

SPECIAL MEETING OF THE MADERA CITY COUNCIL

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Thursday, October 28, 2021
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: #844 8293 1406. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

The City will observe the Madera County Public Health Department physical distancing recommendations. This may limit seating in the Council Chamber; however, the City will have seating available in the foyer. All persons visiting City facilities shall observe health and safety protocols.

**This meeting is also being conducted by teleconference at the following location:
Maui Kaanapali Villas
45 Kai Ala Drive
Lahaina, HI 96761**

Councilmember Jose Rodriguez will participate via that teleconference location. The teleconference location is open to the public and any member of the public has an opportunity to address the City Council from the teleconference location in the same manner as if that person attended the meeting at City Hall. The City Council will control the conduct of the meeting and determine the appropriate order on public comments from the teleconference location. All votes during the teleconferenced meeting shall be by roll call.

CALL TO ORDER

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
Vacant, District 5

INVOCATION: Councilmember Anita Evans

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

PUBLIC COMMENT:

Members of the public shall have an opportunity to address the City Council regarding matters on this Agenda at the time the agenda item is called. Speakers should limit their comments to three (3) minutes.

PRESENTATIONS:

1. Proclamation Recognizing October as Farmer and Farmworker Appreciation Month

A. PUBLIC HEARINGS:

A-1 Public Hearing and First Reading and Introduction of an Ordinance Amending the City's Municipal Code Relating to Cannabis

Recommendation:

Per Council direction on October 20, 2021, Council may conduct a public hearing and introduce for first reading by title only and waive the full reading of an ordinance amending the Madera Municipal Code as follows:

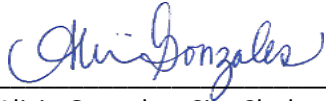
- 1) An Amendment to Subsections (G) and (H) of Section 6-5.14 of Title VI, Chapter 5 of the Municipal Code relating to Approval of Cannabis Business Permits (Report by Arnoldo Rodriguez)

ADJOURNMENT – Next regular meeting November 3, 2021

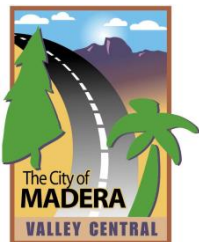
- Please silence or turn off cell phones and electronic devices while the meeting is in session.
- Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
- A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at cityclerkinfo@madera.gov.
- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.

- Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
 - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.
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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Special Meeting of the Madera City Council for October 28, 2021, near the front entrances of City Hall and on the City's website www.madera.gov at 4:30 p.m. on October 27, 2021.




Alicia Gonzales, City Clerk



REPORT TO CITY COUNCIL

Approved by:



Arnaldo Rodriguez, City Manager

Council Meeting of: October 28, 2021

Agenda Number: A-1

SUBJECT:

Public Hearing and First Reading and Introduction of an Ordinance Amending the City's Municipal Code Relating to Cannabis

RECOMMENDATION:

Per Council direction on October 20, 2021, Council may conduct a public hearing and introduce for first reading by title only and waive the full reading of an ordinance amending the Madera Municipal Code as follows:

1. An amendment to Subsections (G) and (H) of Section 6-5.14 of Title VI, Chapter 5 of the Municipal Code relating to approval of cannabis business permits

BACKGROUND:

During the October 20, 2021 meeting, Council directed that staff prepare an Ordinance amending the Municipal Code in regard to the approval authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs permits from Council to staff, subject to applicant appeal.

SUMMARY:

Council has held workshops on the cannabis regulations and related procedures at numerous meetings.

More recently, at the October 20, 2021 meeting, Council directed staff to:

1. Schedule a Special Council meeting on October 28, 2021 to introduce and conduct the first reading of an amendment to the Municipal Code relative to the approval authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs Applications

2. Schedule for Council consideration at next regular meeting:
 - a. Second reading of an ordinance regarding the distance requirements from Town & Country Park and
 - b. Second reading of an amendment to the Municipal Code relative to the approval authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs Applications

PROPOSED ORDINANCE AMENDMENTS:

Under the current ordinance, the Council serves as the approval authority for all three distinct cannabis business categories. Said categories include:

- Standard Applications or Microbusiness
- Social Equity Applications
- Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs Applications

More recently, at the October 20, 2021 meeting, Council directed that staff prepare an Ordinance amending the Municipal Code in regard to the approval authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs permits from Council to staff, subject to applicant appeal.

The following provides a summary of the proposed zoning code amendments.

