

**AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY**

**REGULAR MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA**

**October 27, 2022
6:00 PM**

In Person Meeting

How to submit public comments:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda. There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Sally Tafoya

ROLL CALL:

Mayor, Sally Tafoya
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano
Council Member/ Board Member, Amador Ayon

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENT: The public may address the Council/Board Member on items, which do not appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.

DEPARTMENTAL REPORTS

- A. Administration- Kenny Williams, Chief of Police/City Manager
 - Employee Stipends
- B. Public Works – Mario Gonzales, Public Works Director
 - Monument Sign
- C. Finance Department- Diego Viramontes, Finance Director
 - Council Health Benefits -Optout

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Council Member/Board Member removes a particular item.

1. Approval of Expense Report in the Amount of \$552,092.10 from September 21, 2022, to October 4, 2022.
2. Approval of October 06, 2022 Special Meeting Minutes.
3. Approval of October 13, 2022 Regular Meeting Minutes.
4. Approval of September 22, 2022 Regular Meeting Minutes.
5. Approval of Resolution NO. 2022-0118 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND TO ALLOW CITY COUNCIL MEETINGS TO BE HELD REMOTELY, CONSISTENT WITH ASSEMBLY BILL 361 RECOMMENDATION.

PUBLIC HEARINGS

6. Introduction and First Reading of Proposed Ordinance No.0010-2022, AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING WATER CONSERVATION MEASURES TO AMEND AND RESTATE TITLE 12, CHAPTER 12.10, SECTION 5.44.040, MCFARLAND MUNICIPAL CODE.
 - a. Staff Report: Community Development Director L. Ronk III

- b. Open Public Hearing and Receive Public Testimony:
Close Public Hearing:
- c. Motion to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, and Introduce for Reading Ordinance No. 0010-2022 AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING WATER CONSERVATION MEASURES TO AMEND AND RESTATE TITLE 12, CHAPTER 12.10, SECTION 5.44.040, MCFARLAND MUNICIPAL CODE
- d. Direct Staff to Schedule Second Reading and Adoption of Ordinance No.0010-2022 For the Next Regular City Council Meeting of November 10, 2022.

ADMINISTRATIVE AGENDA

- 7. Report, Discuss, and Provide Staff Direction on First Draft of Cannabis Ordinance.
- 8. Report, Discuss, and Provide Staff Direction to Possibly Move the Regular City Council Meeting Date of November 24, 2022, due to an Observed Holiday.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Councilmember Ricardo Cano
- b. Kern Council of Governments (KCOG)- Mayor Tafoya or Mayor Pro-Tem Pérez
- c. Kern Economic Development Corp. (KEDC) – Mayor Tafoya or Mayor Pro-Tem Pérez
- d. Kern County Association of Cities (KCAC)
- e. Poso Creek (IRWMP)- Councilmember S. Ayon
- f. Kern Local Agency Formation Commission (LAFCO) – Councilmember S. Ayon

COUNCIL STATEMENTS AND REPORTS

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. In addition, Council Members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for information. Alternatively, request staff to report to the City Council at a later meeting concerning any matter. Furthermore, the City Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

CLOSED SESSION

- 1. Public Employment (Government Code §54957) - Title: Human Resources Director

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on October 21, 2022.

Francisca Alvarado
Francisca Alvarado, City Clerk

Peter Cosentini, Assistant City Manager

Kenneth Williams, City Manager/ Chief of Police

Next Meeting: Regular City Council November 10, 2022.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.



City of McFarland, CA

Expense Approval Report

By Vendor Name

Payment Dates 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: A.A. Lock & Safe - A.A. Lock & Safe					
A.A. Lock & Safe	3419	09/27/2022	INV 3419 Service Call Keys	01-185-57400-0000-1	132.48
Vendor A.A. Lock & Safe - A.A. Lock & Safe Total:					132.48
Vendor: AAA Services - AAA Services					
AAA Services	155987	09/21/2022	INV 155987 New 5lbs Fire Extin...	01-150-57400-0000-1	500.73
AAA Services	155988	09/21/2022	INV 155988 Fire Extinguisher	32-510-57400-0000-1	487.36
AAA Services	155990	09/21/2022	INV 155990 Fire Extinguisher C...	01-180-57400-0000-1	2,004.56
Vendor AAA Services - AAA Services Total:					2,992.65
Vendor: American Fidelity - American Fidelity					
American Fidelity	INV0022128	09/22/2022	American Fidelity Accident 2* P...	30-22800-0000-1	15.41
American Fidelity	INV0022129	09/22/2022	Life 1	30-22900-0000-1	15.43
American Fidelity	INV0022130	09/22/2022	American Fidelity - Disability In...	01-22700-0000-1	101.73
American Fidelity	INV0022130	09/22/2022	American Fidelity - Disability In...	30-22700-0000-1	88.40
American Fidelity	INV0022130	09/22/2022	American Fidelity - Disability In...	31-22700-0000-1	10.67
American Fidelity	INV0022130	09/22/2022	American Fidelity - Disability In...	32-22700-0000-1	45.85
American Fidelity	INV0022131	09/22/2022	Health FSA	01-22600-0000-1	19.23
American Fidelity	INV0022131	09/22/2022	Health FSA	32-22600-0000-1	25.00
American Fidelity	INV0022132	09/22/2022	Life 1	01-22900-0000-1	48.54
American Fidelity	INV0022132	09/22/2022	Life 1	30-22900-0000-1	64.59
American Fidelity	INV0022132	09/22/2022	Life 1	31-22900-0000-1	11.21
American Fidelity	INV0022132	09/22/2022	Life 1	32-22900-0000-1	34.25
American Fidelity	INV0022133	09/22/2022	Life 2	01-22900-0000-1	1.52
American Fidelity	INV0022133	09/22/2022	Life 2	30-22900-0000-1	21.69
American Fidelity	INV0022133	09/22/2022	Life 2	32-22900-0000-1	1.13
American Fidelity	INV0022134	09/22/2022	Life 3	01-22900-0000-1	1.40
American Fidelity	INV0022134	09/22/2022	Life 3	30-22900-0000-1	1.05
American Fidelity	INV0022134	09/22/2022	Life 3	32-22900-0000-1	1.03
American Fidelity	INV0022135	09/22/2022	Life 3	01-22900-0000-1	1.63
American Fidelity	INV0022135	09/22/2022	Life 3	30-22900-0000-1	1.23
American Fidelity	INV0022135	09/22/2022	Life 3	32-22900-0000-1	1.22
American Fidelity	INV0022136	09/22/2022	Life 3	01-22900-0000-1	1.36
American Fidelity	INV0022136	09/22/2022	Life 3	30-22900-0000-1	1.02
American Fidelity	INV0022136	09/22/2022	Life 3	32-22900-0000-1	1.01
American Fidelity	INV0022154	09/22/2022	Cancer 1 American Fidelity	30-22950-0000-1	5.54
American Fidelity	INV0022155	09/22/2022	Cancer 2* - American Fidelity Pr...	30-22950-0000-1	16.50
American Fidelity	INV0022163	09/22/2022	American Fidelity Accident 1	01-22800-0000-1	34.75
American Fidelity	INV0022164	09/22/2022	American Fidelity Accident 2* P...	01-22800-0000-1	8.66
American Fidelity	INV0022165	09/22/2022	Life 1	01-22900-0000-1	9.81
American Fidelity	INV0022166	09/22/2022	American Fidelity - Disability In...	01-22700-0000-1	296.35
American Fidelity	INV0022167	09/22/2022	Health FSA	01-22600-0000-1	14.04
American Fidelity	INV0022167	09/22/2022	Health FSA	30-22600-0000-1	2.59
American Fidelity	INV0022167	09/22/2022	Health FSA	32-22600-0000-1	2.60
American Fidelity	INV0022168	09/22/2022	Life 1	01-22900-0000-1	133.82
American Fidelity	INV0022169	09/22/2022	Life 2	01-22900-0000-1	24.00
American Fidelity	INV0022181	09/22/2022	Cancer 1 American Fidelity	01-22950-0000-1	13.53
Vendor American Fidelity - American Fidelity Total:					1,077.79
Vendor: American Office Solu - American Office Solutions, LLC					
American Office Solutions, LLC	19568	09/21/2022	19568	26-110-53100-8550-1	433.00
American Office Solutions, LLC	19569	09/21/2022	19569	26-110-53100-8550-1	9,142.69
American Office Solutions, LLC	19570	09/21/2022	19570	01-310-52200-0000-1	257.32
American Office Solutions, LLC	19572	09/21/2022	19572	01-310-52200-0000-1	309.47
American Office Solutions, LLC	19574	09/21/2022	19574	26-110-53100-8550-1	700.00
American Office Solutions, LLC	19683	09/21/2022	19683	01-310-52200-0000-1	3,600.00

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
American Office Solutions, LLC	19732	09/21/2022	19732	01-310-52200-0000-1	1,600.00
American Office Solutions, LLC	19740	09/21/2022	19740	01-310-52200-0000-1	1,100.00
Vendor American Office Solu - American Office Solutions, LLC Total:					17,142.48
Vendor: At&t Mobility - At&t Mobility					
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-105-57800-0000-1	128.70
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-110-57800-0000-1	29.56
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-115-57800-0000-1	41.57
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-140-57800-0000-1	19.17
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-155-57800-0000-1	19.17
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-160-57800-0000-1	19.17
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-165-57800-0000-1	19.17
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	01-175-57800-0000-1	19.17
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	20-200-57800-0000-1	3.44
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	30-500-57800-0000-1	195.54
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	31-505-57800-0000-1	8.21
At&t Mobility	287237972024X09112022	09/21/2022	287237972024x09112022	32-510-57800-0000-1	195.54
Vendor At&t Mobility - At&t Mobility Total:					698.41
Vendor: Auto Zone - Auto Zone					
Auto Zone	6270471099	09/21/2022	INV 6270471099 Duralast Gold ...	34-520-56600-0000-1	157.88
Auto Zone	6270484286	09/21/2022	AUTOZONE 6270484286 F-250	01-155-56600-0000-1	194.11
Auto Zone	6270484998	09/21/2022	INV 6270484998 Durulast Batte...	30-500-56600-0000-1	65.19
Auto Zone	6270484998	09/21/2022	INV 6270484998 Durulast Batte...	32-510-56600-0000-1	65.19
Auto Zone	6270484998	09/21/2022	INV 6270484998 Durulast Batte...	34-520-56600-0000-1	65.20
Vendor Auto Zone - Auto Zone Total:					547.57
Vendor: Best Digital Solutio - Best Digital Solutions, LLC					
Best Digital Solutions, LLC	1067	09/21/2022	1067	30-500-52200-0000-1	211.70
Best Digital Solutions, LLC	1067	09/21/2022	1067	30-500-55600-0000-1	535.06
Best Digital Solutions, LLC	1067	09/21/2022	1067	31-505-52200-0000-1	211.70
Best Digital Solutions, LLC	1067	09/21/2022	1067	31-505-55600-0000-1	535.06
Best Digital Solutions, LLC	1067	09/21/2022	1067	32-510-52200-0000-1	212.33
Best Digital Solutions, LLC	1067	09/21/2022	1067	32-510-55600-0000-1	536.68
Vendor Best Digital Solutio - Best Digital Solutions, LLC Total:					2,242.53
Vendor: BHT Engineering, Inc - BHT Engineering, Inc.					
BHT Engineering, Inc.	22-327	09/21/2022	INV 22-327 Davis Ave Rehab El...	25-000-52960-8430-1	457.50
BHT Engineering, Inc.	22-332	09/21/2022	INV 22-332 San Juan Sherwood ...	25-000-52960-8490-1	2,105.00
BHT Engineering, Inc.	22-333	09/21/2022	INV 22-333 E. Kern Ave - Industr...	25-000-52960-8280-1	1,915.00
BHT Engineering, Inc.	22-423	09/27/2022	Inv No 22-423 - Tract 7393 Imp...	01-140-56000-8472-1	927.50
BHT Engineering, Inc.	22-424	09/27/2022	Inv No 22-424 - Capri Liquors M...	01-140-56000-8469-1	740.00
BHT Engineering, Inc.	22-445	09/27/2022	Inv No 22-445 - Tract 7393 Phas...	01-140-56000-8472-1	1,290.00
Vendor BHT Engineering, Inc - BHT Engineering, Inc. Total:					7,435.00
Vendor: Billy J Greenfield - Billy J. Greenfield					
Billy J. Greenfield	FY2019/2020	09/21/2022	FY2019/2020 Monument Landl...	01-130-58850-0000-1	2,167.91
Billy J. Greenfield	FY2020/2021	09/21/2022	FY2020/2021 Monument Landl...	01-130-58850-0000-1	2,254.63
Billy J. Greenfield	FY2021/2022	09/21/2022	FY2021/2022 Monument Landl...	01-130-58850-0000-1	2,448.53
Vendor Billy J Greenfield - Billy J. Greenfield Total:					6,871.07
Vendor: B-Line - B-Line Sales Inc.					
B-Line Sales Inc.	28793	09/27/2022	INV 28793 Fitting Pump Chemic...	32-510-57400-0000-1	741.67
Vendor B-Line - B-Line Sales Inc. Total:					741.67
Vendor: Brenntag - Brenntag Pacific Inc.					
Brenntag Pacific Inc.	BPI260753	09/21/2022	INV BPI260753 L A Chemchlor ...	32-510-57400-0000-1	855.25
Brenntag Pacific Inc.	BPI261629	09/21/2022	INV BPI261629 L A Chemchlor ...	32-510-57400-0000-1	1,133.22
Vendor Brenntag - Brenntag Pacific Inc. Total:					1,988.47
Vendor: Brink's, Inc. - Brink's, Inc.					
Brink's, Inc.	5110840	09/21/2022	5110840	01-130-51200-0000-1	242.35
Brink's, Inc.	5110840	09/21/2022	5110840	30-500-51200-0000-1	242.36
Brink's, Inc.	5110840	09/21/2022	5110840	31-505-51200-0000-1	242.36

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Brink's, Inc.	5110840	09/21/2022	5110840	32-510-51200-0000-1	242.36
Vendor Brink's, Inc. - Brink's, Inc. Total:					969.43
Vendor: CA Department of Jus - CA Department of Justice					
CA Department of Justice	598589	09/21/2022	Inv. 598589 Live Scan - Y.Donate	01-150-56000-0000-1	64.00
Vendor CA Department of Jus - CA Department of Justice Total:					64.00
Vendor: CALCLEAN - Cal Clean LLC					
Cal Clean LLC	58	09/21/2022	58	26-110-53100-8550-1	400.00
Vendor CALCLEAN - Cal Clean LLC Total:					400.00
Vendor: Cannon - Cannon					
Cannon	81295	09/21/2022	INV 81295 SRF On-Call	30-500-53600-0000-1	1,160.00
Cannon	81754	09/27/2022	INV 81754 Prof Serv Through 08...	30-500-56410-0000-1	3,538.75
Cannon	81784	09/27/2022	Inv No 81784 - Elmo Hwy Medic...	01-140-56000-8449-1	812.00
Vendor Cannon - Cannon Total:					5,510.75
Vendor: CenCal Auto & Truck - CenCal Auto & Truck Parts, Inc.					
CenCal Auto & Truck Parts, Inc.	822723	09/21/2022	INV 822723 V-Belt Replacement...	30-500-56410-0000-1	31.09
CenCal Auto & Truck Parts, Inc.	822809	09/27/2022	INV 822809 Oil Funnel	01-180-56410-0000-1	135.84
Vendor CenCal Auto & Truck - CenCal Auto & Truck Parts, Inc. Total:					166.93
Vendor: Cintas - Cintas Corporation No.3					
Cintas Corporation No.3	4126843557	09/21/2022	INV 4126843557 Cintas	01-180-51800-0000-1	97.14
Cintas Corporation No.3	4126843557	09/21/2022	INV 4126843557 Cintas	30-500-51800-0000-1	83.26
Cintas Corporation No.3	4126843557	09/21/2022	INV 4126843557 Cintas	32-510-51800-0000-1	31.84
Cintas Corporation No.3	4131620070	09/27/2022	INV 4131620070 Cintas	01-180-51800-0000-1	97.14
Cintas Corporation No.3	4131620070	09/27/2022	INV 4131620070 Cintas	30-500-51800-0000-1	83.26
Cintas Corporation No.3	4131620070	09/27/2022	INV 4131620070 Cintas	32-510-51800-0000-1	31.84
Vendor Cintas - Cintas Corporation No.3 Total:					424.48
Vendor: Creative Financial - Creative Financial					
Creative Financial	122350209	09/21/2022	122350209	01-115-52200-0000-1	748.00
Creative Financial	122350209	09/21/2022	122350209	30-500-52200-0000-1	561.00
Creative Financial	122350209	09/21/2022	122350209	32-510-52200-0000-1	561.00
Creative Financial	122360219	09/21/2022	122360219	01-115-52200-0000-1	633.25
Creative Financial	122360219	09/21/2022	122360219	30-500-52200-0000-1	474.94
Creative Financial	122360219	09/21/2022	122360219	32-510-52200-0000-1	474.94
Creative Financial	122370200	09/21/2022	122370200	01-115-52200-0000-1	680.00
Creative Financial	122370200	09/21/2022	122370200	30-500-52200-0000-1	510.00
Creative Financial	122370200	09/21/2022	122370200	32-510-52200-0000-1	510.00
Vendor Creative Financial - Creative Financial Total:					5,153.13
Vendor: De Lage Landen - De Lage Landen					
De Lage Landen	77604213	09/21/2022	Inv. 77604213 (9/17/22) Contr...	01-150-52200-0000-1	66.25
Vendor De Lage Landen - De Lage Landen Total:					66.25
Vendor: Dee Jaspar - Dee Jaspar					
Dee Jaspar	22-08029	09/27/2022	Inv No 22-08029 - Sherwood Mi...	01-140-56000-8467-1	639.00
Dee Jaspar	22-08030	09/27/2022	Inv No 22-08030 - elmo hwy m...	01-140-56000-8449-1	2,092.50
Dee Jaspar	22-08066	09/27/2022	Inv No 22-08066 - Tract 7393	01-140-56000-8472-1	461.50
Vendor Dee Jaspar - Dee Jaspar Total:					3,193.00
Vendor: EDD - EDD					
EDD	INV0022158	09/22/2022	State Income Tax Withholding	01-22200-0000-1	474.80
EDD	INV0022158	09/22/2022	State Income Tax Withholding	20-22200-0000-1	6.98
EDD	INV0022158	09/22/2022	State Income Tax Withholding	30-22200-0000-1	482.66
EDD	INV0022158	09/22/2022	State Income Tax Withholding	31-22200-0000-1	92.84
EDD	INV0022158	09/22/2022	State Income Tax Withholding	32-22200-0000-1	228.68
EDD	INV0022159	09/22/2022	SDI - State Disability Insurance	01-22200-0000-1	205.69
EDD	INV0022159	09/22/2022	SDI - State Disability Insurance	20-22200-0000-1	24.52
EDD	INV0022159	09/22/2022	SDI - State Disability Insurance	30-22200-0000-1	167.77
EDD	INV0022159	09/22/2022	SDI - State Disability Insurance	31-22200-0000-1	35.77
EDD	INV0022159	09/22/2022	SDI - State Disability Insurance	32-22200-0000-1	127.05
EDD	INV0022184	09/22/2022	State Income Tax Withholding	01-22200-0000-1	2,157.09
EDD	INV0022184	09/22/2022	State Income Tax Withholding	30-22200-0000-1	197.72

