

# SPECIAL MEETING OF THE MADERA CITY COUNCIL

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

## NOTICE AND AGENDA

Wednesday, May 12, 2021  
6:30 p.m.

Council Chambers  
City Hall

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This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting will be live streamed on the City's website at [www.madera.gov/live](http://www.madera.gov/live). Members of the public may participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 976 8719 3617# followed by \*9 on your phone to speak. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4<sup>th</sup> Street, Madera, CA 93637.

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### **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:**

### **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 Initiation of a Municipal Code Text Amendment (“Ordinance”) Relating to Cannabis Pursuant to Code Section §10-3.1502**

**Recommendation:** Adopt a Resolution Initiating a Text Amendment to the Zoning Regulations of the Madera Municipal Code Relating to Cannabis Activity in Certain Zone Districts (Report by Arnaldo Rodriguez)

**B. CLOSED SESSION:**

**B-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6**

**Agency Designated Representatives:**

Arnaldo Rodriguez, Wendy Silva, and Che Johnson

**Employee Organizations:**

General Bargaining Unit/Madera Affiliated City Employees Association

Mid-Management Employee Group

Madera Police Officers’ Association

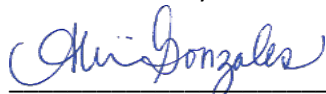
Law Enforcement Mid Management

**ADJOURNMENT** – Next regular meeting May 19, 2021

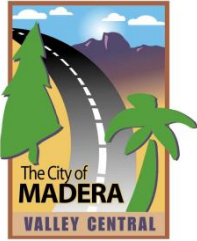
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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4<sup>th</sup> Street, Madera, California 93637 during normal business hours.
  - 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 May 12, 2021, near the front entrances of City Hall and on the City’s website [www.madera.gov](http://www.madera.gov) at 2:30 p.m. on May 7, 2021.




Alicia Gonzales, City Clerk



**REPORT TO CITY COUNCIL**

**Approved by:**

  
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Arnoldo Rodriguez, City Manager

**Council Meeting of:** May 12, 2021

**Agenda Number:** A-1

**SUBJECT:**

Initiation of a Municipal Code Text Amendment (“Ordinance”) Relating to Cannabis pursuant to Code Section §10-3.1502

**RECOMMENDATION:**

Adopt a Resolution Initiating a Text Amendment to the Zoning Regulations of the Madera Municipal Code Relating to Cannabis Activity in Certain Zone Districts

**SUMMARY:**

Initial workshops on the pending cannabis regulatory ordinance and related procedures have been presented to Council on January 6, 2021, January 20, 2021, and more recently on April 21, 2021. The workshops discussed the basic components of the ordinance, procedural guidelines, selection criteria, and approval of cannabis business permits. Staff presented reasoning for the recommended approach and solicited feedback and direction by Council majority on policy considerations before completing the preparation of the ordinance, as well as land use ordinance designating zone districts where cannabis businesses may be permitted. However, prior to presenting amending the Zoning Regulations, Madera Municipal Code Section §10-3.1502 requires that a text amendment be initiated. The purpose of this evening’s meeting is to initiate said text amendment.

**DISCUSSION:**

Per Madera Municipal Code Section §4-15.02, commercial cannabis activities, including delivery, are prohibited in the City. However, Council directed staff to research best practices and draft an ordinance with the highest regulatory standards, including cost recovery. Such regulatory ordinance is in progress per Council direction. Additionally, a zoning ordinance amending the current Zoning Regulations is necessary to allow cannabis in certain districts consistent with the regulatory ordinance. To prepare the zoning ordinance, the Madera Municipal Code notes that prior to amending the City’s zoning ordinance, an amendment must first be initiated. More specifically, Section §10-3.1502 states the following:

*An amendment may be initiated by:*

*(A) Resolution of intention of the Council;*

*(B) Resolution of intention of the Commission; or*

*(C) The verified application of one or more of the owners of the property within the area proposed to be changed.*

Adoption of the Resolution would initiate a text amendment to the City's zoning ordinance that would establish regulations for cannabis activity in the City.

It is noted that a draft ordinance is not being presented this evening, rather the Municipal Code requires formal action by Council, Planning Commission, or property owner to commence the process. Any proposed ordinance would be scheduled for consideration at a future Council meeting.

**FINANCIAL IMPACT:**

Costs associated with cannabis related work includes the following:

- Contract with HdL totaling \$30,000
- 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. Ultimately, failure to approve the resolution permitting staff to initiate a zoning text amendment would in turn delay progress towards finalizing the pending cannabis regulatory ordinance and related procedures.

**ATTACHMENTS:**

1. Resolution

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

**RESOLUTION OF THE CITY OF MADERA INITIATING TEXT AMENDMENT TO THE  
ZONING REGULATIONS OF THE MADERA MUNICIPAL CODE RELATING TO  
CANNABIS AS AUTHORIZED UNDER CODE SECTION §10-3.1502**

**WHEREAS**, on May 20, 2020, City of Madera City Council (Council) approved a contract with HdL Companies for cannabis consultant services to develop a regulatory program to allow, permit, regulate and tax commercial cannabis businesses; and

**WHEREAS**, on July 15, 2020, the Council approved placing a ballot measure on the November 3, 2020 General Municipal Election; and

**WHEREAS**, the citizens of the City approved Measure R with a 67 percent approval rating in the November 3, 2020 General Municipal Election; and

**WHEREAS**, the Council held workshops on January 6, 2021, January 20, 2021, and April 2021 to discuss cannabis; and

**WHEREAS**, Madera Municipal Code Section §4-15.02 prohibits commercial cannabis activities, including delivery, in the City; and

**WHEREAS**, the City has been working towards drafting a cannabis regulatory ordinance; and

**WHEREAS**, the City has also been preparing appropriate cannabis related procedures; and

**WHEREAS**, the Council wishes to consider an ordinance to allow for cannabis in certain zones consistent with the regulatory ordinance; and

**WHEREAS**, under Madera Municipal Code Section 10-3.1502 initiation of amendments to the Zoning Regulations in Title X, Chapter 3, may be made by the Council by resolution and referred to the Planning Commission for public hearing and recommendations.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Madera, as follows:

1. The above recitals are true and correct.
2. The Council hereby initiates a zoning text amendment (“ordinance”) to the City’s Municipal Code to allow for cannabis in certain zones consistent with the regulatory ordinance that Council will also be considering.

3. Staff is directed to prepare the ordinance amending the Zoning Regulations of the Madera Municipal Code referenced above.
4. Staff is further directed to refer said ordinance to the Planning Commission for Public Hearing and recommendation as required by the Madera Municipal Code.
5. This resolution is effective immediately upon adoption.

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