational methods, materials, and engineering specifications.
- Principles and practices of public agency administration and management.
- Principles and practices of municipal budget preparation, monitoring, and administration.
- Principles of supervision, training, and performance management.
- Pertinent federal, state, and local laws, codes, and regulations.
- Ability to:
- Complete and file necessary regulatory reports as needed on a timely basis.
- Assist in giving direction regarding the operations, services, and activities of assigned public works functional areas.
- Develop and administer department goals, objectives, policies, and procedures.
- Administer and oversee a variety of construction projects.
- Prepare and administer large and complex budgets.
- Prepare clear, concise, and effective administration and financial reports.

- Analyze problems, identify alternative solutions, anticipate consequences of proposed actions, and implement recommendations.
- Research, analyze and evaluate new service delivery methods and techniques.
- Communicate effectively, both orally and in writing
- Establish and maintain effective working relationships and with the public.
- Interpret and develop policies and procedures based on State and Federal regulations.

EDUCATION/EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

A bachelor's degree from an accredited college or university with a major in engineering, geology, construction management, business administration, or public administration is desirable.

Five years of progressively responsible supervisory or management experience in the maintenance and operation of a variety of public works facilities and projects.

Note: Additional qualifying experience may substitute for the education on a year-for year basis.

License/Certificate

- Possession of a valid California Class C Driver's License at the time of appointment. Individuals who do not meet this requirement due to a physical disability will be reviewed on a case-by-case basis.
- A Water Distribution D-1 certificate is desirable.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- Occasional standing for long periods of time, bending and squatting. Occasional lifting up to 50 pounds; constant use of overall vision which must be within normal range. Frequent grasping, holding, and reaching. Frequent hearing and talking in person and over the telephone. Frequent coworker contact, occasionally working alone

Work Environment

- Work is performed in a typical indoor office and outdoor environment on a year-round basis. Occasional exposure to loud noise; frequent exposure to chemicals, fumes, and other environmental substances.

Other requirements: Evening, weekend, and holiday work may be required.

ACCOUNTING/PAYROLL TECHNICIAN

DEFINTION

Under general supervision, to perform a variety of specialized accounting and payroll functions. This includes entering employee time records, processing payroll and associated reports and preparing required payments as well as processing accounts payable transactions.

SUPERVISION EXERCISED/RECEIVED

This position reports to the Senior Accountant and/or the Director of Administrative Services. It is not a supervisory position.

CLASS CHARACTERISTICS

This class is characterized by the responsibility to perform specialized payroll and accounting tasks and apply knowledge of required recordkeeping procedures as well as to work independently entering employee time and processing payroll for the City using discretion and judgment.

JOB RELATED/ESSENTIAL QUALIFICATIONS

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

- Enter employee time and process and produce the City's bi-weekly payroll and perform related activities, which include review and verification of payroll documents, data entry for payroll records and information, maintenance of payroll records, and preparation of various payroll related reports.
- Monitor and ensure timely payment of all mandated state and federal payroll taxes; process bi-weekly payments for automatic deposits, deferred compensation, and other benefit plan payments.
- Participate in accounting tasks related to the maintenance of the City's financial record keeping reporting, and control systems including processing accounts payable by reviewing and entering invoices, statements and other billing documents to verify receipt of goods and services, arithmetical accuracy. Process accurate and timely payments.
- Maintain vendor files. Track, prepare and report vendors for 1099. Prepare vendor claims by classifying expenditures noting payee data, recording goods and services received and calculating payment amounts according to established procedures.
- Enter financial transactions to manual and/or accounting systems; examine accounts and correct posting errors, adjust balances and reconcile accounts.
- Gather and compile a variety of numerical data and prepare statistical and financial reports for distribution internally and to outside agencies such as federal, state, and other local agencies.

- Receive and respond to inquiries and complaints from employees, property owners, vendors, and others; research accounting records and provide explanation of procedures and processes.
- Maintain automated, as well as manual files for financial data storage and retrieval.
- Backup for finance front counter customer service inquiries/transactions and assist in answering main phone line and providing assistance to residents.
- Perform related duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Bookkeeping principles, practices, and techniques.
- Integrated automated accounting and payroll systems; information storage and retrieval techniques; record-keeping methods.
- Mathematical calculations including percentages, decimals, ratios, addition/subtraction, multiplication, division, and business statistics.
- Modern office practices and procedures including business correspondence, filing, and standard equipment operations.
- Federal and state wage and labor laws and regulations related to timekeeping, payroll preparation, taxes and deductions as well as reporting requirements.
- Methods and procedures used in processing payroll documents and transactions.
- English composition, spelling, grammar, vocabular, and punctuation for both written and oral communications.

Ability to:

- Learn and apply federal and state wage and labor laws and regulations and governmental requirements related to timekeeping, payroll preparation, tax and deductions, and reporting requirements.
- Work within rigid and conflicting deadlines, time constraints, and changing priorities.
- Perform technical payroll processing utilizing automated payroll and timekeeping systems.
- Maintain accounting, bookkeeping and statistical records ensuring compliance with legal requirements.
- Collect and compile data.
- Maintain accurate records and document actions taken.
- Operate computers and supporting word processing, spreadsheet, and database applications.
- Use initiative and sound judgment within established procedures and guidelines.
- Establish and maintain cooperative working relationships with those contacted during the course of work.
- Maintain confidentiality of records and information.
- Communicate effectively both verbally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION/EXPERIENCE

Any combination of experience and education of training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

A high school diploma or GED and two (2) years of accounting experience performing bookkeeping financial and statistical recordkeeping; or preparing, reviewing, and processing payroll, benefits using an automated payroll accounting system.