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
EDD	INV0022184	09/22/2022	State Income Tax Withholding	31-22200-0000-1	65.23
EDD	INV0022184	09/22/2022	State Income Tax Withholding	32-22200-0000-1	67.24
EDD	INV0022185	09/22/2022	SDI - State Disability Insurance	01-22200-0000-1	743.95
EDD	INV0022185	09/22/2022	SDI - State Disability Insurance	30-22200-0000-1	37.78
EDD	INV0022185	09/22/2022	SDI - State Disability Insurance	31-22200-0000-1	11.74
EDD	INV0022185	09/22/2022	SDI - State Disability Insurance	32-22200-0000-1	14.32
EDD	INV0022186	09/22/2022	State Unemployment Insurance	01-22250-0000-1	276.39
EDD	INV0022209	09/22/2022	SDI - State Disability Insurance	01-22200-0000-1	8.78
EDD	INV0022209	09/22/2022	SDI - State Disability Insurance	30-22200-0000-1	13.16
EDD	INV0022209	09/22/2022	SDI - State Disability Insurance	32-22200-0000-1	13.15
EDD	INV0022204	09/23/2022	State Income Tax Withholding	01-22200-0000-1	19.72
EDD	INV0022205	09/23/2022	SDI - State Disability Insurance	01-22200-0000-1	12.63
Vendor EDD - EDD Total:					5,485.66

Vendor: EFTPS - Electronic Federal Tax Payment System

Electronic Federal Tax Payment ...	INV0022156	09/22/2022	Federal Income Tax Withholding	01-22050-0000-1	1,407.41
Electronic Federal Tax Payment ...	INV0022156	09/22/2022	Federal Income Tax Withholding	20-22050-0000-1	42.09
Electronic Federal Tax Payment ...	INV0022156	09/22/2022	Federal Income Tax Withholding	30-22050-0000-1	1,274.53
Electronic Federal Tax Payment ...	INV0022156	09/22/2022	Federal Income Tax Withholding	31-22050-0000-1	208.07
Electronic Federal Tax Payment ...	INV0022156	09/22/2022	Federal Income Tax Withholding	32-22050-0000-1	519.98
Electronic Federal Tax Payment ...	INV0022157	09/22/2022	Social Security	01-22100-0000-1	2,318.46
Electronic Federal Tax Payment ...	INV0022157	09/22/2022	Social Security	20-22100-0000-1	276.54
Electronic Federal Tax Payment ...	INV0022157	09/22/2022	Social Security	30-22100-0000-1	1,891.12
Electronic Federal Tax Payment ...	INV0022157	09/22/2022	Social Security	31-22100-0000-1	403.14
Electronic Federal Tax Payment ...	INV0022157	09/22/2022	Social Security	32-22100-0000-1	1,432.64
Electronic Federal Tax Payment ...	INV0022160	09/22/2022	Medicare	01-22150-0000-1	542.24
Electronic Federal Tax Payment ...	INV0022160	09/22/2022	Medicare	20-22150-0000-1	64.68
Electronic Federal Tax Payment ...	INV0022160	09/22/2022	Medicare	30-22150-0000-1	442.32
Electronic Federal Tax Payment ...	INV0022160	09/22/2022	Medicare	31-22150-0000-1	94.26
Electronic Federal Tax Payment ...	INV0022160	09/22/2022	Medicare	32-22150-0000-1	334.98
Electronic Federal Tax Payment ...	INV0022182	09/22/2022	Federal Income Tax Withholding	01-22050-0000-1	5,471.69
Electronic Federal Tax Payment ...	INV0022182	09/22/2022	Federal Income Tax Withholding	30-22050-0000-1	408.29
Electronic Federal Tax Payment ...	INV0022182	09/22/2022	Federal Income Tax Withholding	31-22050-0000-1	133.22
Electronic Federal Tax Payment ...	INV0022182	09/22/2022	Federal Income Tax Withholding	32-22050-0000-1	141.84
Electronic Federal Tax Payment ...	INV0022183	09/22/2022	Social Security	01-22100-0000-1	8,386.34
Electronic Federal Tax Payment ...	INV0022183	09/22/2022	Social Security	30-22100-0000-1	425.98
Electronic Federal Tax Payment ...	INV0022183	09/22/2022	Social Security	31-22100-0000-1	132.34
Electronic Federal Tax Payment ...	INV0022183	09/22/2022	Social Security	32-22100-0000-1	161.28
Electronic Federal Tax Payment ...	INV0022187	09/22/2022	Medicare	01-22150-0000-1	1,961.28
Electronic Federal Tax Payment ...	INV0022187	09/22/2022	Medicare	30-22150-0000-1	99.60
Electronic Federal Tax Payment ...	INV0022187	09/22/2022	Medicare	31-22150-0000-1	30.96
Electronic Federal Tax Payment ...	INV0022187	09/22/2022	Medicare	32-22150-0000-1	37.74
Electronic Federal Tax Payment ...	INV0022208	09/22/2022	Social Security	01-22100-0000-1	98.90
Electronic Federal Tax Payment ...	INV0022208	09/22/2022	Social Security	30-22100-0000-1	148.32
Electronic Federal Tax Payment ...	INV0022208	09/22/2022	Social Security	32-22100-0000-1	148.32
Electronic Federal Tax Payment ...	INV0022210	09/22/2022	Medicare	01-22150-0000-1	23.14
Electronic Federal Tax Payment ...	INV0022210	09/22/2022	Medicare	30-22150-0000-1	34.68
Electronic Federal Tax Payment ...	INV0022210	09/22/2022	Medicare	32-22150-0000-1	34.68
Electronic Federal Tax Payment ...	INV0022202	09/23/2022	Federal Income Tax Withholding	01-22050-0000-1	109.75
Electronic Federal Tax Payment ...	INV0022203	09/23/2022	Social Security	01-22100-0000-1	142.32
Electronic Federal Tax Payment ...	INV0022206	09/23/2022	Medicare	01-22150-0000-1	33.28

Vendor EFTPS - Electronic Federal Tax Payment System Total: 29,416.41

Vendor: Ennis-Flint - Ennis-Flint, Inc

Ennis-Flint, Inc	435966	09/21/2022	INV 435966 5 Gallon Pail Filled	01-180-57400-0000-1	1,543.43
------------------	--------	------------	---------------------------------	---------------------	----------

Vendor Ennis-Flint - Ennis-Flint, Inc Total: 1,543.43

Vendor: EWING - Ewing Irrigation Products Inc.

Ewing Irrigation Products Inc.	17753074	09/21/2022	INV 17753074 Blanco Park Hun...	20-200-57400-0000-1	653.65
Ewing Irrigation Products Inc.	17753096	09/21/2022	INV 17753096 Seed for Winter	20-200-57400-0000-1	263.68

Vendor EWING - Ewing Irrigation Products Inc. Total: 917.33

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Gregs Petroleum - Gregs Petroleum					
Gregs Petroleum	339309	09/21/2022	339309	01-115-54000-0000-1	2,143.14
Gregs Petroleum	340934	09/21/2022	340934	01-115-54000-0000-1	3,294.69
Vendor Gregs Petroleum - Gregs Petroleum Total:					5,437.83
Vendor: HADDAD DODGE-KIA - HADDAD DODGE-KIA					
HADDAD DODGE-KIA	DOCS210913	09/21/2022	INV DOCS210913 2013 RAM 35...	32-510-56600-0000-1	460.54
Vendor HADDAD DODGE-KIA - HADDAD DODGE-KIA Total:					460.54
Vendor: Home Depot - Home Depot					
Home Depot	012245/2101741	09/21/2022	Auth Code 012245/2101741 Su...	32-510-57400-0000-1	190.64
Home Depot	3081606	09/27/2022	Auth Code 001364/3081606 Su...	01-180-57400-0000-1	133.35
Home Depot	5512095	09/27/2022	Auth Code 001364/3081606 Su...	01-180-57400-0000-1	329.14
Vendor Home Depot - Home Depot Total:					653.13
Vendor: Irrigation Concepts - Irrigation Concepts					
Irrigation Concepts	46773	09/21/2022	INV 46773 Supplies	32-510-57400-0000-1	62.55
Irrigation Concepts	46784	09/21/2022	INV 46784 Supplies	20-200-57400-0000-1	1.39
Irrigation Concepts	46786	09/21/2022	INV 46786 Supplies	32-510-57400-0000-1	34.21
Vendor Irrigation Concepts - Irrigation Concepts Total:					98.15
Vendor: Occupational Vetting - James Conner					
James Conner	22-200	09/21/2022	Inv. 22-200 Background C. Andr...	01-150-56000-0000-1	300.00
Vendor Occupational Vetting - James Conner Total:					300.00
Vendor: Jefferies Bros. - Jefferies Bros.					
Jefferies Bros.	113911	09/27/2022	INV 113911 White Oil 90	01-180-51800-0000-1	837.62
Vendor Jefferies Bros. - Jefferies Bros. Total:					837.62
Vendor: LOP125 - Jessica Lopez					
Jessica Lopez	INV0022188	09/21/2022	Hotel Parking Fee - August 2022	01-150-52000-0000-1	65.60
Jessica Lopez	INV0022189	09/21/2022	Hotel Parking Fee - Sept 2022	01-150-52000-0000-1	65.60
Vendor LOP125 - Jessica Lopez Total:					131.20
Vendor: Jim White - Jim White					
Jim White	INV0022191	09/21/2022	PC Meeting Compensaitions 06...	01-140-52200-0000-1	100.00
Jim White	INV0022199	09/21/2022	PC Meeting 09/20/2022 Compe...	01-140-52200-0000-1	50.00
Vendor Jim White - Jim White Total:					150.00
Vendor: John Hancock - John Hancock					
John Hancock	INV0022125	09/22/2022	401K - Employer	01-20800-0000-1	1,246.43
John Hancock	INV0022125	09/22/2022	401K - Employer	30-20800-0000-1	972.86
John Hancock	INV0022125	09/22/2022	401K - Employer	31-20800-0000-1	275.46
John Hancock	INV0022125	09/22/2022	401K - Employer	32-20800-0000-1	685.26
John Hancock	INV0022126	09/22/2022	401K - Employee	01-20800-0000-1	552.32
John Hancock	INV0022126	09/22/2022	401K - Employee	20-20800-0000-1	78.62
John Hancock	INV0022126	09/22/2022	401K - Employee	30-20800-0000-1	288.51
John Hancock	INV0022126	09/22/2022	401K - Employee	31-20800-0000-1	138.57
John Hancock	INV0022126	09/22/2022	401K - Employee	32-20800-0000-1	368.48
John Hancock	INV0022127	09/22/2022	401K - Employer	20-20800-0000-1	131.04
John Hancock	INV0022127	09/22/2022	401K - Employer	30-20800-0000-1	50.32
John Hancock	INV0022127	09/22/2022	401K - Employer	31-20800-0000-1	47.75
John Hancock	INV0022127	09/22/2022	401K - Employer	32-20800-0000-1	30.97
John Hancock	INV0022137	09/22/2022	401K Loan 1	32-20800-0000-1	32.25
John Hancock	INV0022138	09/22/2022	401K Loan 1	30-20800-0000-1	13.09
John Hancock	INV0022139	09/22/2022	401K Loan 1	01-20800-0000-1	45.90
John Hancock	INV0022140	09/22/2022	401K Loan 2	01-20800-0000-1	21.14
John Hancock	INV0022140	09/22/2022	401K Loan 2	30-20800-0000-1	15.86
John Hancock	INV0022140	09/22/2022	401K Loan 2	32-20800-0000-1	15.85
John Hancock	INV0022141	09/22/2022	401K Loan 3	01-20800-0000-1	35.73
John Hancock	INV0022141	09/22/2022	401K Loan 3	30-20800-0000-1	26.80
John Hancock	INV0022141	09/22/2022	401K Loan 3	32-20800-0000-1	26.80
John Hancock	INV0022142	09/22/2022	401K Loan 3	01-20800-0000-1	34.35
John Hancock	INV0022143	09/22/2022	401K Loan 4	01-20800-0000-1	140.00
John Hancock	INV0022144	09/22/2022	401K Loan 5	01-20800-0000-1	157.75
John Hancock	INV0022145	09/22/2022	401K Loan 4	01-20800-0000-1	17.09

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
John Hancock	INV0022145	09/22/2022	401K Loan 4	30-20800-0000-1	34.17
John Hancock	INV0022145	09/22/2022	401K Loan 4	32-20800-0000-1	34.16
John Hancock	INV0022146	09/22/2022	401K Loan 4	01-20800-0000-1	19.69
John Hancock	INV0022146	09/22/2022	401K Loan 4	30-20800-0000-1	39.37
John Hancock	INV0022146	09/22/2022	401K Loan 4	32-20800-0000-1	39.36
John Hancock	INV0022147	09/22/2022	401K Loan 4	01-20800-0000-1	145.50
John Hancock	INV0022147	09/22/2022	401K Loan 4	20-20800-0000-1	4.50
John Hancock	INV0022148	09/22/2022	401K Loan 4	01-20800-0000-1	51.07
John Hancock	INV0022148	09/22/2022	401K Loan 4	20-20800-0000-1	1.58
John Hancock	INV0022149	09/22/2022	401k Contribution	01-20800-0000-1	204.37
John Hancock	INV0022150	09/22/2022	401k Contribution	01-20800-0000-1	78.76
John Hancock	INV0022150	09/22/2022	401k Contribution	30-20800-0000-1	157.52
John Hancock	INV0022150	09/22/2022	401k Contribution	32-20800-0000-1	157.54
John Hancock	INV0022151	09/22/2022	401k Contribution	30-20800-0000-1	255.20
John Hancock	INV0022152	09/22/2022	401k Contribution	01-20800-0000-1	193.30
John Hancock	INV0022152	09/22/2022	401k Contribution	20-20800-0000-1	5.98
John Hancock	INV0022153	09/22/2022	401k Contribution	01-20800-0000-1	68.80
John Hancock	INV0022161	09/22/2022	401K - Employer	01-20800-0000-1	3,403.32
John Hancock	INV0022161	09/22/2022	401K - Employer	30-20800-0000-1	18.20
John Hancock	INV0022161	09/22/2022	401K - Employer	32-20800-0000-1	18.21
John Hancock	INV0022162	09/22/2022	401K - Employee	01-20800-0000-1	1,301.78
John Hancock	INV0022162	09/22/2022	401K - Employee	30-20800-0000-1	4.10
John Hancock	INV0022162	09/22/2022	401K - Employee	32-20800-0000-1	4.10
John Hancock	INV0022170	09/22/2022	401K Loan 1	01-20800-0000-1	138.52
John Hancock	INV0022171	09/22/2022	401K Loan 1	01-20800-0000-1	117.75
John Hancock	INV0022172	09/22/2022	401k Contribution	01-20800-0000-1	275.46
John Hancock	INV0022173	09/22/2022	401k Contribution	01-20800-0000-1	169.66
John Hancock	INV0022174	09/22/2022	401k Contribution	01-20800-0000-1	298.89
John Hancock	INV0022175	09/22/2022	401k Contribution	01-20800-0000-1	241.34
John Hancock	INV0022176	09/22/2022	401k Contribution	01-20800-0000-1	268.89
John Hancock	INV0022177	09/22/2022	401k Contribution	01-20800-0000-1	246.88
John Hancock	INV0022178	09/22/2022	401k Contribution	01-20800-0000-1	267.96
John Hancock	INV0022179	09/22/2022	401k Contribution	01-20800-0000-1	199.14
John Hancock	INV0022180	09/22/2022	401k Contribution	01-20800-0000-1	210.10
John Hancock	INV0022180	09/22/2022	401k Contribution	30-20800-0000-1	378.17
John Hancock	INV0022180	09/22/2022	401k Contribution	31-20800-0000-1	126.06
John Hancock	INV0022180	09/22/2022	401k Contribution	32-20800-0000-1	126.05
John Hancock	INV0022207	09/22/2022	401K - Employer	01-20800-0000-1	28.79
John Hancock	INV0022207	09/22/2022	401K - Employer	30-20800-0000-1	43.18
John Hancock	INV0022207	09/22/2022	401K - Employer	32-20800-0000-1	43.17
John Hancock	INV0022201	09/23/2022	401k Contribution	01-20800-0000-1	114.78
Vendor John Hancock - John Hancock Total:					14,984.57

Vendor: Jose Hernandez - Jose Hernandez

Jose Hernandez	INV0022194	09/21/2022	PC Meeting Compensations 06...	01-140-52200-0000-1	100.00
Jose Hernandez	INV0022197	09/21/2022	PC Meeting 09/20/2022 Compe...	01-140-52200-0000-1	50.00
Vendor Jose Hernandez - Jose Hernandez Total:					150.00

