

**MINUTES
REGULAR CITY COUNCIL MEETING**

January 10, 2017

City of Watsonville
Council Chambers
275 Main Street, 4th Floor

5:30 P.M.

1. CLOSED SESSION

(City Council Conference Room, 275 Main Street, 4th Floor)

- (a) Public Comments regarding the Closed Session agenda were only accepted by the City Council at that time.
- (b) Closed Session Announcement
The City Council recessed the regular Council Meeting to discuss those items listed on the Closed Session Statement attached to the Agenda.

A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Government Code Section 54956.9)

- 1. Pending litigation pursuant to subdivision (d)(1):
 - a) Name of case: Meadows Mobile Manor, LLC v City of Watsonville - Santa Cruz County Superior Court (Case No. 16CV01742)
 - b) Name of case: Dennis Chappin v Peninsula Sports Inc. et al. - Santa Cruz County Superior Court (Case No. 16CV02354)

B. PERSONNEL MATTERS

(Government Code Section 54957)

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Clerk

6:34 P.M.

2. ROLL CALL

Mayor Rios, Mayor Pro Tempore Hurst and Council Members Bilicich, Coffman-Gomez, Dutra, Garcia and Hernandez were present.

Staff members present were City Manager Montoya, City Attorney Smith, Public Works & Utilities Director Palmisano, Fire Chief Barreto, Parks & Community Services Director Espinoza, Library Director Heitzig, Acting Community Development Director Merriam, Assistant Public Works & Utilities Director Rodriguez, Assistant Public Works & Utilities Director Gordo, Police Captain Magdayo, Assistant Finance Officer Hays, Assistant City Clerk Ortiz, and Interpreter Landaverry.

3. PLEDGE OF ALLEGIANCE

4. INFORMATION ITEMS—Written Report(s) Only

- A. Report of Disbursements
- B. Miscellaneous Documents

5. CONSENT AGENDA

Member Garcia requested that a correction be made to the vote under Item 7.A. of the December 13, 2016 minutes. (The minutes have been corrected.)

Member Coffman-Gomez gave background information regarding Item 6.B. She stated she would like additional discussion on items dealing with \$100,000 or more.

Regarding Item 6.C, Member Garcia stated that there were committees not listed on the resolution that she was appointed to and asked staff to look into the matter.

Public Input on any Consent Agenda Item

MOTION: It was moved by Mayor Pro Tempore Hurst, seconded by Member Coffman-Gomez and carried by the following vote to approve the Consent Agenda:

AYES:	MEMBERS:	Bilicich, Coffman-Gomez, Dutra, Garcia, Hernandez, Hurst, Rios
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

5.A. MOTION APPROVING MINUTES OF DECEMBER 13, 2016

5.B. RESOLUTION NO. 1-17 (CM):

5347

RESOLUTION APPROVING CONTRACT WITH BME, INC. (BAY MACHINERY ELECTRIC, INC) TO PROVIDE ANNUAL MAINTENANCE OF THE COGENERATION SYSTEM LOCATED AT THE CITY'S WASTEWATER TREATMENT FACILITY FOR FIVE FISCAL YEARS (FY2016-17 TO FY2020-21) IN AN AMOUNT NOT TO EXCEED \$150,000 FOR EACH YEAR; APPROVING PAYMENT IN THE AMOUNT NOT TO EXCEED \$134,606.30 FOR ANNUAL MAINTENANCE SERVICES ALREADY COMPLETED IN 2016; (\$134,606.30 WILL BE FUNDED FROM SEWER FUND)

5.C. RESOLUTION NO. 2-17 (CM):

4878

RESOLUTION APPOINTING MEMBERS TO COMMITTEES FOR CALENDAR YEAR 2017

4878

5.D. RESOLUTION NO. 3-17 (CM):

RESOLUTION APPOINTING MEMBER TO SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, COMMENCING ON JANUARY 11, 2017, & ENDING DECEMBER 31, 2017

4846

5.E. RESOLUTION NO. 4-17 (CM):

RESOLUTION APPOINTING MEMBERS TO THE CITY OF WATSONVILLE LIBRARY BOARD [DISTRICTS 1 & 6]