Or

Completion of twelve (12) semester units in accounting or a related field and one (1) year of experience performing bookkeeping financial and statistical recordkeeping; or preparing, reviewing, and processing payroll, benefits using an automated payroll accounting system.

Payroll processing experience within an enterprise resource planning system is desirable.

WORK ENVIRONMENT AND PHYSICAL DEMANDS

Physical and Sensory Requirements

- On a continuous basis, sit at a desk and in meetings for long periods of time; intermittently twist to reach equipment surrounding desk; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Occasionally stand, kneel, climb and bend; perform simple and power grasping, pushing, pulling, and fine manipulation; write and use a keyboard to communicate. Occasionally lift or carry weight up to 25 pounds.

Work Environment

- Employees work in an indoor office environment.

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: February 18, 2025

THROUGH: Jeremy Craig, City Manager

FROM: Cathy Mathews, Director of Administrative Services

SUBJECT: Consideration of a 3% Wage Increase for the Human Resources Technician and the Executive Assistant to the City Manager/Deputy City Clerk retroactive to pay period ending 7/21/24.

RECOMMENDATION:
Consideration of a 3% Salary Increase for the confidential positions of Human Resources Technician and the Executive Assistant to the City Manager/Deputy City Clerk, Retroactive to Pay Period Ending 7/21/24.

BACKGROUND:
The Human Resources Technician and the Executive Assistant to the City Manager/Deputy City Clerk are confidential positions. These positions are not part of any employee association for bargaining. Wage increases for these positions are presented to City Council for consideration.

DISCUSSION
Confidential employee positions require the City Council to consider any wage adjustments as recommended by staff, typically in conjunction with the annual budget if other City employees have received wage increases. The City employees whose bargaining agreements were approved this year received a wage adjustment of 3%. Staff vacancies resulted in a delay bringing this matter forward.

Should the City Council approve the salary adjustment, it would be based on the adjustment for all other employees that have received wage increases, which was 3% this year.

FISCAL IMPACT
None. The approved 2024-25 budget includes this 3% increase.

ATTACHMENTS:
None.

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS

WHEREAS, February is designated as National Senior Independence Month, a time to celebrate the contributions, resilience, and independence of older adults in our community;

WHEREAS, our senior citizens are a vital part of our society, possessing a wealth of experience, wisdom, and knowledge that enriches our lives and strengthens our community;

WHEREAS, promoting senior independence fosters a sense of dignity, self-worth, and active participation in all aspects of community life, ensuring older adults can live fulfilling and meaningful lives;

WHEREAS, supporting senior independence requires a collective effort to ensure accessible and inclusive environments, resources, and opportunities that empower older adults to maintain their autonomy and well-being;

WHEREAS, access to affordable housing, quality healthcare, transportation options, and social engagement programs are critical for fostering senior independence and enabling older adults to age in place with dignity and comfort;

WHEREAS, creating a supportive and inclusive community for our seniors requires fostering intergenerational connections, encouraging volunteerism, and promoting opportunities for older adults to contribute their skills and talents;

NOW, THEREFORE, we, the City of Winters on behalf of its citizens, do hereby proclaim February 2025 as National Senior Independence Month.

I encourage all residents to:

- **Recognize the invaluable contributions of our senior citizens**: to our community and celebrate their achievements, resilience, and wisdom.
- **Promote opportunities for social engagement and intergenerational connections**: by organizing events, activities, and programs that bring together people of all ages.
- **Support initiatives that enhance senior independence**: by advocating for accessible and inclusive environments, including transportation, housing, and public spaces.
- **Encourage older adults to remain active and engaged**: by participating in community activities, volunteering, pursuing hobbies, and maintaining healthy lifestyles.

- **Raise awareness about the resources and services available to seniors**: in our community, including healthcare, support groups, and senior centers.
- **Celebrate the unique strengths and contributions of older adults**: and recognize their role as vital members of our community.
- **Promote age-friendly policies and practices**: that support the independence and well-being of older adults.

By working together, we can create a vibrant and inclusive community that supports the independence and well-being of all our residents, especially our valued senior citizens.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Winters hereby

PASSED AND ADOPTED, this 18 Day of February 2025.

Mayor Albert Vallecillo

Mayor Pro Tem Bill Biasi

Councilmember Richard Casavecchia

Councilmember Carol Scianna

Councilmember Jesse Loren

ATTEST: City Clerk Interim City Manager Joe Gorton

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: January 7, 2025

THROUGH: Jeremy Craig, City Manager

FROM: John P. Miller, Chief of Police

SUBJECT: Presentation of annual report and adoption of Resolution 2025-07 renewing Ordinance 2022-03 "Military Equipment Use" Policy for the Winters Police Department per Assembly bill 481 (Government Code §7072 et seq.)

RECOMMENDATION:

Accept annual report and adopt Resolution 2025-07 renewing Ordinance 2022-03 "Military Equipment Use Policy" for the Winters Police Department per Assembly Bill 481 (Govt. Code §7070 et seq.).

BACKGROUND:

AB 481 was signed into law by Governor Newsom on September 30, 2021, establishing Govt. Code § 7070 et seq. The legislation requires that law enforcement agencies obtain approval of the agency's governing body by ordinance adopting a "military equipment" use policy. The Winters Police Department met the conditions, and the Winters City Council adopted Ordinance 2022-03 on May 3, 2022, to comply with Govt. Code § 7071.