Vendor: Jose L Hernandez - Jose Luis Hernandez

Jose Luis Hernandez	INV0022193	09/21/2022	PC Meeting Compensations 06...	01-140-52200-0000-1	100.00
Jose Luis Hernandez	INV0022198	09/21/2022	PC Meeting 09/20/2022 Compe...	01-140-52200-0000-1	50.00
Vendor Jose L Hernandez - Jose Luis Hernandez Total:					150.00

Vendor: J's Automotive - J's Automotive

J's Automotive	9605	09/21/2022	INV 9605 Replace Pipes Muffler	30-500-56000-0000-1	85.00
Vendor J's Automotive - J's Automotive Total:					85.00

Vendor: ALB100-1 - Karissa Alberto

Karissa Alberto	INV0022211	10/03/2022	Meals & Incidental Expenses / L...	01-150-52010-0000-1	681.61
Vendor ALB100-1 - Karissa Alberto Total:					681.61

Vendor: Kern Machinery - Kern Machinery

Kern Machinery	103-991065	09/21/2022	INV 103-991065 Rope Spool Ba...	20-200-57400-0000-1	75.31
----------------	------------	------------	---------------------------------	---------------------	-------

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Kern Machinery	991731	09/27/2022	INV 103-991731 Fuel Pump	20-200-57400-0000-1	13.52
Vendor Kern Machinery - Kern Machinery Total:					88.83
Vendor: RON100 - Larry Ronk III					
Larry Ronk III	2000102-22062295	09/21/2022	Walmart Lobby TV 2000102-22...	01-155-52950-0000-1	346.47
Vendor RON100 - Larry Ronk III Total:					346.47
Vendor: Luis Sarabia - Luis Sarabia					
Luis Sarabia	INV0022195	09/21/2022	PC Meeting Compensaitions 06...	01-140-52200-0000-1	100.00
Luis Sarabia	INV0022196	09/21/2022	PC Meeting 09/20/2022 Compe...	01-140-52200-0000-1	50.00
Vendor Luis Sarabia - Luis Sarabia Total:					150.00
Vendor: Marco A. Martinez - Marco A. Martinez					
Marco A. Martinez	INV0022192	09/21/2022	PC Meeting Compensaitions 06...	01-140-52200-0000-1	100.00
Marco A. Martinez	INV0022200	09/21/2022	PC Meeting 09/20/2022 Compe...	01-140-52200-0000-1	50.00
Vendor Marco A. Martinez - Marco A. Martinez Total:					150.00
Vendor: McFarland Tire - McFarland Tire					
McFarland Tire	25994	09/21/2022	INV 25994 Little Tire Fixed on K...	01-180-56400-0000-1	22.50
McFarland Tire	25994	09/21/2022	INV 25994 Little Tire Fixed on K...	32-510-56400-0000-1	22.50
McFarland Tire	26492	09/21/2022	INV 26492 Tires and Disposal	01-180-56440-0000-1	280.00
McFarland Tire	26901	09/27/2022	INV 26901 Repair flat tire, Kubo...	30-500-56410-0000-1	20.00
Vendor McFarland Tire - McFarland Tire Total:					345.00
Vendor: Office Depot - Office Depot					
Office Depot	260990100001	09/21/2022	INV 260990100001 Office Suppl...	01-180-57200-0000-1	11.60
Office Depot	260990100001	09/21/2022	INV 260990100001 Office Suppl...	30-500-57200-0000-1	11.60
Office Depot	260990100001	09/21/2022	INV 260990100001 Office Suppl...	32-510-57200-0000-1	11.94
Office Depot	260996944001	09/21/2022	INV 260996944001 Office Suppl...	01-180-57200-0000-1	6.97
Office Depot	260996944001	09/21/2022	INV 260996944001 Office Suppl...	30-500-57200-0000-1	6.96
Office Depot	260996944001	09/21/2022	INV 260996944001 Office Suppl...	32-510-57200-0000-1	6.96
Office Depot	263338702001	09/21/2022	Inv. 263338702001 Office Suppl...	01-150-57200-0000-1	108.44
Office Depot	263338702001	09/21/2022	Inv. 263338702001 Ops Supplies	01-150-57400-0000-1	43.83
Office Depot	263421422001	09/21/2022	INV 263421422001 Office Suppl...	01-180-57200-0000-1	32.09
Office Depot	263421422001	09/21/2022	INV 263421422001 Office Suppl...	30-500-57200-0000-1	57.81
Office Depot	263421422001	09/21/2022	INV 263421422001 Office Suppl...	32-510-57200-0000-1	55.82
Office Depot	263880604001	09/21/2022	Inv. 263880604001 Office Suppl...	01-150-57200-0000-1	13.21
Vendor Office Depot - Office Depot Total:					367.23
Vendor: Olivia Ayon - Olivia Ayon					
Olivia Ayon	INV0022212	10/03/2022	Dispatch Course/Commuter Lun...	01-150-52010-0000-1	953.12
Vendor Olivia Ayon - Olivia Ayon Total:					953.12
Vendor: Pace Analytical Serv - Pace Analytical Services, LLC					
Pace Analytical Services, LLC	B457181	09/21/2022	INV B457181 Lab Tests Weekly	30-500-58200-0000-1	76.02
Pace Analytical Services, LLC	B458008	09/27/2022	INV B458008 Lab Tests Weekly ...	30-500-58200-0000-1	103.17
Pace Analytical Services, LLC	B458063	09/27/2022	INV B458063 Effluent/ Influent	30-500-58200-0000-1	103.17
Vendor Pace Analytical Serv - Pace Analytical Services, LLC Total:					282.36
Vendor: Pacific West Sound - Pacific West Sound					
Pacific West Sound	30971	09/21/2022	INV 30971 Service Call 8/26/22	01-310-52200-0000-1	175.00
Vendor Pacific West Sound - Pacific West Sound Total:					175.00
Vendor: PITNEY BOWES - PITNEY BOWES					
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-105-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-110-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-115-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-130-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-140-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-150-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-155-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-160-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-165-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	01-175-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	30-500-55600-0000-1	7.01
PITNEY BOWES	1020950725	09/21/2022	1020950725	31-505-55600-0000-1	7.01

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PITNEY BOWES	1020950725	09/21/2022	1020950725	32-510-55600-0000-1	7.03
Vendor PITNEY BOWES - PITNEY BOWES Total:					91.15
Vendor: Pitney Bowes Global - Pitney Bowes Global					
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-105-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-110-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-115-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-130-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-140-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-150-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-155-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-160-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-165-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	01-175-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	30-500-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	31-505-55600-0000-1	14.43
Pitney Bowes Global	3105531453	09/21/2022	3105531453	32-510-55600-0000-1	14.45
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-105-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-110-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-115-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-130-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-140-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-150-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-155-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-160-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-165-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	01-175-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	30-500-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	31-505-55600-0000-1	14.43
Pitney Bowes Global	3105693213	09/21/2022	3105693213	32-510-55600-0000-1	14.45
Vendor Pitney Bowes Global - Pitney Bowes Global Total:					375.22
Vendor: Premier Access - Premier Access					
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-105-50550-0000-1	139.41
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-110-50550-0000-1	71.99
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-115-50550-0000-1	285.90
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-140-50550-0000-1	68.65
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-150-50550-0000-1	1,760.93
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-155-50550-0000-1	143.71
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-160-50550-0000-1	28.88
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-165-50550-0000-1	163.02
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-175-50550-0000-1	173.30
Premier Access	10-1000548328	09/21/2022	10-1000548328	01-180-50550-0000-1	496.10
Premier Access	10-1000548328	09/21/2022	10-1000548328	20-200-50550-0000-1	252.52
Premier Access	10-1000548328	09/21/2022	10-1000548328	30-500-50550-0000-1	793.14
Premier Access	10-1000548328	09/21/2022	10-1000548328	31-505-50550-0000-1	305.23
Premier Access	10-1000548328	09/21/2022	10-1000548328	32-510-50550-0000-1	720.55
Premier Access	10-1000548328	09/21/2022	10-1000548328	34-520-50550-0000-1	144.42
Vendor Premier Access - Premier Access Total:					5,547.75
Vendor: Quinn Co. - Quinn Co.					
Quinn Co.	E6524502	09/27/2022	INV E6524502 Well #6 Equipme...	32-510-53800-0000-1	375.00
Quinn Co.	WON60016143	09/27/2022	INV WON60016143 Replace Blo...	32-510-56410-0000-1	1,800.26
Vendor Quinn Co. - Quinn Co. Total:					2,175.26
Vendor: Rancho Tree Service - Rancho Tree Service					
Rancho Tree Service	8370	09/27/2022	INV 8370 Trim and Shape	01-180-57400-0000-1	1,000.00
Vendor Rancho Tree Service - Rancho Tree Service Total:					1,000.00
Vendor: Arrowhead - Ready Refresh					
Ready Refresh	0210033594904	09/21/2022	0210033594904	01-150-57200-0000-1	130.26
Vendor Arrowhead - Ready Refresh Total:					130.26

Expense Approval Report

Payment Dates: 9/21/2022 - 10/4/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Ricardo Cano - Ricardo Cano					
Ricardo Cano	09072022/09082022	09/21/2022	Convention Parking 09/07 & 09...	01-105-52000-0000-1	10.20
Ricardo Cano	09072022/09082022	09/21/2022	Convention Parking 09/07 & 09...	30-500-52000-0000-1	9.90
Ricardo Cano	09072022/09082022	09/21/2022	Convention Parking 09/07 & 09...	32-510-52000-0000-1	9.90
Vendor Ricardo Cano - Ricardo Cano Total:					30.00
Vendor: SAFARILAND LLC - SAFARILAND LLC					
SAFARILAND LLC	122-121476	09/21/2022	Safariland Holster RH Qty:5	01-150-57400-0000-1	943.80
Vendor SAFARILAND LLC - SAFARILAND LLC Total:					943.80
Vendor: Serda's Plumbing - Serda's Plumbing					
Serda's Plumbing	303983	09/21/2022	INV 303983 Plumbing Veterans ...	01-190-56420-0000-1	1,026.27
Vendor Serda's Plumbing - Serda's Plumbing Total:					1,026.27
Vendor: Sierra Construction - Sierra Construction & Excavation, Inc.					
Sierra Construction & Excavatio...	2000-6605	09/27/2022	INV 2000-6605 Water Leak Repa..	32-510-56400-0000-1	16,507.29
Vendor Sierra Construction - Sierra Construction & Excavation, Inc. Total:					16,507.29
Vendor: Statewide Saftey - Statewide Saftey					
Statewide Saftey	12016358	09/21/2022	INV 12016358 Solar Lanelight	01-180-57400-0000-1	3,889.25
Vendor Statewide Saftey - Statewide Saftey Total:					3,889.25
Vendor: SWRCB - SWRCB					
SWRCB	DAVIS PERMIT REG	09/21/2022	Davis Reconstruction Permit Re...	25-000-52960-8490-1	704.00
Vendor SWRCB - SWRCB Total:					704.00
Vendor: Telstar Instruments - Telstar Instruments					
Telstar Instruments	113631	09/27/2022	INV 113631 Troubleshoot PLC F...	30-500-56410-0000-1	766.00
Vendor Telstar Instruments - Telstar Instruments Total:					766.00
Vendor: TGLX, Inc - Truck Gear by Line-X of Delano					
Truck Gear by Line-X of Delano	10561	09/21/2022	INV 10561 A Silverado Meyer P...	20-200-56000-0000-1	961.87
Truck Gear by Line-X of Delano	10561	09/21/2022	INV 10561 A Silverado Meyer P...	26-110-53100-8550-1	961.87
Vendor TGLX, Inc - Truck Gear by Line-X of Delano Total:					1,923.74
Vendor: U.S. Department of J - U.S. Department of Justice - COPS Office					
U.S. Department of Justice - CO...	2020UMWX0012	09/21/2022	COPS Grant Award Reimburse...	22-150-55200-0000-1	394,405.00
Vendor U.S. Department of J - U.S. Department of Justice - COPS Office Total:					394,405.00
Vendor: Ultrex Business - Ultrex Business					
Ultrex Business	3578278	09/21/2022	Inv 3578278 Contract Services (...)	01-150-52200-0000-1	133.53
Vendor Ultrex Business - Ultrex Business Total:					133.53
Vendor: Vernon C. Sorenson - Vernon C. Sorenson					
Vernon C. Sorenson	00498132-00	09/21/2022	Inv. 00498132-00	01-115-56000-0000-1	270.00
Vernon C. Sorenson	00498355-00	09/21/2022	INV 00498355-00 J Arceo	01-115-56000-0000-1	15.00
Vendor Vernon C. Sorenson - Vernon C. Sorenson Total:					285.00
Grand Total:					552,092.10

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	85,237.89
20 - LIGHTING & LANDSCAPING-DISTRICT 1	2,861.91
22 - COPS GRANT	394,405.00
25 - CAPITAL IMPROVEMENTS PROJECTS	5,181.50
26 - MISCELLANEOUS GRANTS	11,637.56
30 - SEWER	17,915.52
31 - REFUSE/RECYCLING	3,155.72
32 - WATER	31,329.50
34 - PUBLIC TRANSPORTATION	367.50
Grand Total:	552,092.10

Account Summary

Account Number	Account Name	Payment Amount
01-105-50550-0000-1	Dental/Vision Premiums	139.41
01-105-52000-0000-1	Conferences/Meetings/Tr...	10.20
01-105-55600-0000-1	Postage	35.87
01-105-57800-0000-1	Telephone & Communicat...	128.70
01-110-50550-0000-1	Dental/Vision Premiums	71.99
01-110-55600-0000-1	Postage	35.87
01-110-57800-0000-1	Telephone & Communicat...	29.56
01-115-50550-0000-1	Dental/Vision Premiums	285.90
01-115-52200-0000-1	Contract Services	2,061.25
01-115-54000-0000-1	Fuel	5,437.83
01-115-55600-0000-1	Postage	35.87
01-115-56000-0000-1	Professional Services - Ot...	285.00
01-115-57800-0000-1	Telephone & Communicat...	41.57
01-130-51200-0000-1	Bank Charges	242.35
01-130-55600-0000-1	Postage	35.87
01-130-58850-0000-1	Land Lease	6,871.07
01-140-50550-0000-1	Dental/Vision Premiums	68.65
01-140-52200-0000-1	Contract Services	750.00
01-140-55600-0000-1	Postage	35.87
01-140-56000-8449-1	Professional Services - M...	2,904.50
01-140-56000-8467-1	Professional Services - She...	639.00
01-140-56000-8469-1	Professional Services - Ca...	740.00
01-140-56000-8472-1	Professional Services - Int...	2,679.00
01-140-57800-0000-1	Telephone & Communicat...	19.17
01-150-50550-0000-1	Dental/Vision Premiums	1,760.93
01-150-52000-0000-1	Conferences/Meetings/Tr...	131.20
01-150-52010-0000-1	Conference/Meeting/Tra...	1,634.73
01-150-52200-0000-1	Contract Services	199.78
01-150-55600-0000-1	Postage	35.87
01-150-56000-0000-1	Professional Services - Ot...	364.00
01-150-57200-0000-1	Supplies - Office	251.91
01-150-57400-0000-1	Supplies - Operating	1,488.36
01-155-50550-0000-1	Dental/Vision Premiums	143.71
01-155-52950-0000-1	Equipment (Capital)	346.47
01-155-55600-0000-1	Postage	35.87
01-155-56600-0000-1	Repairs & Maintenance - ...	194.11
01-155-57800-0000-1	Telephone & Communicat...	19.17
01-160-50550-0000-1	Dental/Vision Premiums	28.88
01-160-55600-0000-1	Postage	35.87
01-160-57800-0000-1	Telephone & Communicat...	19.17
01-165-50550-0000-1	Dental/Vision Premiums	163.02
01-165-55600-0000-1	Postage	35.87
01-165-57800-0000-1	Telephone & Communicat...	19.17
01-175-50550-0000-1	Dental/Vision Premiums	173.30

Account Summary

Account Number	Account Name	Payment Amount
01-175-55600-0000-1	Postage	35.87
01-175-57800-0000-1	Telephone & Communicat...	19.17
01-180-50550-0000-1	Dental/Vision Premiums	496.10
01-180-51800-0000-1	Clothing Allowance	1,031.90
01-180-56400-0000-1	Repairs/Maintenance-Bui...	22.50
01-180-56410-0000-1	Repairs & Maintenance E...	135.84
01-180-56440-0000-1	Repairs & Maintenance-St...	280.00
01-180-57200-0000-1	Supplies - Office	50.66
01-180-57400-0000-1	Supplies - Operating	8,899.73
01-185-57400-0000-1	Supplies - Operating	132.48
01-190-56420-0000-1	Repairs/Maintenance-Bui...	1,026.27
01-20800-0000-1	Pension Payable	10,295.46
01-22050-0000-1	Federal Withholding Paya...	6,988.85
01-22100-0000-1	FICA Payable	10,946.02
01-22150-0000-1	Medicare Payable	2,559.94
01-22200-0000-1	State Withholding Payable	3,622.66
01-22250-0000-1	SUTA Payable	276.39
01-22600-0000-1	Health FSA	33.27
01-22700-0000-1	Disablity LTD	398.08
01-22800-0000-1	Accident	43.41
01-22900-0000-1	Life	222.08
01-22950-0000-1	Cancer-American Fidelity	13.53
01-310-52200-0000-1	Contract Services	7,041.79
20-200-50550-0000-1	Dental/Vision Premiums	252.52
20-200-56000-0000-1	Professional Services - Ot...	961.87
20-200-57400-0000-1	Supplies - Operating	1,007.55
20-200-57800-0000-1	Telephone & Communicat...	3.44
20-20800-0000-1	Pension Payable	221.72
20-22050-0000-1	Federal Withholding Paya...	42.09
20-22100-0000-1	FICA Payable	276.54
20-22150-0000-1	Medicare Payable	64.68
20-22200-0000-1	State Withholding Payable	31.50
22-150-55200-0000-1	Miscellaneous	394,405.00
25-000-52960-8280-1	HSIP Cycle 10	1,915.00
25-000-52960-8430-1	Streets & Roads (Capital)	457.50
25-000-52960-8490-1	Streets & Roads Capital S...	2,809.00
26-110-53100-8550-1	Grant Expenditure - ARPA...	11,637.56
30-20800-0000-1	Pension Payable	2,297.35
30-22050-0000-1	Federal Withholding Paya...	1,682.82
30-22100-0000-1	FICA Payable	2,465.42
30-22150-0000-1	Medicare Payable	576.60
30-22200-0000-1	State Withholding Payable	899.09
30-22600-0000-1	Health FSA	2.59
30-22700-0000-1	Disablity LTD	88.40
30-22800-0000-1	Accident	15.41
30-22900-0000-1	Life	105.01
30-22950-0000-1	Cancer- American Fidelity	22.04
30-500-50550-0000-1	Dental/Vision Premiums	793.14
30-500-51200-0000-1	Bank Charges	242.36
30-500-51800-0000-1	Clothing Allowance	166.52
30-500-52000-0000-1	Conferences/Meetings/Tr...	9.90
30-500-52200-0000-1	Contract Services	1,757.64
30-500-53600-0000-1	Engineerin/Architectural ...	1,160.00
30-500-55600-0000-1	Postage	570.93
30-500-56000-0000-1	Professional Services - Ot...	85.00
30-500-56410-0000-1	Repairs & Maintenance E...	4,355.84
30-500-56600-0000-1	Repairs & Maintenance - ...	65.19
30-500-57200-0000-1	Supplies - Office	76.37

