



## **SPECIAL MEETING OF THE MADERA CITY COUNCIL**

205 W. 4<sup>th</sup> Street, Madera, California 93637

### **NOTICE AND AGENDA**

**Wednesday, December 13, 2023  
6:30 p.m.**

**Council Chambers  
City Hall**

---

The Madera City Council meetings are 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](http://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: 838 2155 7852#. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

---

#### **CALL TO ORDER:**

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

#### **INVOCATION:**

#### **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.*

**A. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:**

**A-1** City Council Interviews for Phase IV of the Commercial Cannabis Business (CCB) Permit Application Process and Consideration of a Resolution Adopting a Notice of Award of CCB Permits to Standard Retail or Microbusiness Applicants

**Recommendation:** Conduct a Special Meeting of the City Council (Council) of the City of Madera to conduct interviews of the top Standard Retail or Microbusiness CCB Permit Applicants and consider awards of CCB Permits:

1. Conduct interviews of top applicants;
2. Invite and receive public comment; and then,
3. Adopt a Resolution to determine the award of up to six Standard Retail or Microbusiness CCB Permits; or, continue the item to the Regular Meeting of the City Council scheduled for December 20, 2023, for further consideration. (Report by Will Tackett)

**ADJOURNMENT:**

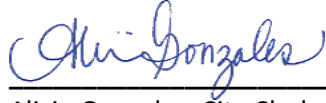
**UPCOMING MEETING DATES:**

- Wednesday, December 20, 2023
- Wednesday, January 17, 2024

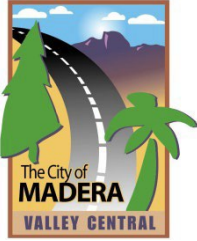
- 
- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov). Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: City Clerk, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
  - The services of a translator can be made available. Please contact the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.
  - 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.
  - Any writings or documents provided to a majority of the City Council within 72 hours of the meeting regarding any item on this agenda will be made available for public inspection at the City Clerk's office located at 205 W. 4<sup>th</sup> Street, Madera, CA 93637 and on the City website at [www.madera.gov](http://www.madera.gov)

- 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.
- 

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 December 13, 2023, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 4:15 p.m. on December 12, 2023.




Alicia Gonzales, City Clerk



## REPORT TO CITY COUNCIL

**Approved by:**

  
\_\_\_\_\_  
Will Tackett, Community Development Director

  
\_\_\_\_\_  
Arnoldo Rodriguez, City Manager

**Council Meeting of:** December 13, 2023

**Agenda Number:** A-1

**SUBJECT:**

City Council Interviews for Phase IV of the Commercial Cannabis Business (CCB) Permit Application Process and Consideration of a Resolution Adopting a Notice of Award of CCB Permits to Standard Retail or Microbusiness Applicants.

**RECOMMENDATION:**

Conduct a Special Meeting of the City Council (Council) of the City of Madera to conduct interviews of the top Standard Retail or Microbusiness CCB Permit Applicants and consider awards of CCB Permits:

1. Conduct interviews of top applicants;
2. Invite and receive public comment; and then,
3. Adopt a Resolution to determine the award of up to six Standard Retail or Microbusiness CCB Permits; or, continue the item to the Regular Meeting of the City Council scheduled for December 20, 2023, for further consideration.

**SUMMARY:**

On November 15, 2023, the Council received a summary report on the CCB permit process for Standard Retail or Microbusiness Applications. At the same meeting, the Council provided directions respective to the final procedures and steps to conduct the Phase IV City Council interviews to make final determinations pertaining to the award of CCB Permits in the City of Madera.

Following the November 15<sup>th</sup> Council meeting, City staff prepared and posted the attached Bulletin (please see Attachment 1 to this report), providing notice and final details as to Special Meeting dates, times, places, the length of presentations that will be provided prior to the City Council interviews, and the final procedures and steps to conduct the interviews. This Bulletin was posted to the City website and delivered to Applicants. The Special Meetings will be

conducted accordingly.

On December 9, 2023, a Special Meeting of the City Council was conducted at which presentations from the top 20 Standard Retail or Microbusiness Applicants were scheduled to be received by the City Council. Following receipt of presentations, the matter was then continued to the Special Meeting of the City Council to be held on December 13<sup>th</sup> to conduct the Council interviews of the top applicants and to consider issuance/awards of CCB permits.