DISCUSSION:

Govt. Code §7072 requires the law enforcement agency to submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter while the military equipment is in use. Govt. Code § 7071(e)(1) requires the governing body to review any ordinance adopted pursuant to this section at least annually and vote on whether to renew the ordinance at a regular meeting.

Pursuant to Govt. Code §7072(b), the Winters Police Department must have a community engagement meeting within 30 days of submitting this report at which the public may discuss and ask questions regarding the annual military equipment report, funding, acquisition, and use. The report being presented as a discussion item to the City Council satisfies this requirement.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed policy as the department currently has no equipment identified in the “military equipment” list (Exhibit “A”).

ATTACHMENT(S):

1. Winters Police Department 2025 annual report on “military equipment” per Govt. Code §7072
2. Winters Police Department Policy 706 “Military Equipment”
3. Ordinance 2022-03 with Exhibit “A”: Winters Police Department “Military Equipment” List
4. Resolution 2025-07

Winters Police Department

702 Main Street, Winters, CA. 95694

Dispatch (530) 795-4561| Office (530) 795-2261| Fax (530) 795-3921

To: City of Winters City Council

From: Chief John P. Miller

Date: February 4, 2025

Subject: 2025 annual report on “military equipment” per Government Code §7072

Pursuant to Government Code §7072, a law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use.

The Winters Police Department presented for consideration a military equipment use policy, which was reviewed and adopted by the Winters City Council on May 3, 2022 (refer to Ordinance #2022-03) and renewed annually as required by statute. The list of military equipment was updated and will be reported to City Council on February 18, 2025.

This document serves as the annual report for calendar year 2025. Pursuant to Government Code §7072, this report shall include the following information:

(1) A summary of how the military equipment was used and the purpose of its use.

Type of Equipment: None.
How equipment was used: N/A.
Purpose of use: N/A.

(2) A summary of any complaints or concerns received concerning the military equipment.

Type of Equipment: None.
Complaints/Concerns: N/A.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

Type of Equipment: None.
Results: N/A.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

Type of Equipment: None.
Total Costs: N/A.
Source funds: N/A

(5) The quantity possessed for each type of military equipment.

Type of Equipment: None.
Quantity: N/A

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Winters Police Department does not intend on acquiring any additional military equipment in calendar year 2025.

Government Code §7072 also requires the law enforcement agency to make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use. The Winters Police Department complies with this requirement by making this information available at https://www.winterspolice.org/288/Transparency-Portal on our website.

Pursuant to Government Code §7072(b), the Winters Police Department must host a community engagement meeting within 30 days of submitting this report at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment. This report will be presented to the City Council on February 18, 2025, as a discussion item to comply with this requirement.

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The City of Winters City Council is the elected body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by the governing body or a state agency to require additional oversight.

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706.2 POLICY

It is the policy of the Winters Police Department that members of this department comply with the provisions of Government Code § 7070 et seq. with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Winters Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: Exhibit A - Winters Police Department Military Equipment List.pdf

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired and authorized by the Department is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Members shall only use military equipment after applicable training has been completed, including any courses required by the Commission on Peace Officer Standards and Training, unless exigent circumstances arise.

706.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

The Department participates with the Yolo County Regional SWAT Team and works closely with local, county, state, and federal partners. In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of community members. If the Department acquires, borrows, or uses military equipment in exigent circumstances, it will provide written notification of the acquisition or use to the City Council within thirty (30) days following the commencement

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of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

While this procedure is wide-ranging, it is not all-inclusive. There may be instances wherein exigent circumstances demand the need for Incident Commanders to authorize military equipment to be used in a manner not outlined within this policy. In scrutinizing those particular instances, the judgment of the Incident Commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

706.8 COMPLIANCE

Department members are bound to adhere to this policy in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or this Policy may result in criminal or administrative investigations and/or actions.

Members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this Policy and how the military equipment is used by any of the following means:

1. Via email to: tips.winters@winterspolice.org
2. Via phone call at (530) 795-2261
3. Via mail to: Winters Police Department, Attn: Military Equipment Coordinator, 702 Main St. Winters, CA 95694

The Department is committed to responding to complaints, concerns, and questions received through any of the above methods in a timely manner.

706.9 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.10 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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Attachments

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Exhibit A - Winters Police Department Military Equipment List.pdf

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EXHIBIT "A"

Winters Police Department "Military Equipment" List

1. California Government Code §7070 (c) (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

    a. Description, quantity, capabilities, and purchase cost
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber; Quantity: 14; Capabilities: a rifle allows a trained officer greater accuracy than a handgun especially at long distances. Rifles are firearms that are fired from shoulder level having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance; Cost: $1500.00.
        ii. Ammunition, Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point; Quantity: 40 cases of 200 rounds, each; Capabilities: when fired from a rifle, the projectile has greater accuracy than a projectile fired from a handgun especially at long distance; Cost: $600 per 1000 rounds.

    b. Purpose
        i. To be used as precision weapons to address a threat with greater accuracy and/or at greater distances than a handgun, if present and feasible.

    c. Authorized Use
        i. Only officers that have received California P.O.S.T. certified training are authorized to use a rifle.

    d. Lifespan
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber – 15 years.
        ii. Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point – no expiration.

    e. Fiscal Impact
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber – $50.00 (cleaning and maintenance).
        ii. Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point – $6000 every two years.

    f. Training
        i. Prior to using a rifle, officers must receive California P.O.S.T. certified training in the operation of the rifle. Additionally, all officers that operate

any rifle are required to pass department range qualification held quarterly.

g. Legal and Procedural Rules
    i. Use is established under Winters Police department Policy 311 "Firearms." It is the policy of the Winters Police Department to utilize rifles only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

h. Other Notes:
    i. These rifles are "standard issue service weapons" for Winters Police Department officers and, therefore, exempted from Military Equipment Use Policy per California Government Code §7070 (c)(10). They have been included in this document in the interest of transparency.