Account Summary

Account Number	Account Name	Payment Amount
30-500-57800-0000-1	Telephone & Communicat...	195.54
30-500-58200-0000-1	Water/Soil/Other Analysis	282.36
31-20800-0000-1	Pension Payable	587.84
31-22050-0000-1	Federal Withholding Paya...	341.29
31-22100-0000-1	FICA Payable	535.48
31-22150-0000-1	Medicare Payable	125.22
31-22200-0000-1	State Withholding Payable	205.58
31-22700-0000-1	Disablity LTD	10.67
31-22900-0000-1	Life	11.21
31-505-50550-0000-1	Dental/Vision Premiums	305.23
31-505-51200-0000-1	Bank Charges	242.36
31-505-52200-0000-1	Contract Services	211.70
31-505-55600-0000-1	Postage	570.93
31-505-57800-0000-1	Telephone & Communicat...	8.21
32-20800-0000-1	Pension Payable	1,582.20
32-22050-0000-1	Federal Withholding Paya...	661.82
32-22100-0000-1	FICA Payable	1,742.24
32-22150-0000-1	Medicare Payable	407.40
32-22200-0000-1	State Withholding Payable	450.44
32-22600-0000-1	Health FSA	27.60
32-22700-0000-1	Disablity LTD	45.85
32-22900-0000-1	Life	38.64
32-510-50550-0000-1	Dental/Vision Premiums	720.55
32-510-51200-0000-1	Bank Charges	242.36
32-510-51800-0000-1	Clothing Allowance	63.68
32-510-52000-0000-1	Conferences/Meetings/Tr...	9.90
32-510-52200-0000-1	Contract Services	1,758.27
32-510-53800-0000-1	Equipment Rental	375.00
32-510-55600-0000-1	Postage	572.61
32-510-56400-0000-1	Repairs & Maint - Build & ...	16,529.79
32-510-56410-0000-1	Repairs & Maintenance- E...	1,800.26
32-510-56600-0000-1	Repairs & Maintenance - ...	525.73
32-510-57200-0000-1	Supplies - Office	74.72
32-510-57400-0000-1	Supplies - Operating	3,504.90
32-510-57800-0000-1	Telephone & Communicat...	195.54
34-520-50550-0000-1	Dental/Vision Premiums	144.42
34-520-56600-0000-1	Repairs & Maintenance - ...	223.08
Grand Total:		552,092.10

Project Account Summary

Project Account Key	Payment Amount
None	552,092.10
Grand Total:	552,092.10

SPECIAL CITY COUNCIL MINUTES
IN PERSON MEETING
October 6, 2022

MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Tafoya called the meeting to order at 3:30 p.m.

ROLL CALL

Councilmembers Present: Mayor S Tafoya, Mayor Pro-Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Councilmembers Absent: None

OFFICIALS PRESENT

Chief of Police/City Manager Williams, Assistant City Manager Cosentini, City Attorney Hodges, Public Works Director Gonzales, Community Development Director Ronk, Finance Director Viramontes, City Clerk Alvarado

Officials Absent: None

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Pérez

PUBLIC COMMENTS

No comments from the public were presented.

Public comment closed at 3:32 p.m.

DEPARTMENTAL REPORTS

A. Administration- Kenny Williams, Chief of Police/ City Manager

- Camera Infrastructure
- Villa Del Caribe Transfer
- CFD's Levy

*Camera infrastructure- Chief Williams updated Council on the status of the nine network cameras being installed within the City of McFarland to help with public safety. Councilmen Cano and Councilmen S. Ayon instructed staff to proceed as fast as possible in the completion of the installation despite the cost due to the increase in recent shootings within the city and their concern for the safety of the residents. Councilmember S. Ayon requested the company continue work as soon as tomorrow.

Chief asked Council if he was to have them proceed with the installation in the amount of \$39,000 or at the rate of time and material? Mayor S. Tafoya responded to move forward with the installation at the price of the \$39,000 saying we need them installed right away. Councilmember Cano followed Mayor Tafoya's comment by stating, "safety over money" and that safety is more important than money at this point. Chief Williams directed Public Works Director Gonzales to contact the company and inform them to proceed with the entire contract (\$39,000). Gonzales responded that he messaged the electrician to be at work tomorrow.

*Villa del Caribe – Chief Williams announced to Council that the transfer of the Villa del Caribe Park to the McFarland Recreation and Parks District had been accomplished. It was accepted by the McFarland Recreation and Parks District at their meeting and submitted to the County for recordation.

*CFD Levy- Assistant City Manager Cosentini- informed Council that staff had taken all the necessary documents to the County for recordation of the levies.

ADMINISTRATIVE AGENDA

1. Motion was made by: Councilmember S. Ayon to Approve Resolution No. 2022-0113, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN ALLOCATION OF FUNDS FROM THE GENERAL FUND FOR THE CONTINUANCE OF THE BUILDING INSPECTOR STIPEND; 2nd by: Councilmember A. Ayon.
ROLL CALL VOTE: 5/0
AYES: Mayor Tafoya, Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon
NAYS: None
ABSTAIN: None
ABSENT: None
2. Motion was made by: Councilmember Cano to Approve Resolution No. 2022-0114, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN ADDITIONAL ALLOCATION OF FUNDS FROM ARPA FOR THE FUNDING OF THE FINANCE AND COMMUNITY DEVELOPMENT DEPARTMENT OFFICE REMODEL; 2nd by: Mayor Pro Tem Pérez.
ROLL CALL VOTE: 5/0
AYES: Mayor Tafoya, Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon
NAYS: None
ABSTAIN: None
ABSENT: None

***Council chose option 2- with the bullet proof glass.**

3. Motion was made by: Mayor Pro Tem Pérez to Approve Resolution No. 2022-0115, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING ALLOCATION OF FUNDS FROM ARPA FOR THE FUNDING OF THREE NEW PATROL VEHICLES; 2nd by: Councilmember A. Ayon.
ROLL CALL VOTE: 5/0
AYES: Mayor Tafoya, Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon
NAYS: None
ABSTAIN: None
ABSENT: None
4. Motion was made by: Councilmember S. Ayon to Approve the Use of the McFarland City Council Chambers by the McFarland Unified School District (MUSD); 2nd by: Councilmember A. Ayon.
ROLL CALL VOTE: 5/0
AYES: Mayor Tafoya, Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon

NAYS: None
ABSTAIN: None
ABSENT: None

CLOSED SESSION AGENDA

1. Potential Litigation: Government Code Section 54957: One Case
2. Public Employee Performance Evaluation (§ 54957): Title: Public Works Director, Community Development Director, Assistant City Manager
3. Public Employment (Government Code §54957) - Title: Human Resources Director, Chief of Police

ADJOURNMENT

Council adjourned Open Session at 4:01 p.m.

Francisca Alvarado, City Clerk

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
October 13, 2022

MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Tafoya called the meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Present: Councilmember S. Ayon, Councilmember A. Ayon, Councilmember Cano, Mayor Pro-Tem Pérez, Mayor Sally Tafoya

Councilmembers Absent: None

OFFICIALS PRESENT

City Manager/Chief of Police Williams, City Attorney Hodges, Community Development Director L. Ronk III, Finance Director Viramontes, Public Works Director Gonzales, City Clerk Alvarado

Officials Absent: Assistant City Manager Cosentini

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

PRESENTATIONS, INTRODUCTIONS AND AWARDS

**City Council requested that the Audit presentation by: Clifton Larson Allen (CLA) be moved to first item on the agenda under presentations.*

- Audit Presentation by: Clifton Larson Allen (CLA)

The presentation was presented by Ricky from CLA audit team.

Q and A was held.

- SB 1383 Organics Presentation by: Nichole Hadler-Marsden – Environmental Scientist, CalRecycle

Nichole Hadler- Marsden gave brief presentation on Senate Bill 1383.

Q and A was held.

**Facebook-live/ Recording cut off 27 :04 minutes into the meeting during SBI383 Organics presentation*

**Technical difficulties with the connection, sound, and audio - Successfully reconnected during public comment on the agenda.*

PUBLIC COMMENTS

1. Joan Smith, 1302 Rounds Street, Delano, Ca – KC Board of Education
2. Melissa Hurtado, 5100 Ming Avenue Bakersfield, Ca- Support for the Community
3. Geno Barajas, 743 Kyra Ave McFarland- Lights not working at stop sign, also height of stop signs some are too high, to low, (standard is 7' feet), cut grass left on sidewalk at Munoz Park.
4. Phil Corr 117 5th Street McFarland- McFarland Library concerns
5. Jim White 364 Cliff Ave McFarland - McFarland Library

CONSENT AGENDA

1. Motion was made by: Councilmember S. Ayon to approve the Expense Report in the Amount of \$303,522.46 from September 07, 2022, to September 20, 2022; 2nd by: Councilmember Cano.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None
2. Motion was made by: Councilmember S. Ayon to approve the Payroll Report in the Amount of \$252,802.35 for the Month of September 2022; 2nd by: Councilmember Cano.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None
3. Motion was made by: Councilmember S. Ayon to approve Amended Resolution No. 2022-0113
AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
APPROVING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND FOR THE
CONTINUANCE OF THE BUILDING INSPECTOR STIPEND; 2nd by: Councilmember Cano.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

4. Motion was made by: Councilmember S. Ayon to approve City of McFarland's License Agreement with the McFarland Unified School District; 2nd by: Councilmember Cano.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

PUBLIC HEARINGS:

5. Second Reading and Adoption of Ordinance No.0007-2022, AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING TITLE 13, CHAPTER 13.04.690 TO UPDATE THE APPLICATION FOR WATER SERVICE IN THE MCFARLAND MUNICIPAL CODE.
 - a. Open Public Hearing and Receive Public Testimony: 6:49 pm
Close Public Hearing: 6:49 pm- No comments from the public were presented.
 - b. Motion was made by Councilmember S. Ayon to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, Ordinance No.0007-2022, AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING TITLE 13, CHAPTER 13.04.690, TO UPDATE THE APPLICATION FOR WATER SERVICE IN THE MCFARLAND MUNICIPAL CODE; 2nd by: Councilmember A. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None
 - c. Council Directed Staff to within 15 days of its Passage publish in at Least Three Public Places in the City.
 - d. Staff noted that this Ordinance won't take effect until January 1, 2023.
6. Second Reading and Adoption of Ordinance No.0008-2022, AN ORDINANCE OF THE CITY OF MCFARLAND ADDING TITLE 12, CHAPTERS 12.21.010 THROUGH 12.21.150 OF THE MCFARLAND MUNICIPAL CODE. Regarding Temporary Use Permits.
 - a. Open Public Hearing and Receive Public Testimony: 6:50 pm
Close Public Hearing: 6:51 pm – No comments from the public were presented.
 - e. Motion was made by: Councilmember Cano to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, Ordinance No.0008-2022, AN ORDINANCE OF THE CITY OF MCFARLAND ADDING TITLE 12, CHAPTERS 12.21.010 THROUGH 12.21.150 OF THE MCFARLAND MUNICIPAL CODE; 2nd by: Mayor Pro-Tem Pérez.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

- f. Council Directed Staff to within 15 days of its Passage publish in at Least Three Public Places in the City.

ADMINISTRATIVE AGENDA

7. Motion was made by: Councilmember S. Ayon to approve the Audited Financial Statements for the Period Ending June 30, 2021, for the City of McFarland; 2nd by: Councilmember A. Ayon.

a. Presentation by: Clifton Larson Allen (CLA)

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

*No Comments from the public were presented. Public comment closed at 6:52 pm.

*Presentation by Clifton Larson Allen was moved under Presentations, Introductions, and Awards per Council's request.

8. Motion was made by: Mayor Pro Tem Pérez to approve Resolution No. 2022- 0116, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING WAIVER FOR ADOPTION FEES FOR 30 DAYS; 2nd by: Councilmember A. Ayon.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

*Public comment: Ron Woods 13053 Garzoli Ave – Thanked the Animal Control department for their prompt response to his call. Public comment closed at 6:56 p.m.

9. Motion was made by: Councilmember Cano to approve Resolution No. 2022- 0117, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN APPROPRIATION OF FUNDS FOR AN AGREEMENT WITH UNWIRED BROADBAND LLC. FOR INTERNET SERVICES; 2nd by: Councilmember S. Ayon.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

*Public comment: Jim White 364 Cliff Ave McFarland asked City Staff if they have looked at HughesNet going thru the internet?

A: Public works director answered yes. Public comment closed at 7:01 pm.

10. Report, Discuss, and Provide Staff Direction on Employee Stipends, Step Increases and Wages.

*Council directed staff to compensate supervisors currently supervising another department the same stipend amount that was previously approved for the Community Development Director L. Ronk in the amount of \$400.00 per month to compensate for performing dual positions.

11. Report, Discuss, and Provide Staff Direction to Allow City Council Members the Ability to Receive a Stipend in Lieu of Medical Benefits.

*Council directed staff to bring back potential cost savings that results from Council Members opting out of health benefit coverage. Also, Council requested Staff analyze the potential wage increases to employees that can be offset by this cost saving.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Ricardo Cano
- b. Kern Council of Governments (KCOG)- Mayor Tafoya or Mayor Pro-Tem Pérez
- c. Kern Economic Development Corp. (KEDC) – Mayor Tafoya or Mayor Pro-Tem Pérez
- d. Kern County Association of Cities (KCAC)
- e. Poso Creek (IRWMP)- Councilmember S. Ayon
- f. Kern Local Agency Formation Commission (LAFCO) – Councilmember S. Ayon

COUNCIL STATEMENTS AND REPORTS

Saul Ayon- Thanked the Lions Club for having him, also thanked the community and Melissa Hurtado for attending the meeting. Mr. Saul Ayon applauded Finance Director Diego Viramontes and the new Finance Department Personnel for their hard work and meeting all the Audit deadlines.

Maria Pérez-Thanked the community and Melissa Hurtado for coming out. She expressed the need for public safety funds and her concern for her students and community.

Ricardo Cano- Thanked the community for attending the meeting and recognized our Chief of Police and McFarland Police Department for working hard to keep our community safe.

Amador Ayon- Thanked Senator Hurtado for taking the time to come out to our city. He also thanked all people who care for our city.

**Facebook Live/Recording lost connection. Internet Connection Issues.*

Sally Tafoya- Thanked Melissa Hurtado and everyone who attended the meeting via Facebook Live.

ADJOURNMENT

Meeting adjourned at 7:09 p.m.

Francisca Alvarado, City Clerk

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
September 22, 2022

McFARLAND CITY COUNCIL
McFARLAND SUCCESSOR AGENCY
McFARLAND PUBLIC FINANCE AUTHORITY
McFARLAND IMPROVEMENT AUTHORITY
McFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Tafoya called the meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Present: Mayor Sally Tafoya, Mayor Pro-Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Councilmembers Absent: None

OFFICIALS PRESENT

City Manager/Chief of Police Williams, Assistant City Manager Cosentini, Legal Counsel Chelsie Morgan, Community Development Director L. Ronk III, Finance Director Viramontes, Public Works Director Gonzales, City Clerk Alvarado

Officials Absent: None

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENTS

1. Phil Corr 117 5th Street McFarland- McFarland Library concerns
2. Joe Marcano- Shafter CA- County Board of Education
3. Jim White 364 Cliff Ave McFarland - Talk
4. Octavio Gonzalez – Bakersfield Ca, Union
5. Jose Medina – 382 Mt. Arbor St McFarland
6. Raul Lorta – East Side Housing

**Technical Difficulties microphones cutting in and out.*

Public Comment Closed at 6:12 p.m.

CONSENT AGENDA

1. Motion was made by: Mayor Pro Tem Pérez to approve the Expense Report in the Amount of \$316,580.33 from August 24, 2022, to September 06, 2022; 2nd by: Councilmember S. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None
2. Motion was made by: Mayor Pro Tem Pérez to approve the September 12, 2022, Regular Meeting Minutes; 2nd by: Councilmember S. Ayon
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

PUBLIC HEARINGS

3. Introduction and First Reading of Proposed Ordinance No.0007-2022, AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING TITLE 13, CHAPTER 13.04.690 TO UPDATE THE APPLICATION FOR WATER SERVICE IN THE MCFARLAND MUNICIPAL CODE.
 - Staff Report- was presented by: City Manager/Chief of Police Williams.
 - a. Open Public Hearing and Receive Public Testimony: 6:22 p.m.
Close Public Hearing: 6:27 p.m.
 1. Jim White – stated that it does happen some tenants leave bills behind, and landlords need to pay them. He agrees with the proposed ordinance.
 2. Alma De Leon- 1st question will sending the pink bills (past due notices) help this situation. 2nd question: what the city will require for tenants to connect water services in their name.
Answer to 1st question: CM Williams clarified that the proposed ordinance would allow a tenant to have the water bill under their name to relieve the property owner of any responsibility and liability.
Answer to 2nd question: CM Williams answered that this is what council is currently discussing deposit amount and standard information.
 - b. Motion was made by: Councilmember S. Ayon to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, and Introduce for Reading Ordinance No.0007-2022, AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING TITLE 13, CHAPTER 13.04.690, TO UPDATE THE APPLICATION FOR WATER SERVICE IN THE MCFARLAND MUNICIPAL CODE; 2nd by: Councilmember A. Ayon.
Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon,
Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

- c. Council Directed Staff to Schedule Second Reading and Adoption of Ordinance No.0007-2022 For the Next Regular City Council Meeting of October 13, 2022.