It should be noted that presentations were not received from four Applicants 72 hours in advance of the Special Meeting on December 9<sup>th</sup> per the instructions provided in the attached Bulletin. These same four Applicants were also not present at the Special Meeting of the City Council held on December 9<sup>th</sup> to present their applications. Staff has sent additional communications to the primary contacts identified on these applications advising the Applicants of the procedure and the Special Meeting scheduled for December 13<sup>th</sup>. These Applications are not automatically considered disqualified from consideration at this time; Council will have discretion as to whether any additional presentations will be accepted and/or whether interviews will be conducted for these four Applicants if present for the December 13<sup>th</sup> Special Meeting.

In accordance with the Council's direction, the order of final Applicant presentations and the subsequent interviews will be scheduled beginning with the lowest Phase II scoring Applicant and ending with the highest. The order of Applicants who achieved the same/tied Phase II scores were selected at random. The order of interviews for the Special Meetings of the City Council to be held on December 13<sup>th</sup> is included below:

1. Hazy Bulldog Farms (Hazy Bulldog Farms 2, Inc.)
2. Herbz (Herbz, LLC)
3. BaM Body and Mind (NMG CA 1, LLC)
4. Jiva (Jiva MAE, LLC)
5. E7 LA (E7 LA, LLC)
6. Off the Charts (OTC Madera, LLC) [Note: No presentation previously provided.]
7. East of Eden (GFC Central, LLC)
8. Nectar (Retail NM, LLC) [Note: No presentation previously provided.]
9. Zen Garden (Zen Garden of Madera, Inc.)
10. DISPO (DSPO-Madera, LLC)
11. Sugarpine 559 (Sugarpine 559, LLC)
12. Haven (Haven Madera, LLC) [Note: No presentation previously provided.]
13. Mainstream (Mainstream Madera, LLC)

14. Lavish (Lavish West Coast Madera)
15. Cali Oz (Cali Oz Madera, LLC)
16. HerbNJoy (Madera Erudite Ventures) [Note: No presentation previously provided.]
17. Cannable (GBH Retail, LLC)
18. Embarc (Responsible and Compliant Retail Madera, LLC)
19. Stiiizy (Shryne Madera, LLC)
20. Culture Cannabis Club (Madera Has Culture, Inc.)

The following attachments were included within the summary report to Council on November 15, 2023: (1) Application Locations Maps; (2) Phase II Application Scores and Summary; and, (3) Application Community Benefit Proposals. These attachments may be viewed through the following link:

- <https://www.madera.gov/wp-content/uploads/2023/11/E-1-11.15.23-Cannabis-Phase-IV-Summary-REDUCED-SIZE.pdf>.

Pursuant to Council's direction, Applicants were also allowed to amend Community Benefits proposals (Section G) of their applications to present "best-and-final" proposals for Council consideration prior to interviews. Amended Community Benefits proposals were included as Attachments to the staff report prepared for the December 9<sup>th</sup> Special Meeting. These attachments may be viewed through the following links:

- <https://www.madera.gov/wp-content/uploads/2023/12/12.09.23s-Final-Links-2.pdf>
- <https://www.madera.gov/wp-content/uploads/2023/12/Amended-Community-Benefits-Section-G-CC-Late-Distribution-12.09.2023.pdf>

#### **FISCAL IMPACT:**

At the time of application filing, each Applicant paid the application fee established by resolution of the City Council (to cover all costs incurred by the City in the application process). While additional Special Meetings of the City Council will result in additional staff resource costs, the application fee was anticipated to cover the Phase IV process and any additional resource costs resultant from any of the presented Alternatives are considered nominal and recoverable through benefit of the respective awards.

There is no significant fiscal impact associated with the recommended action.

#### **ATTACHMENTS:**

1. Resolution of the Council Adopting a Notice of Award of CCB Permits
2. Cannabis Businesses Bulletin: Phase IV City Council Interviews and Final Decision Procedures.