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 ("AB 481") into law which requires law enforcement agencies to adopt a military equipment use policy ("Policy") prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the law; and

WHEREAS, AB 481 requires adoption of the Policy by City Council before the law enforcement agency can take action to request military equipment as defined by the statute; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency's territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481's scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

WHEREAS, to continue to use military equipment acquired prior to January 1, 2022, the City must commence the process of adopting the Policy no later than May 1, 2022; and

WHEREAS, in accordance with AB 481, the proposed Policy was made available on the website of the Winters Police Department ("Police Department") at least thirty days prior to the public hearing by the City Council to adopt the Policy; and

WHEREAS, once adopted, the Policy will be made publicly available on the Police Department's website for as long as the covered military equipment is available for use; and

WHEREAS, in accordance with AB 481, the Policy is being considered as an open session item at a regular meeting of the City Council, and public comment on the item will be allowed in accordance with the Brown Act; and

WHEREAS, this Ordinance shall be reviewed by the City Council at least annually, and based on an annual military equipment report that will be submitted to the City Council pursuant to AB 481, the City Council shall determine whether each type of military equipment identified in the report has complied with the standards for continued approval.

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

SECTION 1. Recitals. The City Council hereby finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. Findings. Pursuant to Government Code section 7071(d)(1), as may be amended or renumbered from time to time, the City Council hereby makes the following findings in support of its adoption of the Policy:

A. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

B. The proposed Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. If the Police Department purchases military equipment pursuant to the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

D. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION 3. Military Equipment Use Policy Adopted. In light of the findings in Section 2, and in accordance with AB 481, the Policy attached to this Ordinance as Exhibit "A" is hereby adopted by the City Council.

SECTION 4. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Severability. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 7. Publication. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in a newspaper in the manner required by law.

INTRODUCED at a Regular Meeting of the City Council of the City of Winters, California, on April 19, 2022, and thereafter **ADOPTED** at a Regular Meeting of the City Council held on this May 3, 2022, by the following vote to with:

AYES: Council Members Anderson, Neu, Mayor Pro Tem Biasi, Mayor Cowan

NOES: None

ABSENT: Council Member Loren

ABSTAIN: None

APPROVED

Wade Cowan, Mayor

ATTEST:

Kathleen Trepa, City Clerk

Exhibit "A"

Military Equipment Use Policy

[Attached behind this page]

EXHIBIT "A"

Winters Police Department "Military Equipment" List

1. California Government Code §7070 (c) (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

    a. Description, quantity, capabilities, and purchase cost
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber; Quantity: 14; Capabilities: a rifle allows a trained officer greater accuracy than a handgun especially at long distances. Rifles are firearms that are fired from shoulder level having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance; Cost: $1500.00.
        ii. Ammunition, Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point; Quantity: 40 cases of 200 rounds, each; Capabilities: when fired from a rifle, the projectile has greater accuracy than a projectile fired from a handgun especially at long distance; Cost: $600 per 1000 rounds.

    b. Purpose
        i. To be used as precision weapons to address a threat with greater accuracy and/or at greater distances than a handgun, if present and feasible.

    c. Authorized Use
        i. Only officers that have received California P.O.S.T. certified training are authorized to use a rifle.

    d. Lifespan
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber – 15 years.
        ii. Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point – no expiration.

    e. Fiscal Impact
        i. Rifle, Colt, Sporter M4 Carbine, 5.56×45mm NATO caliber – $50.00 (cleaning and maintenance).
        ii. Winchester Ranger, .223 Remington caliber, 55 grain, Pointed Soft Point – $6000 every two years.

    f. Training
        i. Prior to using a rifle, officers must receive California P.O.S.T. certified training in the operation of the rifle. Additionally, all officers that operate

any rifle are required to pass department range qualification held quarterly.

g. Legal and Procedural Rules
    i. Use is established under Winters Police department Policy 311 "Firearms." It is the policy of the Winters Police Department to utilize rifles only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

h. Other Notes:
    i. These rifles are "standard issue service weapons" for Winters Police Department officers and, therefore, exempted from Military Equipment Use Policy per California Government Code §7070 (c)(10). They have been included in this document in the interest of transparency.

RESOLUTION NO. 2025-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS RENEWING ITS MILITARY EQUIPMENT USE POLICY

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 ("AB 481") into law establishing Government Code § 7070 et seq. which requires law enforcement agencies to adopt a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the law; and

WHEREAS, on May 3, 2022, the Winters City Council adopted Ordinance 2022-03 adopting a military equipment use policy pursuant to AB 481; and

WHEREAS, Government Code § 7071(e)(1) requires the City Council to review its Ordinance approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the Ordinance at a regular meeting; and

WHEREAS, Government Code § 7072 requires the Winters Police Department to submit to the City Council an annual military equipment report for each type of military equipment approved by the City Council within one year of approval, and annually thereafter for as long as the military equipment is available for use, which was presented to the City Council on February 18, 2025; and

WHEREAS, the City Council shall determine, based on the annual military equipment report submitted, whether each type of military equipment identified in that report has complied with the standards for approval set forth in its Ordinance; and

WHEREAS, the City Council has reviewed the annual military report submitted by the Winters Police Department and determined the military equipment has complied with the standards for approval set forth in its Ordinance; and

WHEREAS, the City Council voted to renew Ordinance 2022-03 by resolution of the City Council set forth below.