Council instructed staff to bring this item back

4. Introduction and First Reading of Proposed Ordinance No.0008-2022, AN ORDINANCE OF THE CITY OF MCFARLAND ADDING TITLE 12, CHAPTERS 12.21.010 THROUGH 12.21.150 OF THE MCFARLAND MUNICIPAL CODE. Regarding Temporary Use Permits.

- Staff Report was presented by: City Manager/Chief of Police Williams.

- a. Open Public Hearing and Receive Public Testimony: 6:31 p.m.
Close Public Hearing: 6:31 p.m.

No comments from the public were presented.

- b. Motion was made by: Councilmember Cano to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, and Introduce for Reading Ordinance No.0008-2022, AN ORDINANCE OF THE CITY OF MCFARLAND ADDING TITLE 12, CHAPTERS 12.21.010 THROUGH 12.21.150 OF THE MCFARLAND MUNICIPAL CODE; 2nd by: Councilmember S. Ayon.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

- c. Council Directed Staff to Schedule Second Reading and Adoption of Ordinance No. 0008-2022 For the Next Regular City Council Meeting of October 13, 2022.

5. It Is Recommended That the City Council of The City of McFarland Conduct a Public Hearing to Receive Public Input Regarding Its Intent to Consider the Annexation of Property (the “Annexation No. 2 and Annexation No. 3”) Into the City of McFarland Community Facilities District No. 2019-1 (Fire Protection Services), Community Facilities District No. 2017-1 (Police Services) and Community Facilities District No. 2017-2 (Landscaping and Street Maintenance) (the “CFDs”).

- Staff Report presented by: Community Development Director Larry Ronk III
- MAYOR: The public hearing is now open for any comments, protests, and questions from interested persons concerning the annexation of The Elmo Hwy Medical Office, The Sherwood Avenue Family Apartments, and Tract 7393, into Community Facilities

District No. 2017-1 (Police Services), Community Facilities District No. 2017-2 (Landscaping and Street Maintenance), and Community Facilities District No. 2019-1 (Fire Protection Services).

- Mayor Opened Public Hearing and Took Public Testimony at: 6:36 p.m.
Reopened at 6:36 p.m.
- MAYOR: City Clerk Have any Written Protest Been Received: ***No written Protests were received.***
- Mayor Closed Public Hearing: 6:36 p.m.

No Comments from the public were presented.

- a. Motion was made by: Mayor Pro Tem Pérez to Adopt Resolution NO. 2022-0104 RESOLUTION OF THE CITY COUNCIL ANNEXING OF TERRITORY (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393) TO A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (POLICE SERVICES) ANNEXATION NO. 3; 2nd by Councilmember A. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****Public Comment was opened at 6:37p.m.: No comments from the public were presented Closed at 6:37 p.m.***

- b. Motion was made by: Councilmember Cano to Adopt Resolution NO. 2022-0105 RESOLUTION OF THE CITY COUNCIL ANNEXING OF TERRITORY (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393) TO A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2017-2 (LANDSCAPING AND STREET MAINTENANCE) ANNEXATION NO. 3; 2nd by: Mayor Pro Tem Pérez.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****Public Comment was opened at 6:38p.m.: No comments from the public were presented***

Closed at 6:38 p.m.

- c. Motion was made by: Councilmember S. Ayon to Adopt Resolution NO. 2022-0106 RESOLUTION OF THE CITY COUNCIL ANNEXING OF TERRITORY (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393) TO A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2019-1 (FIRE PROTECTION SERVICES) ANNEXATION NO. 2; 2nd by: Councilmember A. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****Public Comment was opened at 6:39 p.m.: No comments from the public were presented
Closed at 6:39 p.m.***

- MAYOR: “The City Council of the City of McFarland adopted the resolutions annexing territory into CFD No. 2017-1 (Police Services), CFD No. 2017-2 (Landscaping and Street Maintenance) and CFD No. 2019-1 (Fire Protection Services) and calling a special election and submitting to the qualified electors of the CFDs a Ballot Measure regarding the annual levy of special taxes within the CFDs. The results of the election authorizing the levy of special taxes within the CFDs shall now be declared.”
 - MAYOR: City Clerk to Announce the Election Results: ***47 votes were cast in favor of the Ballot Measure and 1 vote was cast in opposition***
- d. Motion was made by: Mayor Pro Tem Pérez to Adopt Resolution NO. 2022-0107 RESOLUTION OF THE CITY COUNCIL DECLARING RESULTS OF A SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (POLICE SERVICES) ANNEXATION NO. 3 (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393); 2nd by: Councilmember S. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****47 votes were cast in favor of the Ballot Measure and 1 vote was cast in opposition to the Ballot Measure. There is at least a two-thirds majority vote in favor of the ballot measure. The resolution declaring election results and directing the recording of a Notice of Special Tax Lien shall be adopted.****

****Public Comment was opened at 6:42 p.m.: No comments from the public were presented
Closed at 6:43 p.m.***

- e. Motion was made by: Mayor Pro Tem Pérez to Adopt Resolution NO. 2022-0108 RESOLUTION OF THE CITY COUNCIL DECLARING RESULTS OF A SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2017-2 (LANDSCAPING AND STREET MAINTENANCE) ANNEXATION NO. 3 (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393); 2nd by: Amador Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****47 votes were cast in favor of the Ballot Measure and 1 vote was cast in opposition to the Ballot Measure. There is at least a two-thirds majority vote in favor of the ballot measure. The resolution declaring election results and directing the recording of a Notice of Special Tax Lien shall be adopted.****

****Public Comment was opened at 6:44 p.m.: No comments from the public were presented
Closed at 6:44 p.m.***

- f. Motion was made by: Mayor Pro Tem Pérez to Adopt Resolution NO. 2022-0109 RESOLUTION OF THE CITY COUNCIL DECLARING RESULTS OF A SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICT NO. 2019-1 (FIRE PROTECTION SERVICES) ANNEXATION NO. 2 (THE ELMO HWY MEDICAL OFFICE, THE SHERWOOD AVENUE FAMILY APARTMENTS, AND TRACT 7393); 2nd by: Councilmember S. Ayon.
Roll call vote: 5/0
Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon
Nays: None
Absent: None
Abstentions: None

****47 votes were cast in favor of the Ballot Measure and 1 vote was cast in opposition to the Ballot Measure. There is at least a two-thirds majority vote in favor of the ballot measure. The resolution declaring election results and directing the recording of a Notice of Special Tax Lien shall be adopted.****

****Public Comment was opened at 6:45 p.m.: No comments from the public were presented
Closed at 6:45 p.m.***

ADMINISTRATIVE AGENDA

6. Motion was made by: Mayor Pro Tem Pérez to approve Resolution No. 2022- 0110 A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND APPROVING CITY MANAGER AS AUTHORIZED REPRESENTATIVE FOR A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD; 2nd by: Councilmember S. Ayon.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

7. Motion was made by: Councilmember S. Ayon to approve Resolution No. 2022- 0111 A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND AUTHORIZING CITY MANAGER TO APPLY, BORROW AND TO GRANT SECURITY; 2nd by: Councilmember Cano.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

**** No comments from the public were presented***

Closed at 6:51 p.m.

8. Motion was made by: Mayor Pro Tem Pérez to approve Resolution No. 2022-0112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AMENDMENT #1 TO THE MEMORANDUM OF UNDERSTANDING WITH KERN COUNCIL OF GONVERNMENTS FOR ADDITIONAL FUNDING FOR EV CHARGING STATION; 2nd by: Councilmember Cano.

Roll call vote: 5/0

Ayes: Mayor Tafoya, Mayor Pro Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Nays: None

Absent: None

Abstentions: None

* No comments from the public were presented
Closed at 6:52 p.m.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Ricardo Cano
- b. Kern Council of Governments (KCOG)- Mayor Tafoya or Mayor Pro-Tem Pérez
- c. Kern Economic Development Corp. (KEDC) – Mayor Tafoya or Mayor Pro-Tem Pérez
- d. Kern County Association of Cities (KCAC)
- e. Poso Creek (IRWMP)- Councilmember S. Ayon
- f. Kern Local Agency Formation Commission (LAFCO) – Councilmember S. Ayon

COUNCIL STATEMENTS AND REPORTS

Councilmember S. Ayon-

Informed he had attended SB 1383 Organics Presentation by R&F Disposal and would have liked to see more of the community present.

Requested flyers for the Mobile Clinic (Adventist Health -Jasmine Bains) be made available at City Hall.

Asked staff for an update on the installation of the nine network cameras.

City Manager/Chief of Police Williams gave an update that the quote received was in the amount of \$39,000.

Councilmember S. Ayon stated this project was an urgent item and that price should not be an issue he requested staff move forward with the process and if possible, use ARPA funds to cover the additional funds needed to complete the project timely. Mayor Tafoya agreed.

Chief Williams stated he would bring this item to next meeting for approval.

Maria Pérez- Thanked everyone present and online. Expressed her excitement for all the new projects coming to McFarland.

Ricardo Cano – No comment.

Councilmember Amador Ayon – Agreed with Mayor Pro Tem and thanked everyone for their hard work.

Mayor Sally Tafoya- Thanked the community for their patience and support.

ADJOURNMENT

Meeting adjourned at 7:05 p.m.

Francisca Alvarado, City Clerk

RESOLUTION NO. 2022-0018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND TO ALLOW CITY COUNCIL MEETINGS TO BE HELD REMOTELY, CONSISTENT WITH ASSEMBLY BILL 361 RECOMMENDATION

WHEREAS, the City of McFarland is committed to preserving and nurturing public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City of McFarland's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is proclaimed and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, in response to the novel coronavirus ("COVID-19") pandemic, Governor Newsom adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Ralph M. Brown Act ("Brown Act") were followed; and

WHEREAS, on March 4, 2020, Governor Newsom declared a statewide emergency arising from COVID-19 pursuant to Government Code section 8625; and

WHEREAS, on Sept. 16, 2021, Governor Newsom signed AB 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code section 54953(b), if the board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of McFarland that:

1. The recitals set forth above are true and correct and fully incorporated into this Resolution by reference.
2. The City Council of the City of McFarland recognizes that a State of Emergency in the State of California continues to exist due to the COVID-19 pandemic.

3. The City Council of the City of McFarland finds that holding in-person meetings would present imminent risks to the health or safety of attendees due to the cause of the State of Emergency and that the cause of the State of Emergency directly impacts the ability of the City Council and other Board and Commission members to meet safely in person.
4. The City Council of the City of McFarland authorizes the use of teleconferencing for all meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this resolution, or such a time that the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3).
5. The use of teleconferencing shall be a “hybrid” format where council members and staff participate either in person or remotely depending on their individual circumstances as it relates to Covid-19. Should all Council Members, Commission Members, or Committee Members require teleconference for a specific meeting, notice to the public of the meeting shall state that the meeting will be held virtually.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of McFarland at a regular meeting thereof held on the 27th day of October 2022 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

Francisca Alvarado, City Clerk

CITY OF McFarland

By: _____
Sally Tafoya, Mayor

APPROVED AS TO FORM:

By: _____
NATHAN HODGES, City Attorney
Hodges Law Group

I, _____, City Clerk of the City of McFarland, California, **DO HEREBY CERTIFY** that the foregoing is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

**MEMORANDUM
CITY OF MCFARLAND**

TO: Honorable Mayor and Council Members

FROM: Kenny Williams, City Manager
Larry A Ronk III, Community Development Director

DATE: October 27, 2022

SUBJECT: Water Conservation Ordinance Update 12.10.

Discussion:

City Ordinance 12.10 identifies all water conservation measures that the City can implement to help the State with the drought. The City has implemented stage two water shortage restrictions, however, the staff has not implemented enforcement. The update to the municipal ordinance 12.10 will allow enforcement by the City. The officers will follow the same guidelines it uses now in issuing citations. This will include the issuing of a warning prior to any citation, to educate residents and property owners that are in violation. The Code Enforcement and Water Divisions will be educating residents with information sent with monthly City water bills. This information will include watering schedules and what stage of the water conservation we are enforcing.

Recommend:

Staff recommends City Council open the Public Hearing, receive public testimony, read the ordinance by title only and introduce Ordinance NO. 0010-2022 amending Title 12, Chapter 12.10 to provide an enforcement process to enforce the City's water conservation measures.

Fiscal Impact:

Legal Fees.

Attachments:

Updated Municipal Code 12.10

ORDINANCE NO. 0010-2022

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING WATER CONSERVATION MEASURES TO AMEND AND RESTATE TITLE 12, CHAPTER 12.10, SECTION 5.44.040, MCFARLAND MUNICIPAL CODE

Section 1. Recitals.

WHEREAS, The City of McFarland (“City”) desires to amend, clarify and codify its Municipal Code Chapter related to Water Conservation Measures; and

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify the City’s requirements to conserve water resources; and

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Chapter 12.10 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from incompatible Municipal Code Chapters.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN
AS FOLLOWS:**

Section 2. Section **12.10.040** of the McFarland Municipal Code is hereby amended and stated to read as follows:

“It is one of the objectives of the City Council that the citizens of McFarland comply with the provisions of this chapter. Therefore enforcement of this chapter will be subject to Chapter 1.20 Administrative Citations. Any fine, penalty, interest or costs imposed on a violator of this chapter under Chapter 1.20 may, in addition to all other remedies available to the city, be added to the violator’s water bill and thereafter be subject to enforcement therein including, without limitation, disconnection or turnoff of water service.”

Section 3. The Amended Chapter 12.10 of the McFarland Municipal Code is set forth in Exhibit “A” to this Ordinance and incorporated herein by reference.

Section 4. **NOTICE.** The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or

legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 6. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 7. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, at the regular meeting of October 27, 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 23th day of November, 2022, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Tafoya				
Maria T. Perez				
Amador Ayon				
Saul Ayon				
Ricardo Cano				

Sally Tafoya, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on November 23, 2022.

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney

CHAPTER 12.10
WATER CONSERVATION MEASURES

Sections:

12.10.010	Purpose
12.10.020	Drought Restrictions
12.10.030	Relief from Compliance
12.10.040	Enforcement

12.10.010 - Purpose.

The state of California faces persistent water supply problems. Accordingly, it is the purpose and intent of this chapter to implement measures to conserve water resources, to reduce outdoor water use, and to mitigate unnecessary consumption of available water supplies in the city.

(Ord. No. 040-2014, § 1, 11-13-14)

12.10.020 - Drought restrictions.

The following restrictions shall be imposed upon declaration by the city of McFarland of a water shortage:

- A. Stage 1 Water Shortage. When the city of McFarland implements its Stage 1 water shortage allocation reduction, the following restrictions on the use of water from the McFarland water system shall be in effect:
 - 1. The use of water which allows substantial and unreasonable amounts of water to run into a gutter, ditch, or drain. Every water user is deemed to have his water distribution lines and facilities under his control at all times and to know the manner and extent of his water use and excess runoff.
 - 2. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing or distribution facilities for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight hours after discovery is a reasonable time within which to correct such leak or break.
 - 3. The washing of vehicles, building exteriors, sidewalks, driveways, parking areas, tennis courts, patios or other paved areas without the use of a positive shut-off nozzle on the hose, which results in excessive runoff, except where necessary to dispose of liquids or substances that could endanger the public's health, welfare and safety.
- B. Stage 2 Water Shortage. When the city of McFarland implements its Stage 2 water shortage allocation reduction, the following restrictions on the use of water from the McFarland water system shall be in effect in addition to all Stage 1 water shortage restrictions:
 - 1. Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted on the "odd/even" protocol (based on last digit of street address), between the hours of eight p.m. and five a.m. on designated days. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted at any time if:

- a. A hand-held hose with positive shut-off nozzle is used; or
 - b. A hand-held, faucet-filled bucket of five gallons or less is used; or
 - c. A drip irrigation system is used.
- 3. Irrigation Overspray and Runoff. Water shall not spray or flow to any impermeable private or public surface, including but not limited to, walkways, driveways, sidewalks, alleys, streets, or storm drains.
- 4. Exception: Commercial nurseries, farmers, and similar establishments are exempt from Stage 2 irrigation restrictions, but will be requested to curtail all nonessential water use.
- 3. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is permitted only on designated irrigation days based on the "odd/even" protocol (based on last digit of street address), between the hours of eight a.m. and six p.m. on designated days. Such washing, when allowed, shall be done with a hand-held bucket, or a hand-held hose equipped with a positive shut-off nozzle for quick rinses.
- 4. Exception: Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, the aforementioned washing is exempt from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as in the cases of garbage trucks and vehicles to transport food and perishables.
- 5. The emptying and refilling of water to swimming pools and/or spas is permitted only on designated irrigation days between the hours of seven p.m. and ten a.m.
- 6. The operation of any ornamental fountain or other structure making similar use of water is prohibited unless the fountain uses a recycling system, such as an electric pump.
- 7. The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is absolutely prohibited, unless it is necessary for the health and safety, and welfare of the public.
- 8. Eating and Drinking Establishments.
 - a. All new or substantially re-modeled eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person upon receipt of an express request.
 - b. All new or substantially re-modeled all food service businesses shall install water conserving pre-rinse nozzles.
- 9. Hotels, Motels, Bed and Breakfast.
 - a. All new or substantially re-modeled hotels, motels and bed and breakfast establishments shall provide customers the option of choosing not to have towels laundered daily. Each establishment shall prominently display notice of this option in each bathroom and sleeping room using clear easily understood language.
 - b. All new or substantially re-modeled guest room toilets shall be the best available technology low flow toilets.