## ATTACHMENT 1

Resolution of the Council Adopting a Notice of Award of CCB  
Permits

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A  
NOTICE TO PREVAILING APPLICANTS OF CONDITIONAL AWARD OF  
COMMERCIAL CANNABIS BUSINESS (CCB) PERMITS TO STANDARD RETAIL OR  
MICROBUSINESS APPLICANTS**

**WHEREAS**, on June 16, 2021, the City Council of the City of Madera (Council) adopted Ordinance No. 977 C.S. adding Chapter 5 to Title VI (Cannabis Businesses) to the City of Madera Municipal Code (CMC) to permit commercial cannabis businesses within the City of Madera (City) and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation and engaging in cannabis business; and

**WHEREAS**, CMC Section 6-5.10 provides that the number of each type of cannabis business that shall be permitted to operate in the City shall be established by resolution by the Council; and

**WHEREAS**, CMC Section 6-5.10 further provides the Council at its sole discretion may determine that the number and/or types of Cannabis Business Permits should remain the same or be modified; and

**WHEREAS**, on December 1, 2021, Council adopted Resolution No. 21-167 determining the number and type of Cannabis Business Permits that may be issued in the City; and

**WHEREAS**, Resolution No. 21-167 authorizes a total of six Standard Retail or Microbusiness Cannabis Business Permits (in any combination thereof) to be granted in the City; and

**WHEREAS**, the filing period for CCB Permit applications opened on April 15, 2022; and

**WHEREAS**, the City held two CCB Permit application informational Zoom meetings on April 19, 2022 and April 21, 21, 2022; and

**WHEREAS**, the CCB Permit application filing period closed on June 20, 2022; and

**WHEREAS**, the City received a total of 26 Standard Retail or Microbusiness CCB Permit applications; and

**WHEREAS**, all CCB Permit applications received were reviewed pursuant to CMC Section 6-5.14 of the Cannabis Ordinance, were deemed complete, and each applicant was issued a zoning verification letter; and

**WHEREAS**, all CCB Permit applications were scored pursuant to the Phase II evaluation criteria in the application procedures and guidelines adopted by the City Council as set forth in Resolution No. 21-169; and

**WHEREAS**, the City, in its sole discretion, selected the top 20 scoring applicants to proceed to the Phase III Public Meeting portion of the process; and

**WHEREAS**, the City provided notices of a total five Phase III Public Meetings for the top 20 scoring Standard Retail or Microbusiness applications and held meetings during the month of August, 2023; and

**WHEREAS**, all top 20 scoring applicants completed Phase III of the application process, enabling all top 20 scoring applicants to proceed forward to Phase IV of the application process; and

**WHEREAS**, the City Council of the City of Madera received a summary report on November 15, 2023; and

**WHEREAS**, the City Council of the City of Madera received presentations from top applicants at a special meeting of the City Council on December 9, 2023; and

**WHEREAS**, the City Council conducted interviews of top applicants and invited and received public comment prior to taking action on adopting this resolution; and

**WHEREAS**, as a condition to the award of a Cannabis Business Permit, the applicants are required to first enter into a Community Benefit Agreement with the City, and if and when such a Community Benefit Agreement is executed, then obtain all required land use approvals and a business license prior to use of the Cannabis Business Permit; and

**WHEREAS**, the City Council now desires to make a determination to award Standard Retail or Microbusiness applicants Cannabis Business Permits; and

**WHEREAS**, all applicants identified on the attached Exhibit A to this resolution have been determined to meet all eligibility and minimum requirements to receive a CCB Permit in the City of Madera; and

**WHEREAS**, pursuant to the City Council's adopted Procedure Guidelines and Review Criteria for a CCB Permit, being awarded a Commercial Cannabis Business permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including reviews as deemed necessary by the relevant departments or governmental entities in charge of said permits. Nor does the award of a CCB permit guarantee that plans submitted via the CCB application process meet the standards or requirements in CMC Title X, Chapter 3 and any other permit requirements from other City departments or agencies; and

**WHEREAS**, the award of CCB permits is therefore not considered a Project for purposes of the California Environmental Quality Act (CEQA) as the award does not have the potential to result in a direct physical change to the environment and a description of the project, in whole, with respect to reasonably foreseeable indirect physical changes in the environment would be speculative at this time and not adequate for purposes of environmental analysis.