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

SECTION 1. The City Council hereby finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. Ordinance 2022-03 is hereby renewed.

SECTION 3. The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not

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

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Winters at its meeting held on February 18, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS:

_____

Al Vallecillo, Mayor

ATTEST:

_____

Zorina Treat, Deputy City Clerk

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

DATE:February 18, 2025

FROM: Jeremy Craig, City Manager

SUBJECT: City Council Discussion and Consideration of Adoption of a Proclamation Calendar for Calendar Year 2025

RECOMMENDATION:
The City Council discuss and adopt a proclamation calendar for Calendar Year 2025.

BACKGROUND:

On an ongoing ad-hoc basis, Councilmembers or members of the community may request a proclamation from the City Council recognizing annual special recognition months or other dates of recognition. The Council has not adopted a formal calendar for those proclamations that are recurring each year.

DISCUSSION:
In order to facilitate those regular occurring proclamations and assist staff in knowing when and what items to prepare proclamations, the Mayor and Councilmember Loren have prepared a proposed calendar of items for the 2025 calendar year which is shown in attachment A to the staff report. Since the Council has no formal proclamation policy, the item is being brought before the Council this evening for discussion, review and approval of the proposed calendar. If approved, Staff will prepare and present the adopted proclamations as shown on the calendar. This would not preclude other non-routine proclamations from being prepared and brought forward to Council but would streamline those recurring items for preparation and adoption.

FISCAL IMPACT:

The only costs associated with the calendar would be staff time in preparing the proclamation. Since most of the calendar items are recurring, the staff time is not significant.

ATTACHMENTS:
Attachment A – Proposed Proclamation Calendar for 2025

Month	Annual Resolution 2025	Receiver of Reso or Declaration
January.		
Jan 21		
February		
4 or 18	National Senior Independence Month	Senior Foundation and Winters Seniors
March		
4-Mar	Declaring March as Women's History Month	Kiwanis, or girls scoouts
18-Mar	Red Cross Month	Red Cross
April	Declare April as Child Abuse Prevention Month	Invite First 5
15,	Proclaiming National Library Weel April 1-7	Library
15	Honoring May 1 as Big Day Of Giving	Yolo Com Foundation
MAY	May is Mental Health Awareness Month in Yolo County	NAMI
6-May	Proclaiming May as Older Americans Month	Winters Senior Foundation
	Proclaim May ___ as Memorial Day in Winters	
June		

3,17	wear orange- National Gun Violence Awareness Day/ Wear Orange June 7th	Local Everytown for Gun Safety
15-Jun	Juneteenth June 19th	
July	Focus on 3rd of July	
August	No Proclamations, only 1 meeting	
Aug 5 meeting		
September	September 15-October 15 is Chicano/Latino Heritage Month	Hispanic Advisory Committee
2,16		
October	Breast Cancer Awareness Month	Thriving Pink
7,21		
	Declaring October as World Polio Awareness Month in Yolo	Rotary
November		
4,18	Native American Heritage Month	Yocha Dehe
	Veterans day 11/11	Invite VFW and Winters Veterans
December		
16	No proclamations, just one meeting	

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: February 18, 2025

THROUGH: Jeremy Craig, City Manager

FROM: Kelly Mumper, Planner

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. Proceed with the continued 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.

At its January 21, 2025 Council meeting, Council requested a map of the areas where stationary food vendors are allowed to operate, information about code enforcement and violations of Chapter 5.36, and the status of permits that are issued.

Staff would like to correct a statement made at the January 21, 2025 Council meeting. Only one conditional use permit has been issued for a stationary food vendor to operate on private property for more than four hours in a single day. That CUP was issued to the property owner of the Winters Market, where Buckhorn's food truck operates. For other stationary food vendors that operate less than four hours in a single day, the City requires health department clearance and a business license.

Staff has proposed edits to the version at the January 21, 2025 City Council meeting, with additions in blue and strikeouts in red. In addition, there are highlighted comments for City Council consideration.

Considerations

1. **Deletion of the CUP requirement for a stationary food vendor**. This would apply for stationary food vendors to apply for a ministerial permit.

2**. Deletion of a four-hour operating requirement before a stationary food vendor must apply for a permit.** 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. The deletion of a four hour threshold would make it easier for the City to enforce permit requirements.

3. Establish hours of allowable operation for stationary food vendors.

4. Confirm the areas that stationary food vendors can operate.

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. Proposed Ordinance No. 2025-01

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.

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:

_____

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.

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5.36.080 Violation—Nuisance.

5.36.090 Insurance for Food Vending Vehicles.

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 vendor 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 or the Community Development Department 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 with property owner's consent.

4. Stationary food vending vehicles ~~shall~~ should 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.~~ (City Council to provide direction on operating hours. Staff recommendation to mimic restaurant hours.)

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.~~ (City Council to discuss area that stationary food vendors may operate.)

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~~ may have 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.

15. Stationary food vendor permits shall expire in one (1) year and may be extended upon Community Development Department approval. (City Council to discuss duration of permit.)

5.36.070 Sidewalk vendors.

The following provisions shall regulate sidewalk vending stands and carts or other operations deemed similar by the Community Development Department ~~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 (City Council to discuss) ~~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 Americans with 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~~ should 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~~ may have tables and chairs for customer use ~~unless the vendor is located in a given area that has~~ if there is adequate sidewalk width to comply with the Americans with Disabilities Act or the area 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~~ Community Development Department approval. (City Council to discuss duration of permit.)

