



Item:	B-1
Minutes for:	06/07/2021s
Adopted:	12/15/2021

Minutes of a Special Meeting of the Madera City Council

**June 7, 2021
6:00 p.m.**

**Council Chambers
City Hall**

This meeting was 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 was live streamed on the City’s website at www.madera.gov/live. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 993 0567 2589# followed by *9 on their phone to speak. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2 (Joined at 6:30 p.m.)
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4

Absent: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Human Resources Director Wendy Silva (Joined at 6:31 p.m.), Information Services Manager Mark Souders, Planning Manager Gary Conte, Chief of Police Dino Lawson, Senior Planner John Thomason, and Communication Specialist Joseph Carrello.

INVOCATION: Councilmember Evans

PLEDGE OF ALLEGIANCE: City Attorney Hilda Cantu Montoy

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, THE AGENDA WAS APPROVED BY A 5/0 VOTE. ABSENT: COUNCILMEMBER RODRIGUEZ AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS**

**MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

ABSENT: 1 - COUNCILMEMBER RODRIGUEZ

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.

No Public Comment was submitted. Public Comment was closed.

A. PUBLIC HEARINGS:

A-1 Public Hearing and First Reading and Introduction of Two Ordinances Relating to Cannabis to the Municipal Code

Recommendation: Conduct a Public Hearing and Introduce for First Reading by Title Only and Waive the Full Reading of Two Ordinances Amending the Madera Municipal Code as follows:

- 1) A Zoning Ordinance Amending Sections §10-3.802 (Light Industrial), §10-3.902 (Heavy Commercial), §10-3.1002 (Industrial Zones), and §10-3.11.503 (Industrial Park Zones) of the Zoning Ordinance
- 2) A Regulatory Ordinance Adding Chapter 5 to Title VI of the Madera Municipal Code Relating to Cannabis Businesses; Repealing Section §4-15 (Medical Marijuana and Cultivation; Chapter 15 to Title IV: Public Welfare); and Adding Section §6-1.95 (Cannabis; Chapter 1 to Title VI: Businesses, Professions, and Trades) (Report by Arnoldo Rodriguez)

City Attorney Hilda Cantu Montoy stated that there were clerical issues and text which will be fixed prior to the Introduction and Adoption of the Ordinance.

Mayor Garcia advised that Councilmember Rodriguez had joined them.

Ms. Cantu Montoy stated the following revisions:

6-5.13 (p) Procedure Guideline and Review Criteria

The Labor Peace Agreement language needs clarification. Ms. Cantu Montoy read the corrected language for the record: "For applicants with 10 or more employees, the applicant shall attest that the applicant has entered into a Labor Peace Agreement and will abide by the terms of the agreement." Ms. Cantu Montoy said the rest of the text stays the same.

6-5.16(b) Approval of a new land of a new use, Ms. Cantu Montoy stated they will add "under the Zoning Ordinance shall terminate all rights, etc."

6-5.28(b) Code Sections were referenced. They are recommending deletion of the Code Sections and instead just say, "according to the pre-procedures used for the existing applications and for renewal of applications."

Ms. Cantu Montoy stated the City Manager Arnoldo Rodriguez mentioned the addition of the Library and the John Wells Youth Center and if these ordinances are introduced that the ordinance for adoption will include a better map.

6-5.38(h)(3) They are correcting the language regarding minors which is very important. Notwithstanding Section 6-5.38(h)(a), persons at least 18 years shall be allowed on the premises of a cannabis retail business if they can produce a physician's recommendation and/or Health and Safety Code Section 11362.71 identification card (medical marijuana card). The rest would stay the same.

Councilmember Gallegos suggested that 6-5.36(5) be changed from holding surveillance footage from a minimum 90 days to 180 days.

Mr. David McPherson stated State law requires 90 days and folding longer is very costly for the businesses.

Police Chief Dino Lawson stated a longer timeframe is more beneficial.

Councilmember Rodriguez stated the issue of cost is a factor and suggested that they leave it as the State minimum and the ordinance can be amended if needed.

Mayor Garcia believes the 90 days is a reasonable amount of time and will not incur more cost and the ordinance can be amended later if needed.

Councilmember Montes stated he was in favor with the 90 days minimum.

Information Systems Manager Mark Souders stated he hasn't pulled any video older than 90 days in the past three years. He stated they typically know in the first 90 days if there is an issue. He added long term surveillance is plus if they are looking for who is coming in regularly, but for any event that happened, 90 days with better resolution would be better.