**NOW THEREFORE**, the City Council of the City of Madera hereby resolves and finds, and orders as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The Council issues a notice of an award of a Standard Retail or Microbusiness Commercial Cannabis Business (CCB) Permit to those applicants (also referred to as “operators”) listed on Exhibit A attached hereto and contingent upon the following conditions, which shall apply to each individual CCB Permit:
  - a. The determination of an award, or the award of, a CCB Permit does not constitute a land use entitlement, and there is no interest, vested or otherwise, in the same.
  - b. The City shall not assume any liability whatsoever with respect to the determination of an award, award, or issuance of a CCB Permit or otherwise approving the operation of any cannabis business. Within 30 days of the adoption of this Resolution, each applicant shall enter into an agreement (“Indemnification Agreement”) with the City, in a form approved by the City Attorney, to indemnify, defend, and hold harmless the City, maintain required insurance, and reimburse the City for all costs and expenses (including those related to any legal challenge) consistent with the requirements of CMC section 6-5.34. If no Indemnification Agreement with an applicant is approved by the City Council and the applicant by no later than February 7, 2024, then the award of the CCB Permit shall not become final as to the applicant without an approved Indemnification Agreement, such applicant acknowledges it has no interest in the (unawarded) CCB Permit, and the CCB Permit may awarded to another in the City’s sole discretion and without any further action or notice by the City. Any approved Indemnification Agreement shall be maintained by and complied with by the applicant and kept in full force and effect at all times until such time that a CCB Permit expires, is revoked, or is of no further legal effect.
  - c. The determination of award of each CCB Permit is contingent upon, and shall not become effective until, the applicant has entered into an Indemnification Agreement and a Community Benefit Agreement with the City for the applicant’s facility, and also obtained all required land use approvals. If no Community Benefit Agreement with an applicant is approved by the City Council and the applicant within 150 days of the approval of this Resolution, then the award of the CCB Permit shall not become final as to the applicant without a Community Benefit Agreement, such applicant acknowledges it has no interest in the (unawarded) CCB Permit, and the CCB Permit may awarded to another in the City’s sole discretion and without any further action or notice by the City.

- d. The applicant/operator of each cannabis facility shall enter into a Community Benefit Agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of CMC section 6-5.37.C, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The community benefits shall not be less than the terms presented by the operator to the City during the application and selection process. In addition, any community benefits agreed to be provided shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of Madera approval, if and when a Community Benefit Agreement is executed. Any approved Community Benefit Agreement shall be maintained by and complied with by the operator and kept in full force and effect at all times until such time that the operator's CCB Permit expires, is revoked, or is of no further legal effect.
  - e. No applicant is authorized to proceed to apply to the City for any required land use permits, a business license, or any related approvals until both the Indemnification Agreement and a Community Benefits Agreement is first executed and approved. Additionally, the issuance of a CCB Permit is also contingent upon the approval of all land use approvals required by the Madera Municipal Code for uses necessary to exercise the CCB Permit. Final approval of such land use approvals shall be secured from the City not later than 12 months and 150 days after the adoption of this Resolution. If all required land use approvals are not secured by the applicant at that time, the award of the CCB permit to that applicant shall automatically expire. However, if all required land use approvals are timely secured, the City will issue an official CCB permit to the applicant. Each CCB permit shall be exercised within 12 months of issuance, and may be renewed as authorized by the Cannabis Business Permit Ordinance of the City of Madera ("Cannabis Ordinance"). Each CCB Permit shall expire 12 months after the date of issuance and may be renewed as provided by the Cannabis Ordinance.
  - f. The operator of each cannabis facility shall at all times comply with the requirements of State and local law, including the requirements of Chapter 5 of Title VI: Business, Professions, and Trades of the City Municipal Code.
3. This resolution is effective immediately upon adoption.

\*\*\*\*\*

**Exhibit A**

**(Standard Retail or Microbusiness CCB Permits, Applicant/Operator Awards)**

	<b>Applicant Entity:</b>	<b>Doing Business As (DBA):</b>	<b>Location (Address):</b>
1.			
2.			
3.			
4.			
5.			
6.			