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 for Food Vending Vehicles.

No permit shall be issued to an applicant with a food vending vehicle 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~~ one million dollars ($~~3~~1,00~~0~~,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant. (City Council to discuss limits for stationary food vendors.)

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 under this chapter. 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.~~

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: February 18, 2025

THROUGH: Jeremy Craig, City Manager

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

SUBJECT: Continued Public Hearing from January 21, 2025: 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. Proceed with the continued public hearing on Ordinance No. 2025-002
2. Close the public hearing.
3. Introduce and waive first reading of Ordinance 2025-002 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.

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 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).

On January 21, 2025, the City Council conducted a public hearing, considered the recommendation of the Planning Commission, received public testimony and provided direction to staff to return with changes to the ordinance and provide additional information. The public hearing was continued to February 18, 2025. The approved Minutes for the January 21, 2025 are included as Attachment 3.

DISCUSSION:

The proposed ordinance 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. (See Attachment 2). It 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.

On January 21, 2025, the City Council considered the recommendation of the Planning Commission (see Attachment 1) and provided the following directions to staff :

1) To remove the M-1 and M-2 zones as allowable zones in the Land Use Zones Matrix and add C-1 and C-2 properties as allowable zones for cannabis retail businesses in the City in the aforementioned Matrix; and
2) Provide a map showing 500-foot buffers around "sensitive locations" and include C-1 and C-2 zones.
3) Contact the Police Chiefs at the Cities of Davis and Dixon to inquire about possible crime impacts in or near the respective sites and elsewhere throughout the City.
4) Contact the State Department of Cannabis Control (DCC) to determine if the DCC grant would cover other types of commercial cannabis businesses if they were added to the draft ordinance or at a later time (as they are not contained within the current proposed ordinance) after the ordinance has been adopted.
5) Amended ordinance to have the City Council, rather than the City Manager, approve fees, procedures, etc., by resolution.

Follow up from above items from the January 21st City Council meeting:

A. Item 1 - The proposed ordinance removes the M-1 and M-2 zones from the Land Use/Zones Matrix as directed and allows retail cannabis uses in the C-1 and C-2 zones. This allows the future "Farmstead" project and the 6-acre site on the south side of Grant Avenue to be allowed to apply for a Cannabis Business Permit along with other qualifying properties.

B. Item 2 – Sensitivity buffers and zones maps are included in Attachment 2 to this report.

C. Item 3 – . Police Chief John Miller will reports updates from the Cities of Dixon and Davis.

D. Item 4 - Department of Cannabis Control – In a telephone conversation on February 5, 2025, DCC staff stated that the DCC grant is specifically only for the creation of retail dispensaries which can be for a storefront or non-storefront cannabis business. Funding for the grant program has been extended to FY 2025-2026 and ends on June 30, 2026.

   If the City Council were to direct staff now to include other types of commercial cannabis businesses into the ordinance (Testing, Manufacturing, Distribution, and Micro-businesses) and related provisions accordingly, those costs (with the exception of new procedures for non-storefront retail businesses) would need to be paid for with (non-DCC grant) City funds. Further, DCC staff stated that should the City not adopt a retail ordinance, then DCC would commence a "closure" process to determine the amount of funding that would need to be returned to the state for activities that the City

undertook that were not related to the grant.

E. Item 5 - The proposed ordinance includes new language in three sections as requested by the City Council that allows the City Manager to create administrative guidelines and procedures, fees and application forms and for them to be adopted by the City Council by Resolution rather than have that responsibility assigned directly to the City Manager without oversight. See redlines below:

1. Section 17.205.030 A.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~~ created by the City Manager or his or her designee, subject to approval and adoption by resolution by the City Council. 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:

2. Section 17.205.040 A.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, for adoption by resolution by the City Council. 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.

3. Section 17.205.030 B.4(b)

> City Manager to create procedures with City Council approval. The City Manager or his or her designee may ~~adopt~~ create, subject to approval and adoption by resolution by the City Council, 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.

ALTERNATIVES:

The City Council may:

1) Adopt the Ordinance with or without revisions.
2) Adopt the Ordinance with or without revisions and direct staff to prepare a "trailer" ordinance to include non-storefront, Testing, Manufacturing, Distribution, or Micro-businesses or a combination thereof.
3) Continue the public hearing and direct staff to make revisions to the Ordinance and return at a later date;
4) Decline to proceed with the proposed Ordinance.
5) Refer the Ordinance back to the Planning Commission to make additional recommendations to the City Council possibly to include non-storefront retail businesses in the current ordinance and/or to include Testing, Manufacturing, Distribution, and Micro-businesses.

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.

2) Map showing 500-foot setbacks from sensitive areas and showing allowable properties for the location of a retail storefront commercial cannabis business.

3) Approved Minutes of the regular meeting of the City Council held on January 21, 2025.

4) Ordinance No. 2025-02 - 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.