- 5.F. **RESOLUTION NO. 5-17 (CM):
RESOLUTION APPOINTING MEMBERS TO THE CITY OF WATSONVILLE PARKS AND RECREATION COMMISSION [DISTRICTS 1 & 2]** 4975
- 5.G. **RESOLUTION NO. 6-17 (CM):
RESOLUTION APPOINTING MEMBERS TO THE CITY OF WATSONVILLE PERSONNEL COMMISSION [DISTRICT 1]** 5021
- 5.H. **RESOLUTION NO. 7-17 (CM):
RESOLUTION APPOINTING MEMBERS TO THE CITY OF WATSONVILLE PLANNING COMMISSION [DISTRICTS 1, 2, & 6]** 4957
- 5.I. **MOTION ACCEPTING WRITTEN REPORTS FROM CITY COUNCIL MEMBERS REGARDING CONFERENCE ATTENDANCE—As Required by AB 1234—No Action Required—2016 League of California Cities Annual Conference (October 5 - October 7, 2016—Long Beach) (Mayor Pro Tempore Hurst and Council Members Garcia & Hernandez)** 5103
- 6. **ITEMS REMOVED FROM CONSENT AGENDA**
- 7. **PRESENTATIONS & ORAL COMMUNICATIONS**
- 7.A. **ORAL COMMUNICATIONS FROM THE PUBLIC & CITY COUNCIL** 5076
 - Ernestina Saldaña informed the public and Council that Santa Cruz had adopted a resolution declaring it a sanctuary city and would return to adopt a sanctuary city ordinance. She asked that Council consider a similar resolution and ordinance.
 - Mayor Rios stated the Council would consider a sanctuary city resolution at the January 24, 2017, meeting.
 - Emilio and Sergio, Pájaro Valley Pride, congratulated the newly elected Council Members and invited the public to a community information forum regarding immigration rights.
 - ?Male informed the public that the City of Santa Cruz and the County of Santa Cruz had adopted sanctuary city resolutions and encouraged the Council to do the same.
 - Mireya Gomez-Contreras, Day Workers Center of Community Action Board, asked Council to reaffirm their sanctuary city status.
 - Public Works & Utilities Director Palmisano gave a report regarding efforts to repair the levee that was damaged during the recent heavy rains.
 - Fire Chief Barreto gave a report regarding flood levels and rescue efforts by the Fire Department caused by heavy rain.
 - Member Hernandez spoke about the importance of protecting local immigrants. He spoke about several events he attended over the previous weeks and invited the public to future events.
 - Member Garcia thanked Community Action Board for helping those in need during the Holidays. She spoke about funding for Youth Violence Prevention and implementation of

5074

their plan. She stated Police Chief Honda wrote a letter regarding the City's sanctuary status that ensured the safety for local immigrants.

Member Dutra spoke about events he attended over the previous weeks and invited the public to future events. He thanked the Police Department, Police Activities League, and several members of the community who donated to those less fortunate during the holidays. He announced that Pájaro Valley and Salinas Valley Democrats elected him as an Assembly Delegate. He thanked Police Chief Honda for his letter on the City's sanctuary status and spoke about the importance of protecting all residents. He thanked staff for their efforts to protect the City during a potential flood.

Member Coffman-Gomez spoke about City efforts to protect residents throughout the area during heavy rain and potential flood. She encouraged the public to call 9-1-1 during emergencies and use the City's Nixel service to keep informed about emergency incidents. She announced that she was seeking candidates for Parks & Recreation Commission as well as Personnel Commission. She invited the public to upcoming community events and asked staff to organize a sesquicentennial celebration.

Member Bilicich thanked the County, PG&E, and the City for their work during the heavy rain and asked residents to stay away from the levee.

Mayor Pro Tempore Hurst thanked County Supervisor Friend for attending the League of California Cities' New Mayors & Council Members Academy. He invited the public to upcoming community events.

5074

Mayor Rios stated Watsonville had been a sanctuary city for many years and would continue to be one in the future. He spoke about the City's efforts to protect the City during the heavy rain and potential flooding.

7.C. REPORT OUT OF CLOSED SESSION

City Attorney Smith reported that Council discussed all items on the Closed Session Agenda, but took no action.