1. Section §6-5.14 (G) of the Municipal Code

Existing Text (to be deleted):

~~(G) Applications shall be vetted by the City Manager and a team of his/her choice consistent with Review Criteria established by City Council Resolution. At the conclusion of the vetting process, the City Manager shall prepare a report for consideration by the City Council.~~

In short, the existing language outlines that the City Manager shall prepare a report for consideration by Council. Per Council direction, the following language is proposed:

Proposed Text:

(G) Applications shall be vetted by the City Manager and a team of his/her choice consistent with Review Criteria established by City Council Resolution.

- (1) At the conclusion of the vetting process relating to: (i) Social Equity Applications and/or (ii) Standard Retail or Microbusiness Applications, the City Manager shall prepare a report for consideration of applications by the City Council.
- (2) At the end of the vetting process relating to Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications, applications meeting all

requirements of the Review Criteria shall receive a Cannabis Business Permit subject to appeal to the City Council by the applicant and contingent on meeting the requirements in Subsection I of Section 6-5.14 of this Code.

In short, Section (G)(1) notes that Council shall take action on Social Equity, or Standard Retail or Microbusiness Applications; whereas, staff would review Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications and those that meet all requirements will receive a permit, subject to appeal to the Council by the applicant.

2. Section §6-5.14 (H) of the Municipal Code

Existing Text (to be deleted):

~~(H) The City Council may either deny or approve the final candidates and shall select the top candidates in each category of the cannabis businesses pursuant to Review Criteria established by City Council Resolution. The City Council's decision as to the selection (denial or approval) of the prevailing candidates shall be final and shall not be subject to further administrative or City Council review or appeal.~~

Proposed Text:

(H) The City Council may either deny or approve the final candidates relating to Social Equity and Standard Retail Microbusiness Applications and shall select the top candidates in each category of the cannabis businesses pursuant to Review Criteria established by City Council Resolution. The City Council's decision as to the selection (denial or approval) of the prevailing candidates shall be final and shall not be subject to further administrative or City Council review or appeal.

Subsection (H) currently notes that all applications shall be reviewed by Council. The proposed language would amend the code where Council would consider Social Equity and Standard Retail Microbusiness Applications, whereas staff would take action on Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications, unless appealed.

NEXT STEPS

Following action or direction from Council, staff will schedule a second reading for consideration and resolutions pertaining to the Procedure Guidelines and Review Criteria, and fees.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

A preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

FINANCIAL IMPACT:

Costs associated with cannabis related work includes the following:

- Contract with HdL totaling \$30,000. It is noted that on September 1, 2021 Council approved an amendment to the City's agreement with HdL where they will assist staff review applications and prepare reports for City consideration at a flat rate of \$5,900 per each.
- Cost to place the ballot measure on the November 3, 2020 election was approximately \$100,000.
- Various staff time and City Attorney fees.

Note that HdL contract cost may be recovered by fees from potential applicants should the City permit cannabis activities in the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

While not specifically addressed, the requested action is consistent with the Vision Madera 2025 Plan; Effective Government: Strategy 115. – Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

ALTERNATIVES:

The Council may direct staff to return with additional information.

ATTACHMENTS:

1. Ordinance amending Sections §6-5.14 (G) and (H) of the Municipal Code

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF MADERA, CALIFORNIA
AMENDING SUBSECTIONS (G) AND (H) OF SECTION 6-5.14 OF TITLE VI,
CHAPTER 5 OF THE MADERA MUNICIPAL CODE RELATING TO APPROVAL
OF CANNABIS BUSINESS PERMITS**

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

SECTION 1. Subsections (G) and (H) of Section 6-5.14 of Title VI, Chapter 5 of the Madera Municipal Code are amended to read as follows:

- (G) Applications shall be vetted by the City Manager and a team of his/her choice consistent with Review Criteria established by City Council Resolution.
 - (1) At the conclusion of the vetting process relating to: (i) Social Equity Applications and/or (ii) Standard Retail or Microbusiness Applications, the City Manager shall prepare a report for consideration of applications by the City Council.
 - (2) At the end of the vetting process relating to Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications, applications meeting all requirements of the Review Criteria shall receive a Cannabis Business Permit subject to appeal to the City Council by the applicant and contingent on meeting the requirements in Subsection I of Section 6-5.14 of this Code.
- (H) The City Council may either deny or approve the final candidates relating to Social Equity and Standard Retail Microbusiness Applications and shall select the top candidates in each category of the cannabis businesses pursuant to Review Criteria established by City Council Resolution. The City Council's decision as to the selection (denial or approval) of the prevailing candidates shall be final and shall not be subject to further administrative or City Council review or appeal.

SECTION 2. CEQA. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 3. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.