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:

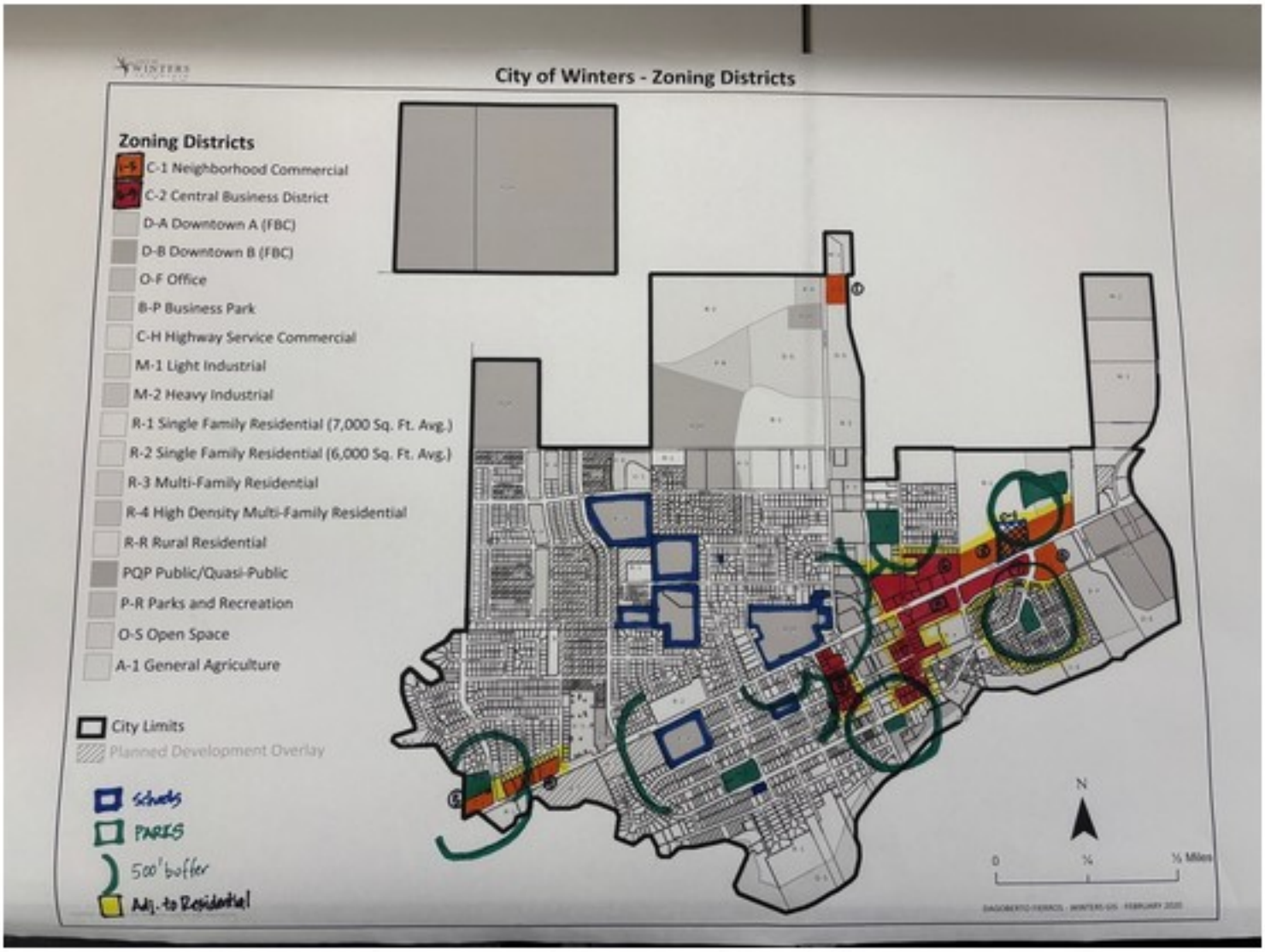
AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

_____
Albert Vallecillo, Mayor

ATTEST:

_____
Jeremy Craig, City Clerk


City of Winters - Zoning Districts
Zoning Districts
C-1 Neighborhood Commercial
C-2 Central Business District
D-A Downtown A (FBC)
D-B Downtown B (FBC)
O-F Office
B-P Business Park
C-H Highway Service Commercial
M-1 Light Industrial
M-2 Heavy Industrial
R-1 Single Family Residential (7,000 Sq. Ft. Avg.)
R-2 Single Family Residential (6,000 Sq. Ft. Avg.)
R-3 Multi-Family Residential
R-4 High Density Multi-Family Residential
R-R Rural Residential
PQP Public/Quasi-Public
P-R Parks and Recreation
O-S Open Space
A-1 General Agriculture
City Limits
Planned Development Overlay
Schools
PARKS
500' buffer
Adj. to Residential
N
0
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½ Miles

CITY OF WINTERS
california
Est. 1875

Minutes of the Regular Council Meeting of the Winters City Council Held January 21, 2025

Mayor Albert Vallecillo Called the meeting to order at 6:30 PM.

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

Absent: None

Staff: Acting Interim City Manager Joe Gorton, Assistant City Attorney Joanna Gin, Interim Police Chief Joseph Kreins, Public Works Eric Lucero, Finance Director Cathy Matthews, Senior Planner Kelly Mumper, Fire Chief Jack Snyder, Planner David Storer, Deputy City Clerk Zorina Treat.

PLEDGE OF ALLEGIANCE
Fire Chief Jack Snyder led the Pledge of Allegiance.

APPROVAL OF THE AGENDA
Mayor Albert Vallecillo recommended postponing item 7A, Introduction of Officer Ivan Martinez, to a later agenda due to illness. Assistant City Attorney Joanna Gin recommended moving item 6B concerning the appointment of two Winters Planning Commission members to fill vacant positions with terms ending on January 1, 2027, to the discussion portion of the agenda.

Motion by Council Member Carol Scianna, seconded by Council Member Jesse Loren 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 Bill Biasi, Mayor Albert Vallecillo.

NOES: None

ABSTAIN: None

COUNCIL/STAFF COMMENTS
Mayor Albert Vallecillo introduced Joe Gorton as the Interim acting City Manager during the temporary absence of Jeremy Craig.