10. Carwashes.
 - a. All new or substantially re-modeled new carwash system shall have a water recirculation system.
11. Hoses. No person shall allow water to flow freely from a hose that is not equipped with a positive action quick release shutoff valve or nozzle.
- C. Stage 3 Water Shortage. When the city of McFarland implements its Stage 3 water shortage allocation reduction, the following restrictions on the use of water from the McFarland water system shall be in effect in addition to the Stage 1 and 2 water shortage restrictions:
 1. Washing of vehicles is prohibited except at commercial car washes or by mobile high pressure/low volume commercial services.
 2. Landscape watering with potable water shall be limited to one time per week for not more than fifteen minutes per watering zone from 6:00 p.m. on Wednesday and 9:00 a.m. the following Thursday.
 3. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.
- D. Stage 4 Water Shortage. When the city of McFarland implements its Stage 4 water shortage allocation reduction, the following restrictions on the use of water from the McFarland water system shall be in effect in addition to all Stage 1, 2 and 3 water shortage restrictions:
 1. Home reverse osmosis treatment units and water softeners shall be disconnected or turned off.
 2. Watering of nonpublic playing fields with potable water is prohibited.
 3. Landscape watering with potable water shall be limited to one time per week from 6:00 p.m. on Wednesday and 9:00 a.m. the following Thursday by only drip irrigation, hand held hoses, or if reclaimed water is utilized as permitted by law.
 4. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.
- E. Stage 5 Water Shortage or Above. When the city of McFarland implements its Stage 5 through 10 water shortage allocation reduction the following restrictions on the use of water from the McFarland water system shall be in effect in addition to all Stage 1, 2, 3, and 4 water shortage restrictions:
 1. Filling of residential swimming pools or spas with potable water is prohibited.
 2. Landscape irrigation with potable water is prohibited except with a watering can using water captured from indoor use.
 3. Any additional water conservation measures adopted by the director of public works or his or her designee deemed necessary for the preservation of public health, safety and welfare.
 4. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(Ord. No. 040-2014, § 1, 11-13-14)

12.10.030 - Relief from compliance.

A customer may file an application for relief from any provision of this chapter. The city manager's consideration of written applications for exceptions regarding regulations and restrictions on water use not otherwise set forth in previous sections of this chapter shall be as follows:

- A. Written application for exception may be granted by the city manager;
- B. Exceptions may be granted if:
 - 1. Compliance with this chapter would cause an unnecessary and undue hardship to the applicant, including, but not limited to, adverse economic impacts, such as loss of production or jobs; or
 - 2. Compliance with this chapter would cause a condition affecting the health, sanitation, fire protection, or safety of the applicant or the public.

12.10.040 – Enforcement.

It is one of the objectives of the City Council that the citizens of McFarland comply with the provisions of this chapter. Therefore enforcement of this chapter will be subject to Chapter 1.20 Administrative Citations. Any fine, penalty, interest or costs imposed on a violator of this chapter under Chapter 1.20 may, in addition to all other remedies available to the city, be added to the violator's water bill and thereafter be subject to enforcement therein including, without limitation, disconnection or turnoff of water service.

1.20.010 - Penalties for violations of city ordinances.

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor unless the violation is made an infraction by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.
- C. Any person convicted of an infraction for violation of an ordinance of the city is punishable by (i) a fine not exceeding one hundred dollars for a first violation; (ii) a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.
- D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punishable accordingly.

(Ord. 209 §1, 1987)

CITY OF MCFARLAND

MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Peter Cosentini, Assistant City Manager

DATE: October 13, 2022

SUBJECT: Policy Direction on First Draft of Cannabis Ordinance

Recommendation:

Staff Recommends that the Council review the attached first draft of the Cannabis Ordinance and staff report and provide staff with policy direction on the issues identified in this staff report and any other issues the Council deems appropriate.

Discussion:

As a cost savings measure, we are not engaging the City Attorney until the citizens of McFarland pass the cannabis tax in November. However, staff has been requested to finish the first draft of the Cannabis Ordinance for Council policy input, so the process is closer to launch in November, after the election. We will work with the City Attorney, after the cannabis tax is passed, to incorporate his input and experience into a finished product before Council's final adoption.

The policy issues the staff needs direction on are as follows:

1. The types of cannabis business license categories the Council wishes to authorize in the community.
2. The number of cannabis business licenses the Council wishes to authorize in each cannabis business license category.
3. The zoning types within which the Council wishes to allow cannabis businesses to work.
4. What safety zones does the Council wish to create.
5. Total square foot limit for cannabis business use.

We will discuss each of the 5 issues below, one at a time, with further background information.

I. Types of cannabis business licenses authorized within the City.

When Proposition 64 was first approved by the voters there were five basis categories of cannabis licenses as follows:

1.Cultivation. Cultivation is the process of growing cannabis. Since the initial adoption in 2016, the category has expanded in number by size of the grow and the amount of lighting that is used.

2. Distribution. Distribution is the process of legally transporting cannabis from one location to another. This is done between businesses that legally can deal with cannabis, such as a cultivation facility delivering to a testing facility to check the cannabis for quality control.

3. Manufacturing. Manufacturing is the process of processing cannabis from its raw grown form into more concentrated products such as hashish, dabs, oils, eatables, vape cartridges and other such products. Since initial adoption in 2016, the manufacturing categories have expanded to two, depending on if the extraction process uses volatile solvents or nonvolatile solvents or procedures.

4. Testing. Testing is the process of chemically examining the raw grown cannabis and making sure it has not been mixed with other chemical products or is contaminated to make sure it is safe to smoke or eat.

5. Retail. Retail is the process of legally selling cannabis. This is done two ways. One way is delivering the cannabis by vehicle to a buyer's house, better known as delivery, or selling the cannabis out of a bricks and mortar store, also called storefront retail.

- A. The listing below identifies all the license types that are currently allowed in the first draft of our ordinance.

Type 1A = Cultivation; Specialty Indoor; Small.

1. Type 1B = Cultivation; Specialty Mixed-Light; Small.

2. Type 1C = Cultivation: Specialty Cottage; Small

3. Type 2A = Cultivation; Indoor; Small.

4. Type 2B = Cultivation; Mixed-Light; Small.

5. Type 3A = Cultivation; Indoor; Medium.

6. Type 3B = Cultivation; Mixed-Light; Medium.

7. Type 4 = Cultivation; Nursery.

8. Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.

9. Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.

10. Type 6 = Manufacturer 1. Non-Volatile Solvents and procedures

11. Type 7 = Manufacturer 2. Volatile Solvents

12. Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).

13. Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).

14. Type 8 = Testing Laboratory.
 15. As authorized by California Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. retail sales by delivery only, pursuant to 16 CCR § 5414, as may be amended).
 16. Type 10 = Retailer (subject to Section 8.29.050, i.e. delivery only).
 18. Type 10 = Store Front Retail. A storefront retailer has a physical location where cannabis goods are sold. Store front retailers can also deliver cannabis goods. (Note: The Council needs to give the staff direction on how many of these you wish to authorize, if any.)
 19. Type 11 = Distributor.
 20. Type 12 = Microbusiness (subject to Sections 8.29.05.04(c) and 8.29.050).
 21. Type 13 = Distributor (i.e., transport only, pursuant to 16 CCR § 5315, as may be Amended.)
- Cultivation License Types for Indoor or Mixed-Light pursuant to 3 CCR § 8201, as may be amended.
17. Commercial Cannabis types that may be established by the State of California and is determined by the City Manager to be in substantial compliance with this Chapter.

- (a) Any commercial cannabis activity not expressly authorized by this Chapter is prohibited.
- (b) The number of commercial cannabis permits authorizing the operation of a microbusiness requiring a Type-12 State License that may be active or valid in the City at any given time shall not exceed thirty-five (35) permits, or a lower number as may be established by the City Council. A microbusiness license type 12 is for businesses that do at least three of the following activities at one location:
 1. Cultivation – up to 10,000 total square feet.
 2. Manufacturing – use of non-volatile solvents, mechanically extraction or infusion.
 3. Distribution or distribution transport – only
 4. Retail – storefront or non-storefront. If council limits retail licenses, the retail here could be the one(s) authorized and /or limited to non-storefront or delivery only.

The types of cannabis operations that are being recommended by the staff to be prohibited in the ordinance are all outdoor grow operations.

The types of licenses in the Ordinance that are currently being prohibited are all outdoor grow operations. Outdoor grow operations are not desirable because of the strong smell of cannabis. It can travel quite some distance and is not a pleasant smell. It is better to confine the cannabis in an indoor facility and require systems that minimize the smell from escaping the building. The recommended licenses currently not permitted in our ordinance are as follows:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 2 = Cultivation; Outdoor; Small.

3. Type 3= Cultivation; Outdoor; Medium.
4. Type 5 = Cultivation; Outdoor; Large.

2. The number of cannabis business licenses the Council wishes to authorize in each cannabis business license category is the second topic of discussion.

The Council has the authority to set the number of licenses it distributes in each cannabis business license category. The first draft of the ordinance has unlimited licenses for all license categories except for any outdoor grow operations, which are forbidden. Council members have expressed an interest in limiting Store Front Retail Licenses. One Council Member has expressed an interest in having one Store Front Retail License at the current time. Staff would like Council direction on the number of Store Front Retail Licenses that are desired.

The draft ordinance caps Microbusiness Licenses at 35, or a lower number as determined by the Council.

The recommendation for unlimited number of licenses comes from the standpoint that most cannabis businesses do not interact with the community. Cannabis businesses such as cultivation, distribution, testing, manufacturing, and retail non-store front delivery only are enclosed in a private building not accessible to the public. Employees go into the building to work in the morning and leave at night. That is the extent of the interaction these businesses have with the community. If you have signage that does not describe the business as a cannabis business, the average passerby will not even know what is in the building.

3.The Zones within which Cannabis Businesses are allowed to do business.

Placement of cannabis businesses can be a very sensitive issue. Many communities do not like to place cannabis businesses downtown or in some other prominent place in town. Many communities take the out of sight, out of mind approach. This approach places the cannabis businesses some place on the edge of town in a zoning like industrial, so it is not generally seen by the public. This is the approach the staff has taken for the placement of cannabis businesses in McFarland.

Staff is recommending that the Council authorize cannabis business in the M-1 Limited Manufacturing, M-2 Light Manufacturing and M-3 Heavy Manufacturing. If you refer to the attached map of the annexation area entitled Kern Council of Governments and the McFarland Zoning – Review Map you will see that all of the M-1 and M-2 zones are on the East side of town in the annexation area, with the exception of 3 M-2 zone areas running close to the freeway that is within the old city limits on the east side. There is currently no M-3 zoning in the entire City, including the annexed area. If having some M-2 zone in the old City limits is concerning to the Council, we could allow cannabis in only the M-1 zoning. There is approximately 800 acers in M-1 and M-2 zoning inside the City, most of which is in the new annexation area. If the Council drops the M-2 zone for cannabis use we still have approximately 300 to 400 acers of M-1 zone in the City, only in the east side annexation

area. If you look at the attached Kern Council of Governments McFarland annexation area map, on the east side of town you will see two large industrial areas. The industrial area furthest south is the M-2. The M-1 light industrial is the lighter colored section north of Hanawalt Avenue.

1. Safety Zones for Sensitive Uses

A safety zone is an area around a sensitive facility that is not compatible with a cannabis business, such as a school. The proposed ordinance does not allow any commercial cannabis businesses to be located within six hundred feet (600') from any school, day care center, youth center, public park, or public library ("Sensitive Uses"). The proposed ordinance also has a two hundred feet (200) safety zone around any residential zone.

2. Total Square Foot Limit for Cannabis Businesses.

There is approximately 800 acers of M-1 and M-2 zoning existing in the City. If the Council does not allow the M-2 Industrial Zone for cannabis use, because some M-2 zoning is in the old City limits on the east side of town, we would have 300 to 400 acers left in the M-1 zone of Light Industrial. I would suggest that we allow 200 acers or 8,712,000 square feet in cannabis business use.

Fiscal Impact:

It is estimated that the cannabis industry could bring the City \$300,000 - \$600,000 on the low side and \$1.8 million on the high side of annual income. The amount will raise over time and will depend how many licenses the Council allows and how many cannabis businesses come in.

Next Steps:

Staff needs to take the policy input of Council and redraft the ordinance. Once the tax is approved by the people, staff needs to work with the City Attorney to review the current draft and its many staff changes. We also need to revise all application forms from Arvin and weave them into a smooth application process.

Attachments:

1. Kern Council of Governments McFarland Annexation Area Map
2. McFarland Zoning- Review Map

Chapter 8.29 MARIJUANA
SECTION 8.29.05 COMMERCIAL CANNABIS ACTIVITY

Table of contents for Section 8.29.05 Commercial Cannabis Activity

1. Section 8.29.05.01 – Purpose and Intent. -----	Pg. 2
2. Section 8.29.05.02 – Definitions. -----	Pg. 2
3. Section 8.29.05.03 – Applicability to Personal Cannabis Activity -----	Pg. 6
4. Section 2.29.05.04 – Permitted Types of Commercial Cannabis Businesses -----	Pg. 6
5. Section 8.29.50.05 – Prohibited Types of Commercial Cannabis Businesses -----	Pg. 7
6. Section 8.29.05.06 – Required Licenses and Permits -----	Pg. 8
7. Section 8.29.05.07—Existing Commercial Cannabis Businesses -----	Pg. 11
8. Section 8.29.05.08 – Security Measures -----	Pg. 11
9. Section 8.29.05.09 – Employee Badge Requirement. -----	Pg. 14
10. Section 8.29.05.100 – Right to Occupy and to Use Property. -----	Pg. 14
11. Section 8.29.05.110 – Location of Commercial Cannabis Business – Proximity to Sensitive Uses -	Pg. 14
12. Section 8.29.05.120 – Alcohol and Tobacco Restrictions. -----	Pg. 15
13. Section 8.29.05.130 – Concurrent Regulation with State -----	Pg. 16
14. Section 8.29.05.140 – Compliance with Laws -----	Pg. 16
15. Section 8.29.05.150 – Inspections and Enforcement -----	Pg. 16
16. Section 8.29.05.160 – Fees and Charges -----	Pg. 18
17. Section 8.29.05.170 – Violations and Enforcement -----	Pg. 18
18. Section 8.29.05.180 – Limitations on City’s Liability -----	Pg. 20
19. Section 8.29.05.190 – Commercial Cannabis Permit Application Procedures and Requirements -	Pg. 21
20. Section 8.029.05.200 – Development Agreement -----	Pg. 27
21. Section 8.29.05.220 – Records and Reporting -----	Pg. 32
22. Section 8.29.05.230 – Prohibition on Transfer of Commercial Cannabis Permits -----	Pg. 33
23. Section 8.29.05.240 – General Operating Requirements for Commercial Cannabis Businesses ----	Pg. 34
24. Section 8.29.05.250 – Operating Requirements for Cultivation Businesses and Nurseries -----	Pg. 38
25. Section 8.29.05.260 – Cannabis Manufacturing Business Operating Requirements -----	Pg. 39
26. Section 8.29.05.270 – Cannabis Testing Laboratory Operating Requirements -----	Pg. 40
27. Section 8.29.05.280 – Cannabis Retail/Delivery Businesses Operating Requirements -----	Pg. 41
28. Section 8.29.05.290 – Total Area Devoted to Commercial Cannabis Businesses -----	Pg. 42
29. Section 8.29.05.300 – Periodic Review by the City Council -----	Pg. 42
30. Section 8.29.05.310 – Promulgation of Regulations and Standards -----	Pg. 42
31. Section 8.29.05.320 – Community Relations -----	Pg. 43
32. Section 8.29.05.330 – Unpaid Fees Deemed Debt to City -----	Pg. 43

33. Section 8.29.05.340 – Permit Holder Responsible for Violations	Pg. 43
34. Section 8.29.05.350 – Effect on Other Ordinances	Pg. 43
35. Section 8.29.05.360 – Unlawful Businesses Prohibited	Pg. 43
36. Section 8.29.05.370 – City Manager Designee	Pg. 43

Section 8.29.05.01 - Purpose and Intent.

- (a) It is the purpose and intent of this Chapter to adopt local prohibitions and regulations applicable to commercial cannabis activity as may be permitted by the Medicinal and Adult-Use Cannabis Regulation and Safety Act and other applicable State law, as amended, pertaining to regulation of commercial cannabis and the use of land, in order to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing and testing of cannabis and cannabis products in a manner which is responsible and which protects the health, safety, and welfare of the residents of the City, and to enforce rules and regulations consistent with applicable state law including, but not limited to, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, the Compassionate Use Act of 1996, and the Medical Marijuana Program Act. In furtherance of these objectives, this Chapter imposes an annual regulatory permit requirement, employee work permit requirements, and operating requirements applicable to persons who seek to own, operate, or engage in commercial cannabis businesses within the City as authorized under this Chapter or the McFarland Municipal Code. Nothing in this Chapter is intended to authorize any activity which is in violation of state or federal law. The provisions of this Chapter are in addition to the business license requirements applicable to business conducted in the City, and to all other applicable requirements of the McFarland Municipal Code.
- (b) Pursuant to Section 7 of Article XI of the California Constitution, the City is authorized to adopt ordinances that establish standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding commercial cannabis activity, including health and safety, testing, laboratory operations and safety, security, and worker protections established by the State, or any of its agencies, departments, or divisions, shall be the minimum standards applicable in the City, and the provisions of this ordinance shall apply in addition thereto.

Section 8.29.05.02 - Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them in this Section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) "Building Official" means the Building Official for the City or his/her designee.
- (b) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. (c) "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake

made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. For the purpose of this Chapter, "Cannabis" does not mean industrial hemp as that term is defined by Section 11018.5 of the California Health and Safety Code.