5069

7.B. PRESENTATION OF MAYOR'S PROCLAMATION HONORING MARY BANNISTER, GENERAL MANAGER OF THE PÁJARO VALLEY WATER MANAGEMENT AGENCY, FOR HER YEARS OF LEADERSHIP IN ADDRESSING CRITICAL WATER SUPPLY ISSUES IN THE PÁJARO VALLEY

8. PUBLIC HEARINGS, ORDINANCES, & APPEALS

5764

8.A. CONSIDERATION OF AN AMENDMENT TO WATSONVILLE MUNICIPAL CODE CHAPTER 6-5 (MEDICAL CANNABIS FACILITIES) REGARDING MEDICAL CANNABIS MANUFACTURING USES

1) Staff Report

The report was given by Acting Community Development Director Merriam.

2) City Council Questions

Acting Community Development Director Merriam answered questions from Member Garcia regarding recommendations by the Medical Cannabis Advisory Committee and reasons for staff recommendation.

In answering Member Dutra, Acting Community Development Director Merriam and City Manager Montoya explained that the ordinance proposed would allow multiple cannabis facilities to use same parcels and listed the benefits. Member Dutra stated his concerns regarding cannabis facilities being too close to schools and homes.

Acting Community Development Director Merriam, in answering Member Bilicich, explained the reasons staff was recommending allowing a larger number of manufacturing permits than cultivation permits. City Manager Montoya added that staff was recommending approval of manufacturing permits at an administrative level.

Acting Community Development Director Merriam answered questions from Member Coffman-Gomez regarding setting limitations in how many licenses could be active in one parcel, process for approving alcohol permits, process for approving cannabis manufacturing permits, and associated costs.

At Mayor Pro Tempore Hurst’s request, City Manager Montoya explained the reasons Council was working to implement ordinances to address legalization of marijuana.

3) Public Hearing

Mayor Rios opened the public hearing.

Gina Cole, District 7, asked Council to impose additional restrictions on cannabis manufacturing applicants. She listed her recommendations.

Jaime Rodriguez stated his concerns with staff recommending so many permits for cannabis manufacturing.

Bryce Berryesa, California Cannabis Manufacturer’s Association and Cultivation Association, spoke in support of staff recommendation.

John Kolodinski spoke in support of staff recommendation.

Seeing no one else approach the podium, Mayor Rios closed the public hearing.

4) City Manager Comments (None)

5) City Council Discussion

Member Garcia stated she would be voting against staff recommendation because she did not agree with allowing so many permits based on assumptions, she preferred special use permits over administrative use permits, she wanted limitations on square footage allowed, she would like clarity between premise vs parcel, and the ordinance lacked zoning requirements near preschools an libraries.

Member Dutra stated his concerns with staff recommendation and asked that the ordinance require new permits to be reviewed by Council, limit cannabis manufacturing permits to six (6), limit canopy size for manufacturing to 5,000 square feet, and set additional distance requirements.

5764

Member Coffman-Gomez stated her preference for limiting permits to one of each type per parcel, appointing an ad hoc committee to make recommendations, reviewing manufacturing permits by Council, and implementing more distance requirements.

David McPherson, HdL Companies, answered questions from Member Coffman-Gomez regarding potential for for-profit medical cannabis manufacturing companies, typical setup for a manufacturing facility, manufacturing square footage needs, and micro business licenses.

Member Bilicich stated her preference for reviewing manufacturing permits at the Council level, limit manufacturing canopy size to 5,000 square feet, and reducing manufacturing permits to six (6).

Mayor Pro Tempore Hurst stated all manufacturing companies posed some challenges to the City and the City should not hinder cannabis manufacturing based on minimal issues. He added that preventing legal cannabis manufacturing would result in illegal manufacturing.

Member Hernandez stated cannabis manufacturing facilities should be treated like any other agricultural manufacturing facility.

Mayor Rios asked Council to send additional suggestions regarding cannabis manufacturing to staff.

Member Garcia stated she would support an ordinance that limited cannabis manufacturing permits to six (6).