Interim Acting City Manager Joe Gorton introduced Kelly Mumper as the new contract planner for the City of Winters.

Kelly Mumper provided a brief introduction, sharing his professional background, including his previous role as the City Planner and Code enforcement Supervisor for the City of Susanville.

Mayor Albert Vallecillo expressed gratitude to the Fire Chief Jack Snyder and the Fire Department for their support in the Southern California fires.

The council commended the fire department for representing the city and supporting statewide efforts.

Verbal Updates were provided by Council Members.

PUBLIC COMMENTS

Kate Laddish recommended moving from a direct appointment process to an open application process for the Natural Resources Commission.

CONSENT CALENDAR

6.A. Warrant Register for the Month of November 2024

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

Item B was moved to discussion Items.

6.C. Minutes of the Special Meeting of the Winters City Council Held on December 11, 2024

6.D. Minutes of the Regular Meeting of the Winters City Council Held on December 17, 2024

Interim Acting City Manager Joe Gorton introduced the Consent items, announcing that consent item 6.B. was moved to Discussion Items.

Motion by Council Member Jesse Loren, seconded by Council Member Carol Scianna to approve the Consent Calendar as amended. 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. Introduction of Officer Ivan Martinez

The item will be postponed to a later agenda due to Officer Martinez's illness.

DISCUSSION ITEMS

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

Council Member Richard Casavecchia requested a summary of applicants.

Mayor Pro Tem Bill Biasi provided an overview of the subcommittee process, stating that Council member Loren and himself conducted the interviews and noted that the Planning commission had been operating with five members instead of the full seven, creating quorum challenges. Summaries of each candidate's background and qualifications were presented.

Motion by Council Member Richard Casavecchia, seconded by Council Member Jesse Loren to approve the Appointment of Eric Dye and Matt Stone to the Planning Commission with terms ending 1/1/2027. 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

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

David Storer with the Planning Department reviewed the proposed food vendor ordinance as directed by the City Council due to the rise in food vendors in the city.

The ordinance differentiates between vendors on private property and those on public property with additional amendments for administrative fines and penalties. Mayor Vallecillo opened the public hearing at 7:05 p.m.

Kate Laddish sought further clarification regarding the lack of limits of sidewalk food vendors and asked Council to consider the caps by quadrants (at Railroad Avenue & Grant Ave.) for

stationary food vendors that were previously considered by the Planning Commission during public comment and expressed concerns regarding the business and community ecosystem. Mayor Vallecillo closed the public hearing at 7:08 p.m.

The council Directed Staff to look at code enforcement issues including the posting of permits, taxes and the status of existing permits for vendors and report back. A map of where stationary food vendors currently allowed to operate and information regarding what is happening with other jurisdictions within were requested.

Motion Council Member Loren, seconded by Council Member Carol Scianna, to continue the public hearing to February 18, 2025. 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

8.B. 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.

David Storer presented a draft ordinance focusing on retail storefront cannabis businesses. The grant received from the Department of Cannabis Control (DCC) was designated for retail licensing. Mayor Vallecillo opened the public hearing at 8:22 p.m.

Resident Jim Hyer expressed concerns about increased crime in the city and asked how cash operations will be tracked. Kate Laddish noted that the ordinance was restrictive, and asked how the location of a retail cannabis storefront will affect businesses around it and whether the businesses should be separated from other businesses operating in the city. Angelica Sanchez with Perfect Union mentioned that the four parcels that allow for retail cannabis are already in use by businesses. Crystal Apilado asked how existing police resources will be impacted by allowing retail cannabis within the city. Mayor Vallecillo closed the public hearing at 8:35 p.m.

Discussion ensued among the Council regarding revising zoning to include C1 and C2 zones instead of limiting to M1/M2, adding back the Farmstead property and the 6-acre site on the south side of Grant Avenue as presented to the Planning Commission. The Council directed staff to provide a revised map with 500-ft buffers from schools, parks, and youth facilities. The City Council also asked staff to clarify with DCC whether additional license types (testing, manufacturing, distribution and micro-businesses) can be included under the existing grant funding. Mayor Pro Tempore Biasi recommended revising the language in Section 17.205.03(B)(4)(b) and elsewhere in the Ordinance directing the City Manager to create procedures to instead refer to City Council creating the procedures by resolution. Staff were directed to have security and enforcement conversations with other city police chiefs and to report back.

Motion by Council Member Jesse Loren, seconded by Council Member Carol Scianna, to continue the public hearing until February 18, 2025. Motion carried unanimously by the following vote:

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

NOES: Mayor Pro Tem Bill Biasi

ABSTAIN: None

CITY MANAGER REPORT
None

INFORMATION ONLY
Mayor Albert Vallecillo called for a moment of silence for the victims of the Southern California fires.

ADJOURNMENT
The meeting adjourned at 9:55 p.m.

Albert Vallecillo, Mayor

ATTEST:

Zorina Treat, Deputy City Clerk

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, on January 21, 2025, the City Council provided direction to staff to incorporate changes into the proposed ordinance and return with additional data on February 18, 2025; and

WHEREAS, the public hearing was continued to February 18, 2025; and

WHEREAS, the proposed ordinance 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 (non-hosted) is allowed in all residential zones upon planning commission approval of a conditional use permit (CUP).
8. Commercial Cannabis Permit (CCP) required.

* 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 created by the City Manager or his or her designee, subject to approval and adoption by resolution by the City Council. 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, for adoption by resolution by the City Council. 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 with City Council approval. The City Manager or his or her designee may ~~adopt~~ create, subject to approval and adoption by resolution by the City Council, 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