- (c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health & Safety Code, or a drug, as defined by Section 109925 of the Health & Safety Code.
- (d) "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (e) "Chief of Police" means the Chief of Police for the McFarland Police Department or his/her designee.
- (f) "City Manager" means the City Manager for the City or his/her designee.
- (g) "Commercial cannabis activity" or "commercial cannabis business" includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale (including retail and wholesale) of cannabis or cannabis products conducted or engaged in by any person, except cultivation and possession of cannabis for personal use as governed by McFarland Municipal Code Chapter 8.29, Section 8.29.05 and/or as preempted by State law.
- (h) "Commercial cannabis permit" means a permit issued by the City pursuant to this Chapter to a commercial cannabis business.
- (i) "Cultivation" means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (j) "Cultivation site" means a facility where cannabis is propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or where all or any combination of those activities occur.
- (k) "Day care center" means, as the term is understood in Business & Professions Code Section 26001(o), as may be amended, any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers.
- (l) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer at the customer's home or other location remote from the premises of the commercial cannabis

business making the delivery and includes the use by a retailer of any technology platform. "Delivery" does not mean or include storefront sales.

- (m) "Distribution" means the procurement, sale and transport of cannabis and cannabis products between licensees.
- (n) "Distributor" means a licensee engaged in distribution.
- (o) "Edible cannabis product" means a cannabis product that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
- (p) Employee – See (ee) Responsible Person.
- (q) "Fire Chief" means the Fire Chief for the City as designated by the Kern County Fire Department, or his or her designee.
- (r) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996.
- (s) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- (t) "License" or "State License" means a license issued by the State of California, or one of its departments or divisions, pursuant to Division 10 of the California Business & Professions Code. "Licensee" means a person holding a State License.
- (u) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (v) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (w) "Manufacturer" means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container; "Manufacturer" includes the activity of manufacturing.
- (x) "Manufacturer 1" means a licensee that manufactures cannabis products using nonvolatile solvents, or no solvents.
- (y) "Manufacturer 2" means a licensee that manufactures cannabis products using volatile solvents.

- (z) "Nursery" means a licensee that produces only cannabis clones, immature cannabis plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (aa) "Owner" means any person who has an ownership interest in a commercial cannabis business.
- (bb) "Package" means any container or receptacle used for holding cannabis or cannabis products.
- (cc) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, nonprofit organization, or any other group or combination acting as a unit and includes the plural as well as the singular.
- (dd) "Premises" means the designated structure or structures and the surrounding land that is owned, leased or otherwise held under the control of a commercial cannabis permit applicant or permittee where commercial cannabis activity will be or is conducted. This definition does not alter the meaning of the term "Premises" as utilized by the State of California for commercial cannabis licensing.
- (ee) "Responsible person" means any person who is responsible for, or who will oversee or participate in, the direction, control, management, or supervision of a commercial cannabis business.
- (ff) "Retailer" means a person who engages in the retail sale of cannabis or cannabis products to customers.
- (gg) "Sell," "sale" and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting and receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (hh) "School" means, as the term is understood in Business & Professions Code Section 26054(b), as may be amended, a place of instruction in kindergarten or any grades 1 through 12.
- (ii) "State" means the State of California and all of its departments, divisions and agencies, including but not limited to the Bureau of Cannabis Control, the Department of Public Health, and the Department of Food and Agriculture.
- (jj) "Stacking" means cultivating cannabis plants on platforms or tables and stacking them in multiple layers on top of each other.
- (kk) "Storefront sales" means the retail sale of cannabis or cannabis products directly to customers from a storefront, dispensary, or other permanent building or structure, or in any manner that does not constitute delivery. "Storefront sales" does not include delivery

- (ll) "Testing Laboratory" means a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products and that is both: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity; and (2) a State licensee.
- (mm) "Topical cannabis" means a cannabis product intended for external application. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (nn) "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
- (oo) "Youth center" means, as the term is understood in Business & Professions Code Section 26001(av), as may be amended, any public or private facility that is primarily used to host recreational or social activities for minors, including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Section 8.29.05.03 - Applicability to Personal Cannabis Activity.

This Chapter applies only to commercial cannabis activities. Except as otherwise provided by this Chapter, cultivation of cannabis for personal use is governed by Section 8.29.05.03 of the McFarland Municipal Code, as may be amended from time to time, and consumption of cannabis is governed by Section 8.29.05.06 of the McFarland Municipal Code, as may be amended from time to time. To the extent any provision of Chapter 8.29 of the McFarland Municipal Code conflicts with this Chapter, this Chapter shall govern.

Section 8.29.05.04 - Permitted Types of Commercial Cannabis Businesses

- (a) Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer (delivery only), manufacturer, testing laboratory, distributor, and microbusiness (other than storefront sales) are allowed subject to issuance and maintenance of the permits and entitlements set forth in Section 8.29.05.06(a), continuing compliance with this Chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
 - 1. Type 1A = Cultivation; Specialty Indoor; Small.
 - 2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
 - 3. Type 1C = Cultivation: Specialty Cottage; Small
 - 4. Type 2A = Cultivation; Indoor; Small.
 - 5. Type 2B = Cultivation; Mixed-Light; Small.
 - 6. Type 3A = Cultivation; Indoor; Medium.
 - 7. Type 3B = Cultivation; Mixed-Light; Medium.
 - 8. Type 4 = Cultivation; Nursery.
 - 9. Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.

10. Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.
11. Type 6 = Manufacturer 1.
12. Type 7 = Manufacturer 2.
13. Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).
14. Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).
15. Type 8 = Testing Laboratory.
16. As authorized by California Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. retail sales by delivery only, pursuant to 16 CCR § 5414, as may be amended).
17. Type 10 = Retailer (subject to Section 8.29.050, i.e. delivery only).
18. Type 10 = Store Front Retail. A storefront retailer has a physical location Where cannabis goods are sold. Store front retailers can also deliver cannabis goods.
19. Type 11 = Distributor.
20. Type 12 = Microbusiness (subject to Sections 8.29.05.04(c) and 8.29.050).
21. Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended)
- Cultivation License Types for Indoor or Mixed-Light pursuant to 3 CCR § 8201, as may be amended).
18. Commercial Cannabis types that may be established by the State of California and is determined by the City Manager to be in substantial compliance with this Chapter.

- (b) Any commercial cannabis activity not expressly authorized by this Chapter is prohibited.
- (c) The number of commercial cannabis permits authorizing the operation of a microbusiness requiring a Type-12 State License that may be active or valid in the City at any given time shall not exceed thirty-five (35) permits, or a lower number as may be established by the City Council.

Section 8.29.050.05 - Prohibited Types of Commercial Cannabis Businesses

- (a) Commercial cannabis businesses within the City which involve the activities of outdoor cultivation and storefront sales are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications listed below, as provided for in Business & Professions Section 26050 and applicable State regulations:
 1. Type 1= Cultivation; Specialty Outdoor; Small.
 2. Type 2 = Cultivation; Outdoor; Small.
 3. Type 3= Cultivation; Outdoor; Medium.
 4. Type 5 = Cultivation; Outdoor; Large.

- (b) Except as otherwise expressly provided in this Chapter, the prohibition of subsection (a) includes any similar commercial cannabis activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced or similar activities or operations.
- (c) Consistent with Business & Professions Code Section 26080, nothing in this Chapter shall be interpreted to prohibit the use of the public roads of the City by a State licensee in the course of making cannabis deliveries to and from areas outside of the City.

Section 8.29.05.06 - Required Licenses and Permits.

- (a) It shall be unlawful to own, establish, operate, use, or allow the establishment or activity of a commercial cannabis business, or to participate in a commercial cannabis business as an employee, contractor, agent, volunteer, or in any manner or capacity, other than as provided in this Chapter and pursuant to the following:
 - 1. A valid and current commercial cannabis permit(s) issued by the City pursuant to this Chapter, and
 - 2. The equivalent State license(s) for such commercial cannabis business issued pursuant Division 10 of the Business & Professions Code, as may be amended, and
 - 3. Employee Badge pursuant to Section 8.29.05.09; and
 - 4. A valid City business license.
 - 5. Applicants do not need a conditional use permit (CUP).
- (b) The City Manager is hereby authorized to issue commercial cannabis permits on behalf of the City. The City Manager, or designee, in his or her sole discretion, may issue a commercial cannabis permit only upon confirming that the applicant to whom the permit is to be issued has satisfied all of the requirements of this Chapter and the other applicable provisions of the McFarland Municipal Code, as may be amended from time to time, any regulations promulgated pursuant to this Chapter, and any law or regulation enacted by the State of California or any department of the State governing commercial cannabis activities.
- (c) Commercial cannabis permits shall be governed by the following requirements and limitations:
 - 1. Commercial cannabis permits may only permit the types of cannabis activity expressly authorized by this Chapter.
 - 2. No commercial cannabis permit shall authorize public access to any commercial cannabis business. Only persons involved in the bona fide business activities of a commercial cannabis business shall be authorized to access the premises of a commercial cannabis business.
 - 3. Commercial cannabis businesses shall not employ or grant access to any individual who is under twenty-one (21) years of age.
 - 4. Each commercial cannabis permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance and must thereupon be renewed. Continued operation of a commercial cannabis business after expiration of a commercial cannabis permit shall be unlawful and a violation of this Chapter.

5. Prior to issuance of any commercial cannabis permit, each proposed commercial cannabis business shall be subject to the mandatory inspections provided by Section 8.29.05.15 and shall obtain all required permits or approvals which are otherwise required for the premises by applicable law, including, but not limited to, building permits, California Fire Code approvals, and planning-level permit(s) required by Title 17 Zoning of the McFarland Municipal Code. City Manager may issue a Conditional Commercial Cannabis Permit where the business is actively implementing conditions, obtaining clearances and licenses from local agencies and the state of California. Temporary Certificate of Occupancy may be issued by the Building Official where such occupancy is near completion of required improvements and where the Building Official and Fire Agency finds that no health and safety factors exists.
6. Consistent with Business and Professions Code Section 26053, a commercial cannabis business conducting multiple commercial cannabis activities shall obtain a commercial cannabis permit authorizing each type and location of commercial cannabis activity prior to engaging in that activity. A commercial cannabis business licensed by the State to conduct multiple commercial cannabis activities shall not receive a commercial cannabis permit authorizing any commercial cannabis activity within the City that is not expressly authorized by this Chapter. An applicant may be issued a commercial cannabis permit authorizing multiple different types of commercial cannabis activities as defined by applicable State license classifications, consistent with the requirements of Business and Professions Code Section 26053 and/or a Type 12 "Microbusiness" State license.
7. Revocation, termination, denial, non-issuance or suspension of a State license shall immediately and automatically terminate the commercial cannabis permit, and all commercial cannabis activity shall immediately cease. Upon reinstatement or receipt of a new State license, the commercial cannabis activity may file for a new permit from the City. While a new application for a commercial cannabis permit is pending, the applicant shall not engage in any commercial cannabis activity. Violations of this Section shall be grounds for denial of an application for a commercial cannabis permit and for the enforcement, penalties and cost recovery prescribed within Section 8.29.05.170 and any other applicable provisions of the McFarland Municipal Code.
8. The issuance of a commercial cannabis permit shall constitute a revocable privilege and shall not create or establish any vested rights for the development or use of any property.
9. A County Health Depart Permit shall be required of any cannabis business who produces or sales edible cannabis products.
10. A Commercial Cannabis business is not required to acquire a City conditional use permit to operate under this Chapter.

(d) Renewals of commercial cannabis permits shall be governed by the following requirements and limitations:

1. Applications for renewal of commercial cannabis permits shall be filed with the City Manager at least sixty (60) calendar days prior to the expiration date of the

permit and shall be subject to all requirements applicable to an application for initial issuance of a commercial cannabis permit.

2. An application for renewal of a commercial cannabis permit shall be denied if any of the following exists:
 - i. The application is filed less than sixty (60) calendar days before expiration of the commercial cannabis permit. Notwithstanding the foregoing, the City Manager, in his discretion, may accept an application filed between thirty (30) and sixty (60) days before expiration based upon a showing of good cause by the applicant for the late filing.
 - ii. The commercial cannabis permit, or any of the other entitlements required for the commercial cannabis to operate in compliance with this Chapter, is suspended or revoked at the time the application for renewal is submitted or is suspended or revoked while the application for renewal is pending.
 - iii. The commercial cannabis business or activity has not been in regular and continuous operation during the four (4) months prior to the submission of the application for renewal.
 - iv. The commercial cannabis business is in noncompliance with any provision of this Chapter, any regulation promulgated pursuant hereto, any other provision of the McFarland Municipal Code applicable to the commercial cannabis business, or any condition of approval of the commercial cannabis permit or any other entitlement issued by the City to the commercial cannabis business.
 - v. The applicant for renewal of the commercial cannabis permit has failed to obtain or renew any required State license or is in violation of any applicable provision of State law or any applicable State regulation.
 - vi. The applicant for renewal has failed to pay in full all fees, administrative fines, penalties and/or charges imposed by the City relating to the commercial cannabis business, unless assessment of the fees, administrative fines, penalties and/or charges are being appealed.
3. If a renewal application is denied, the applicant may file an appeal. The appeal must be in writing, must identify the grounds for reversing the denial, and must be submitted to the City Clerk within ten (10) days from the date of the denial. The appeal shall be conducted pursuant to Section 8.29.05.190(j). In the alternative, the applicant may file a wholly new application for a commercial cannabis permit pursuant to this Chapter. Upon expiration of the commercial cannabis permit and regardless of a pending appeal or new application for a commercial cannabis permit, all of the applicant's commercial cannabis activity shall immediately cease. Violations of this Section shall subject the violator to denial of the appeal or new application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery mechanisms prescribed within this Chapter and/or the McFarland Municipal Code.
4. Any unpaid fees, administrative fines, penalties and/or costs imposed by the City relating to the commercial cannabis business shall be added to the fee for renewal of the commercial cannabis permit, unless assessment of the fees, administrative fines, penalties and/or costs are being appealed.

5. A commercial cannabis permit shall not be renewed until the City receives payment in full of the fee for the commercial cannabis permit renewal application. Said fee shall be governed by and subject to the provisions of Section 8.29.05.190(b), unless otherwise provided by resolution of the City Council.
- (e) Failure of a commercial cannabis business to obtain and maintain a valid City business license, and to remain in compliance with all applicable provisions and requirements of that license, shall constitute grounds for denial of an application for renewal of a commercial cannabis permit, suspension or revocation of a current commercial cannabis permit.

Section 8.29.05.07 - Existing Commercial Cannabis Businesses.

Commercial cannabis businesses in existence in the City as of the date of adoption of this Chapter may continue to operate under the approved and issued Commercial Cannabis Permit and associated entitlements, Site Development Plan, Development Agreement, or may, upon its annual renewal, utilize this Chapter for permitting and compliance with the requirements of this Chapter. An unpermitted commercial cannabis business that can demonstrate to the City Manager's satisfaction that it is diligently applying to obtain the required permits and licenses, and that it is in good standing and otherwise in compliance with all applicable local and state laws and regulations, may, at the discretion of the City Manager, be temporarily permitted to continue its operations while its applications for the required permits and licenses are pending.

Section 8.29.05.08 - Security Measures.

- (a) A permitted commercial cannabis business, regardless of building type utilized, shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the premises. These security measures shall include, but shall not be limited to, all of the following, in addition to any other security measures deemed necessary by the City Manager or required pursuant to any regulations as may be promulgated by the City Manager in furtherance of the purposes of this Chapter:
1. Preventing persons from remaining on the premises of the commercial cannabis business if they are not engaging in bona fide business activity of the commercial cannabis business.
 2. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 3. Ensuring that live growing plants which are being cultivated are kept in a secured cultivation site, and that all cannabis and cannabis products are stored in a secured and locked room, safe, or vault at all times. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
 4. Installing twenty-four (24) hour security surveillance cameras with night vision capability and of at least 1080p HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces, excluding all restroom and changing room facilities, within the commercial cannabis business. The security surveillance system shall be compatible with software and hardware utilized by the McFarland Police Department and as approved by the Chief of Police or designee.

The security surveillance system shall be capable of providing the McFarland Police Department with remote real-time/live access to the video footage during emergency situations, including but not limited to armed robbery, active shooter, hostage, and exposure to hazardous or volatile substances. Video recordings shall be maintained for a minimum of forty-five (45) days. Upon request by the Chief of Police, video recordings will be provided to the McFarland Police Department within twenty-four (24) hours. If the commercial cannabis business refuses to provide the Chief of Police access to the real-time/live video feed or the requested video recordings, the City Attorney shall be authorized to seek reimbursement of all costs, including but not limited to court costs, attorney's fees, filing fees, administrative time and fees and employee time, incurred by the City while seeking a warrant and/or judicial intervention granting the requested access. The requirements of this Section shall be in addition to any other applicable provision of the McFarland Municipal Code.

5. Sensors shall be installed to detect entry and exit from all secure areas.
6. Panic buttons shall be installed in all commercial cannabis businesses. The panic alarms will ring to the Police Department or a private security firm, as determined by the City Manager.
7. A professionally installed, maintained, and monitored alarm system shall be maintained in operable condition at all times.
8. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building and shall be installed in compliance with all applicable requirements of the McFarland Municipal Code, California Building Code and California Fire Code.
9. Each commercial cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage. All doors need to be compliant with fire code for emergency exiting in case of fire and fire personnel entering the building in case of an emergency. All cannabis businesses shall have a generator sufficient to run all security systems and minimal security lighting.
10. All security personnel to be hired or used by each commercial cannabis business shall be licensed by and in good standing with the State Bureau of Security and Investigative Services and shall obtain an Employee Badges pursuant to Section 8.29.05.09. At least one such security guard shall be on the premises of each commercial cannabis business during all operating hours. The City Manager may increase the number of security guards required to be on the premises of any commercial cannabis business as a condition of approval of any commercial cannabis permit application, if he or she deems such additional security guards necessary to adequately protect the premises based on the size or other characteristics of the commercial cannabis business or its premises.
11. Fencing shall be installed along the perimeter of the project site. Fencing location, design, and materials shall be approved by the City Manager or designee. Fencing shall be a minimum of 10'-0" with angled or electrified top. The Fire Department has a special permit for electrified fences. Materials shall be limited to wrought iron fencing, masonry, a combination of the two, or alternatives

subject to approval by the City Manager or their designee. All fencing shall have angled wrought iron topping or must be electrified. Electronic entry gates for automobiles and pedestrian shall be designed as noted above and the City Manager or designee shall have final approval. Fencing must be in place to the satisfaction of the City Manager or their designee as well as the Building Department prior to being eligible for a certificate of occupancy or a temporary certificate of occupancy.