Ms. Cantu Montoy stated that section also speaks to the high resolution that is required.

Councilmember Gallegos stated that 6-5.32 has a State mandated 600 feet from schools, but alcohol and tobacco is 1,000 feet from a day care center or youth center. She is not comfortable with the 600 feet.

Public comment from the following was read by City Clerk Alicia Gonzales.

Marilyn Deleija, a representative for Mainstream Medicinal Club asked that they consider adding two (2) more equity slots/positions for the dispensary permits for eight (8) total permits; four (4) equity and four (4) regular permits or 10 total permits; four (4) equity and six (6) regular permits giving local businesses/local business owners a better chance of getting one of those permits.

Rico Saldivar, a partner of Mainstream Medicinal Club stated that for small business owners like him and his partners, the limited amount of equity licenses doesn't give small business owners

a fair shot of getting one of those permits. He asked that they add two (2) more equity licenses or divide the current eight (8).

George Deleija, a business owner affiliated with Mainstream Medicinal Club brought to their attention the need to increase equity licenses by two (2) making that four (4) equity licenses and six (6) standard licenses, or that current proposed licenses be split down the middle making that four (4) standard licenses and four (4) equity licenses. This allocation or increase will give residents a better chance to create wonderful opportunities.

Akram Kassim, a local business owner commented that licenses should be divided into two categories of Established Cannabis Businesses and Local Entrepreneur/Madera Resident Start-Up. The eight (8) dispensary licenses should be divided into five (5) local entrepreneurs/social equity and three (3) established businesses ensuring that a larger number of licenses are owned locally. He stated they should consider allowing dispensary store fronts for applicants that have a vertical integration business model.

Roman Gonzales, a small business owner in the City of Madera asked that they either add two (2) more equity licenses or to split the current selection in half. He would like home grown businesspeople to have an equal and fair chance in the selection process.

City Manager Arnoldo Rodriguez stated that a letter in the staff report from the Madera Downtown Association asked for a minimum of two (2) dispensary retail shops in Downtown Madera.

Ms. Cantu Montoy clarified that in the ordinance before Council, 6-5.10 speaks to the ability of Council to adopt by resolution the number of permits. Today they are not addressing how many permits, instead they are authorizing Council to do so by resolution in the future.

No further public comment.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM A-1 WAS APPROVED AS AMENDED TO INCLUDE TEXT CLARIFICATIONS AND ADDING DISTANCING REGARDING THE LIBRARY AND JOHN WELLS YOUTH CENTER BY A 6/0 VOTE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 –
COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

INTRO ORD AN ORDINANCE OF THE CITY OF MADERA AMENDING SECTIONS 10-3.802, 10-3.902, 10-3.1002, AND 10-3.11.503 OF THE MADERA MUNICIPAL CODE RELATING TO AUTHORIZING COMMERCIAL CANNABIS ACTIVITIES IN CERTAIN ZONE DISTRICTS OF THE CITY

INTRO ORD

AN ORDINANCE OF THE CITY OF MADERA, CALIFORNIA ADDING CHAPTER 5 TO TITLE VI RELATING TO CANNABIS BUSINESSES; REPEALING CHAPTER 15, MEDICAL MARIJUANA AND CULTIVATION, OF TITLE IV, PUBLIC WELFARE; AND ADDING SUBSECTION 95 TO CHAPTER 1, BUSINESS LICENSE, OF TITLE VI, BUSINESS, PROFESSIONS, AND TRADES OF THE MADERA MUNICIPAL CODE

B. CLOSED SESSION:

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

Agency Designated Representatives:

Arnoldo Rodriguez and Wendy Silva

Employee Organizations:

General Bargaining Unit/Madera Affiliated City Employees Association
Mid-Management Employee Group
Madera Police Officers' Association
Law Enforcement Mid Management

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:01 p.m.

Council returned from closed session at 7:22 p.m. with five (5) Councilmembers present as Councilmember Rodriguez was not present during Closed Session and District 5 is currently vacant.

City Attorney Hilda Cantu Montoy announced that there was no reportable action.

ADJOURNMENT – The meeting was adjourned at 7:23 p.m. Next regular meeting June 16, 2021.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.



ALICIA GONZALES, City Clerk



SANTOS GARCÍA, Mayor



MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