## ATTACHMENT 2

Cannabis Businesses Bulletin: Phase IV City Council Interviews and  
Final Decision Procedures



# CANNABIS BUSINESSES BULLETIN

Will Tackett, Community Development Director

November 17, 2023

## COMMERCIAL CANNABIS BUSINESS PERMITS (STANDARD RETAIL OR MICROBUSINESS APPLICATIONS) PHASE IV: CITY COUNCIL INTERVIEWS AND FINAL DECISION PROCEDURES

In accordance with the City of Madera Application Procedure Guidelines and Review Criteria for a Commercial Cannabis Business Permit (Standard Retail or Microbusiness Applications), on November 15, 2023, the Council of the City of Madera received a summary report and provided direction on the scheduling of Special Meetings of the City Council to make final determinations pertaining to the award of Commercial Cannabis Business Permits in the City of Madera.

This Bulletin provides notice and final details as to Special Meeting dates, times, places, the length of presentations that will be provided prior to the City Council interviews, and the final procedures and steps to conduct the interviews. In addition, this Bulletin provides a clarification update of amendments and supplements which will be allowed to be made to Applications for final consideration.

All of the top 20 Standard Retail or Microbusiness Applicants invited to participate in the Phase III Public Meetings will be provided with the opportunity to make a final presentation and to be interviewed by the City Council during the Phase IV process.

Please see Special Meeting information and respective procedures included herein below:

--- --- ---

### ***SPECIAL MEETING #1: FINAL PRESENTATIONS***

**Date:** Saturday, December 9, 2023

**Time:** 9:00 a.m., or thereafter

**Place:** Madera City Hall Council Chamber  
205 West 4th Street, Madera, CA 93637

- Each Applicant should be prepared to conduct a final presentation to the City Council during Special Meeting #1.
- Final presentations will be limited to a maximum of 10 minutes in length.
- All Applicants are required to provide final presentations in PowerPoint format and provide final PowerPoint slides to the City of Madera Planning Department a minimum 72 hours in advance of the scheduled meeting (Special Meeting #1). PowerPoint slides shall be emailed to [communityinfo@madera.gov](mailto:communityinfo@madera.gov) and be clearly titled in the subject line.
- The order of the final Applicant presentations will be scheduled beginning with the lowest Phase II scoring Applicant and ending with the highest. The order of Applicants who achieved the same/tied Phase II scores will be selected at random. The order of presentations will be included on the Special Meeting agenda.
- Applicants will be allowed to amend Community Benefits proposals (Section G) of their applications to present “best-and-final” proposals for Council consideration prior to interviews. Any amendments to Section G of applications shall be submitted to the City of Madera Planning Department in PDF file format a minimum 72 hours in advance of the scheduled meeting (Special Meeting #1). PDF files shall be emailed to [communityinfo@madera.gov](mailto:communityinfo@madera.gov) and clearly titled in the subject line.
- Applicants should be prepared to answer questions from the City Council. However, public participation will be invited, and interviews conducted, at the second Special Meeting (see below).

-----

***SPECIAL MEETING #2: PUBLIC PARTICIPATION AND COUNCIL INTERVIEWS***

**Date:** Wednesday, December 13, 2023

**Time:** 6:30 p.m., or thereafter

**Place:** Madera City Hall Council Chamber  
205 West 4th Street, Madera, CA 93637

- The public has a right to comment during the Phase IV process and public testimony will be received by the City Council during Special Meeting #2.
- Each Applicant should be prepared to be interviewed by the City Council and/or prepared to enter into negotiations with the City Council during Special Meeting #2.
- The manner in which final awards will be voted upon or determined by the Council will be left to the discretion of the Council following the interview process.
- It is the desire of the City of Madera to announce final awards in the 2023 calendar year. The City Council reserves the right to announce final awards at either the end of Special Meeting

#2 or at the regularly scheduled meeting of the City Council on December 20, 2023 (or thereafter) at the discretion of the City Council.

-----

Special Meetings will be conducted both in person and via teleconferencing. A Zoom weblink and telephone number will be listed on the City Council agenda for the respective Special Meetings.

The public may participate in person or telephonically during the Special meeting(s) as indicated above. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637. The Special Meetings will also be live streamed at [www.madera.gov/live](http://www.madera.gov/live) for observation by members of the public.

If there are any questions related to the information contained in this Bulletin, please contact the City of Madera, Planning Department Office as specified at the bottom of page; or, via email at [wtackett@madera.gov](mailto:wtackett@madera.gov).

Thank you,



Will Tackett, Community Development Director  
City of Madera