5764

6) ORDINANCE INTRODUCTION REPEALING CHAPTER 5 (MEDICAL CANNABIS FACILITIES) OF TITLE 6 (SANITATION & HEALTH) IN ITS ENTIRETY & ADDING A NEW CHAPTER 53 (MEDICAL CANNABIS FACILITIES) OF TITLE 14 (ZONING) OF WATSONVILLE MUNICIPAL CODE FOR THE CULTIVATION & MANUFACTURING OF MEDICAL CANNABIS—Tabled

MOTION: It was moved by Member Dutra, seconded by Member Coffman-Gomez and carried by the following vote to table the above ordinance 8.A.6):

AYES:	MEMBERS:	Bilicich, Coffman-Gomez, Dutra, Garcia, Rios
NOES:	MEMBERS:	Hernandez, Hurst
ABSENT:	MEMBERS:	None

City Manager Montoya announced that the City Emergency Operations Center had been activated due to heavy rain and potential flooding.

5373

8.B. CONSIDERATION OF ORDINANCE MODIFYING CHAPTER 5-41 GRAFFITI OF THE WATSONVILLE MUNICIPAL CODE

1) Staff Report

The report was given by Assistant Public Works & Utilities Director Gordo.

2) City Council Questions

In answering Member Garcia, Assistant Public Works & Utilities Director Gordo listed resources available to residents experiencing graffiti in their neighborhoods.

5373

Assistant Public Works & Utilities Director Gordo answered questions from Member Dutra regarding noticing requirements, abatement of graffiti, fines, and costs for the City to abate properties.

Assistant Public Works & Utilities Director Gordo answered questions from Member Coffman-Gomez regarding efforts to help victims of graffiti, fines for residents who did not abate their properties, tracking of incidents, and restitutions.

3) Public Hearing

Mayor Rios opened the public hearing.

Paul DeWorken encouraged the Council to pursue murals as a deterrent to graffiti. He offered his services and asked Council to hire muralists.

Jaime Sanchez stated murals were a great graffiti deterrent.

Assistant Public Works & Utilities Director Rodriguez thanked Paul DeWorken and Jaime Sanchez for their work to improve the community.

Seeing no one else approach the podium, Mayor Rios closed the public hearing.

4) City Manager Comments (None)

5) City Council Discussion

In answering Member Coffman-Gomez, Assistant Public Works & Utilities Director Gordo stated fines collected could be used to pay for murals.

Member Bilicich stated her concerns regarding fining homeowners for not abating graffiti on their properties. She recommended only fining commercial properties for lack of abatement.

Member Dutra stated his preference for giving homeowners and businesses more time to abate their properties and only fining commercial properties for lack of graffiti abatement after working with them to address graffiti issues.

Assistant Public Works & Utilities Director Gordo answered questions from Mayor Rios regarding graffiti abatement in multi-unit properties.

Member Coffman-Gomez gave recommendations to staff on how to address graffiti on residential areas.

City Manager Montoya stated there was limited funding for staffing for graffiti abatement.

5373

Mayor Pro Tempore Hurst stated homeowners should also be responsible for abating graffiti on their properties.

6) ORDINANCE INTRODUCTION AMENDING CHAPTER 41 (GRAFFITI) OF TITLE 5 (PUBLIC WELFARE, MORALS, & CONDUCT) OF WATSONVILLE MUNICIPAL CODE IMPLEMENTING NEW GRAFFITI ABATEMENT PROCEDURES

MOTION: It was moved by Member Bilicich, seconded by Member Coffman-Gomez and carried by the following vote to introduce the above ordinance 8.B.6) with changes to ordinance reflecting that owner would be given 72 hours to abate their properties and only businesses would be fined:

AYES:	MEMBERS:	Bilicich, Coffman-Gomez, Dutra, Garcia, Hernandez, Hurst, Rios
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

9. REQUESTS & SCHEDULING FUTURE AGENDA ITEMS

Member Coffman-Gomez asked that Council discuss the City's Sesquicentennial Celebration.

10. EMERGENCY ITEMS ADDED TO AGENDA

11. ADJOURNMENT

The meeting adjourned at 8:19 PM.



Oscar Rios, Mayor

ATTEST:



Irwin Ortiz, Assistant City Clerk