12. Any portion of the fencing that is electrified shall comply with all State, Federal and Local laws, including, but not limited to, California Civil Code section 835 and any amendments thereto.
13. Developer must submit a detailed fencing plan to the City Engineer or their designee for approval. Plans may be included within a larger Civil Design Plan required for overall site development approval. At a minimum, the plans must show the layout of all proposed exterior fences with locations of gates for pedestrians and vehicles. Plans must also include typical sections, typical elevations, and details regarding hardware, materials, color, textures, and any additional information requested by the City Engineer upon review of a fencing plan. The use of existing fences must also be shown on the plans, detailed appropriately, and shall be subject to approval on a case-by-case basis by the City Engineer. City Engineer review shall be independent of any necessary review by the Building Department which the Developer must submit plans to for a separate permit following City Engineer approval.
14. The use of razor wire, barbed wire, or similar materials is strictly prohibited. In cases of masonry walls, all public facing sides must be covered in an approved anti-graffiti material or must have climbing vines attached to the walls which must be maintained over time to the satisfaction of the City Manager. In cases of wrought iron fences, the Developer may install an opaque cover to prevent the public from seeing into the site. In these cases, such a cover must also have an approved anti-graffiti coating. Any graffiti must be immediately removed by the Developer within 72 hours when notified by the City Manager or their designee regardless of when the graffiti first appeared. Similarly, any damage to the perimeter fencing must be immediately repaired within 72 hours when notified by the City Manager or their designee regardless of when the damage first appeared.
15. Approved colors and textures for public facing portions of fences are as follows unless otherwise approved by the City Manager or their designee:
 - Masonry: terra cotta; split faced
 - Wrought iron and opaque coverings: black or green; opaque covering to be metallic or durable plastic capable of withstanding substantial winds and must be UV and rust resistant.

- (b) Each commercial cannabis business shall provide the City Manager with the identity and contact information for a liaison who shall be reasonably available to meet and discuss compliance with the requirements of the McFarland Municipal Code, state law and/or any other laws and regulations applicable to the commercial cannabis business. The liaison from each cannabis business shall have a standing meeting with the City Manager every 90 days.

- (c) As part of the application and permitting process, each commercial cannabis business shall provide the City Manager with a detailed transportation plan describing the procedures for safely and securely transporting cannabis, cannabis products and/or currency.
- (d) A commercial cannabis business shall notify the Chief of Police within twenty-four (24) hours after discovering any of the following:
 - 1. Significant discrepancies identified in inventory. The level of significance may be determined by regulations promulgated by the City Manager.
 - 2. Diversion, theft, loss or any criminal activity involving the commercial cannabis business, an employee or any agent of the commercial cannabis business.
 - 3. The loss or unauthorized alteration of records referring or related to cannabis, cannabis products, employees or agents of the commercial cannabis business.
 - 4. Any other breach of security.
- (e) A commercial cannabis business shall notify the Chief of Police immediately after discovering any diversion, theft, loss or any criminal activity involving the commercial cannabis business, an employee or any agent of the commercial cannabis business.

Section 8.29.05.09 - Employee Badge Requirement.

Every employee or independent contractor working at or for a commercial cannabis business or involved in security, delivery or distribution, or other services for a commercial cannabis business shall obtain an employee badge pursuant to Title 4 Cal. Code Regulations Section 15043 or as may be amended. (§15043. Licensee Employee Badge Requirement. All agents, officers, or other persons acting for or employed by a licensee conducting retail sales or participating in a temporary cannabis event shall display a laminated or plastic-coated identification badge always issued by the licensee while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.).

Persons who are listed as commercial cannabis permit holders or owners thereof, who are subject to criminal history records checks pursuant to Section 8.29.05.240(k), shall be required to obtain an Employee Badge if such person also serves as an employee or contractor for the permit holder's commercial cannabis business.

Section 8.29.05.100 - Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a commercial cannabis permit pursuant to this Chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location is leased from another person, the applicant for a permit under this Chapter shall provide a signed and notarized statement from the owner of the property to demonstrate the property owner has acknowledged and has consented to the operation of a commercial cannabis business on the property.

Section 8.29.05.110 - Location of Commercial Cannabis Business - Proximity to Sensitive Uses.

- (a) Commercial cannabis activity shall be authorized **within** the following zoning districts of the City: M-1 limited Manufacturing, M-2 Light Manufacturing, M-3 General Manufacturing, zoning districts. Commercial cannabis activity is prohibited in all other zoning districts of the City.
- (b) Notwithstanding subsection (a) of this Section, no commercial cannabis business shall be located within six hundred feet (600') from any school, day care center, youth center, public park, or public library ("Sensitive Uses"). Location distance separating Sensitive Uses, as described above, shall be measured from the exterior of the structure(s). Applicant shall prepare locational map verifying locational distance and shall certify that the structure locations meet the six hundred feet separation.
- (c) No commercial cannabis business may operate within any residential zoning district or area of the City.
- (d) A commercial cannabis business generally may not operate adjacent to, across a street or alley from, or within two hundred feet (200') of, any residential zoning district or area of the City. Location distance and/or separating commercial cannabis business, as described above, shall be measured from the exterior of the structure(s). Applicant shall prepare locational map verifying locational distance and shall certify that the structure locations meet the two hundred feet separation. However, if an existing building or facility in a City zoning district enumerated in subsection (a) is located adjacent to or across a street or alley from a residential zoning district or area of the City, a commercial cannabis business may be permitted to operate in such location if, in the opinion of City Manager, the operation of a commercial cannabis business in such location would not tend to cause a public nuisance, nor a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings. Any subsequent expansion of a commercial cannabis business permitted to operate in such a location, which expansion requires a new or amended commercial cannabis permit, shall also be subject to a determination by the City Manager that the expansion would not tend to cause a public nuisance or a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings.
- (e) Commercial cannabis businesses shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in Title 17 of the McFarland Municipal Code.
- (f) Any commercial cannabis business which has been determined by the City Manager to be an existing commercial cannabis business on the effective date of this Chapter shall be exempt from compliance with the limitations prescribed in this Section, unless such location is otherwise determined to constitute a public nuisance or otherwise a disturbance to the adjacent or neighboring uses as determined by the provisions of this Chapter.

Section 8.29.05.120 - Alcohol and Tobacco Restrictions.

- (a) In accordance with Business & Professions Code Section 26054, as may be amended, no commercial cannabis business shall cause or allow the sale (whether retail or wholesale) of alcoholic beverages or tobacco products on its premises.
- (b) No commercial cannabis business shall cause or allow alcoholic beverages to be dispensed or consumed on its premises.
- (c) No commercial cannabis business shall operate in a location that requires persons to pass through a business that sells alcohol or tobacco to access the premises of the commercial cannabis business, or that requires persons to pass through the premises of the commercial cannabis business to access a business that sells tobacco or alcohol.
- (d) No commercial cannabis business shall operate in a location that is adjacent to a business that sells alcoholic beverages at retail. Applicant shall certify that the commercial cannabis business/structure(s) is not adjacent to a business that sells alcoholic beverages at retail.

Section 8.29.05.130 - Concurrent Regulation with State.

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City concurrently and consistently with State law. Except where an express provision of this Ordinance applies to create an obligation that is more stringent than the minimum standards established by State law, this Chapter shall be construed in accordance with that intent.

Section 8.29.05.140 - Compliance with Laws.

- (a) It shall be the responsibility of the commercial cannabis permit holder, including its owners and operators, to ensure that the permitted commercial cannabis business is, at all times, operating in compliance with all applicable state and local laws and regulations, as amended, and any conditions of approval of a State license or City-issued commercial cannabis permit or other entitlement.
- (b) Nothing in this Chapter shall be construed as an authorization of any action or conduct in violation of state law or local law with respect to the operation of a commercial cannabis business.
- (c) Nothing in this Chapter shall be construed as an authorization by the City, its elected or appointed officials, employees, agents, representatives and/or consultants, collectively or individually, of any conduct in violation of federal law.

Section 8.29.05.150 - Inspections and Enforcement.

- (a) No commercial cannabis business shall commence operation, and no commercial cannabis permit application shall be approved for any commercial cannabis business, unless and until:
 - 1. The City Manager, or designee, and Police Chief, or designee, have inspected the premises of the commercial cannabis business and reviewed all written procedures, standards and protocols developed by such business pursuant to this Chapter, and have confirmed in writing that the business is in compliance with all applicable requirements of this Chapter and other applicable provisions of the McFarland

Municipal Code, any applicable local regulations, and any applicable state laws, administration or enforcement of which is within their jurisdiction; and

2. The Fire Chief and Building Official have inspected the premises of the commercial cannabis business and reviewed all written procedures, standards and protocols developed by such business pursuant to this Chapter and have confirmed in writing that the premises are in compliance with the California Building Standards Code and the State Fire Marshal regulations, as adopted by the City, and all other applicable building and fire safety-related requirements, administration or enforcement of which is within their jurisdiction.
- (b) In addition to the initial permit inspections pursuant to subsection (a) and after permitted commercial cannabis business activities have commenced, the City Manager, the Building Official, the Police Chief, and the Fire Chief are authorized to conduct reasonable unannounced and suspicion less inspections of the interior and exterior premises of any commercial cannabis businesses at any time during regular business hours (generally eight (8:00) a.m. and seven (7:00) p.m., Monday through Sunday), for the purpose of ensuring compliance with this Chapter and applicable state law as specified in subsection (a).
1. If any member of the police department observes any activity that they believe may be suspicious, the Police Chief may order an immediate inspection of the grounds or building of a cannabis business. Members of the staff or night security team shall give immediate access to police personnel at any hour of the day or night.
- (c) Each commercial cannabis business shall be subject to two mandatory inspections conducted pursuant to subsection (b) per calendar year. Notwithstanding the foregoing, further inspections may be conducted at any time in response to complaints received by the City relating to violations on the premises of a commercial cannabis business.
- (d) During all inspections conducted pursuant to this Section, the inspecting officials are authorized to photograph and otherwise document the conditions on the premises, and to take such other measures as are reasonably necessary to ascertain whether the business is in compliance with this Chapter, subject to adherence to all HIPAA rights and all other applicable privacy rights unrelated to the purpose and intent of the inspection. Samples of cannabis and cannabis products may be temporarily taken from the commercial cannabis business and retained for the minimum time and to the minimum extent necessary to ascertain compliance with this Chapter, provided that any such samples shall be logged, recorded, and maintained in accordance with the McFarland Police Department standards for evidence.
- (e) For all inspections required by this Section (not including complaint-based inspections), inspection fees sufficient to cover the costs of such inspections shall be paid by each commercial cannabis business as part of such business' commercial cannabis permit application fees or annual permit fees.
- (f) Failure or refusal of a commercial cannabis business, or any owner, manager, employee or agent thereof, to grant access to the premises of the commercial cannabis business to facilitate any inspection pursuant to this Section shall constitute a violation of this Chapter

and shall constitute grounds for the City to obtain an inspection warrant to inspect the commercial cannabis business in accordance with State law.

- (g) All inspections shall be subject to adherence to applicable HIPAA rights and other applicable privacy rights unrelated to the purpose and intent of the inspections.
- (h) The requirements and remedies set forth in this Section shall be in addition to all other applicable provisions of the McFarland Municipal Code.

Section 8.29.05.160 - Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City without timely paying in full all fees, costs, penalties and charges required in connection with the establishment or operation of a commercial cannabis activity. Fees and charges associated with the establishment or operation of a commercial cannabis activity shall be set by resolution or ordinance of the City Council.
- (b) All commercial cannabis businesses operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration, or other fees required pursuant to federal, state, and local law.
- (c) Commercial Cannabis Tax Revenues and Rates are established for Commercial Cannabis businesses in accordance with Title III Revenue and Finance, Chapter 3.19.
 - 1. Pursuant to Section 8.29.05.290(a), the City has limited the total square footage of Commercial Cannabis to 1,350,000 square feet,
 - 2. Pursuant to Section 8.29.05.04(c), the City has limited the Type 12 Microbusiness to a total of 35 business within the current City limits.
 - 3. Due to the limitation of square footage for commercial cannabis business, the applicant of and any assignee shall pay, upon approval of each Commercial Cannabis permit, a minimum sum of \$25,000.00 per quarter, regardless of operational status. The payment shall be paid within 10 days of the approval/conditional approval of a Commercial Cannabis permit.
 - i. Should the Commercial Cannabis business be operational, the minimum quarterly payment shall be credited toward that business's following quarter's tax liability.
 - ii. Should the Permit Holder fail to begin operations within two years of the first permit's issuance, payment of the quarterly \$25,000.00 minimum required payment shall not be refunded. The quarterly payment is required due to the limited square footage for Commercial Cannabis and is established as a deterrent against non-operational permit holders. The non-operation of permitted Commercial Cannabis establishments is determined to be detrimental to the health and welfare of the City.

Section 8.29.05.170 - Violations and Enforcement.

- (a) It is unlawful for any person to violate any provision of this Chapter.

- (b) Each and every violation of this Chapter constitutes a misdemeanor punishable in accordance with Chapter 1.08.010 of the McFarland Municipal Code.
- (c) Each and every violation of this Chapter constitutes a public nuisance which may be abated by the City pursuant to the McFarland Municipal Code.
- (d) Violations of this Chapter may be redressed by any and all applicable civil remedies available to the City, including but not limited to civil actions for injunctive relief.
- (e) Violations of this Chapter are subject to all applicable administrative remedies under the McFarland Municipal Code, including but not limited to issuance of administrative citations. Notwithstanding the foregoing, the administrative citation penalty for all violations of this Chapter, within a rolling twelve (12) month period, shall be as follows: one thousand dollars and no cents (\$1,000.00) per violation.
- (f) Any person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which the violation exists. and shall be penalized pursuant to this Chapter and the applicable provisions of the McFarland Municipal Code.
- (g) The remedies set forth in this Section are cumulative of each other and of any other legal remedies available at law.
- (h) The City Manager may suspend or revoke a commercial cannabis permit when the permit holder or anyone acting on its behalf has committed any of the following acts or maintained any of the following conditions:
 - 1. Any action or condition which would constitute grounds for denial of a commercial cannabis permit.
 - 2. Any violation of this Chapter, the McFarland Municipal Code, any applicable state law governing the commercial cannabis business or activity, or any applicable condition of approval of the commercial cannabis permit or any other entitlement pertaining to the operation of the commercial cannabis business.
- (i) Prior to suspending or revoking a commercial cannabis permit, the City Manager shall conduct a hearing. Written notice of the hearing shall be provided to the permit holder at least five (5) calendar days prior to the hearing. The notice shall contain the basis for suspending or revoking the commercial cannabis permit. Notice may be provided by either personal service, U.S. mail and/or posting or depositing the notice at the commercial cannabis business. After the hearing, the City Manager shall provide notice of the decision whether to suspend or revoke the commercial cannabis permit in the same manner applicable to the notice of hearing. The decision of the City Manager shall be final, subject to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision. The commercial cannabis permit holder has no right to an administrative appeal of the decision.

- (j) The City Manager may immediately suspend a commercial cannabis permit without notice or hearing, subject to a subsequent hearing prior to reinstatement or revocation pursuant to subsection (i), under the following circumstances:
 - 1. The commercial cannabis permit holder is convicted of a public offense in any court for the violation of any law which would be grounds for denial of a commercial cannabis permit.
 - 2. The City Manager, Chief of Police, Fire Chief or any other authorized public safety or building official determines that immediate suspension is necessary to protect the public health, safety and welfare of the community. The City Manager shall provide notice of the grounds for immediate suspension of the commercial cannabis permit, and the suspension shall only be for as long as reasonably necessary to address the grounds which led to the suspension.

Section 8.29.05.180 - Limitations on City's Liability.

To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a commercial cannabis permit or otherwise approving the operation of any commercial cannabis business pursuant to this Chapter. As a condition of approval of any commercial cannabis permit issued pursuant to this Chapter, the person to which a commercial cannabis permit is issued shall be required to meet all of the following conditions:

- (a) Execute an agreement indemnifying, defending (at its sole cost and expense), and holding the City and its officers, employees, representatives, and agents harmless from any and all claims, losses, damages, injuries or liabilities associated with permitting or approving the operation of a commercial cannabis activity or the operation thereof or associated with the commercial cannabis business or its members' violation of any federal, state or local laws.
- (b) Maintain insurance at coverages, limits, and with conditions thereon determined necessary by the City Manager, in consultation with the City Attorney. Commercial General Liability insurance shall be maintained at all times with coverage limits that meet or exceed one million dollars (\$1,000,000.00) per occurrence and in the aggregate. In the alternative to maintaining Commercial General Liability insurance, a commercial cannabis permit holder may post a bond, in a form subject to approval by the City Attorney, with the City in the minimum amount of one million dollars (\$1,000,000.00). The City Manager may, in his or her sole discretion, increase the minimum bond amount required by a commercial cannabis permit holder.
- (c) Reimburse the City for any and all costs and expenses, including attorneys' fees and costs and court costs, that the City may be required to pay as a result of any legal challenge related to the City's approval of a commercial cannabis permit pursuant to this Chapter or the City's approval of the operation of a commercial cannabis activity. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this Section.

The City may revoke a commercial cannabis permit for failure to maintain the required insurance or bond. The City may provide a commercial cannabis permit holder with written notice of its intent to revoke the commercial cannabis permit and for failure to maintain the required insurance

or bond. Within seven (7) calendar days from the date upon the notice of intent to terminate, a commercial cannabis permit holder shall tender to the City proof that it has obtained the required insurance or posted the required bond. If a commercial cannabis permit holder fails to timely provide proof of the required insurance or bond to the City, the commercial cannabis permit shall be revoked, and the commercial cannabis permit holder shall immediately cease all commercial cannabis business activities. Failure to immediately cease all commercial cannabis business activities shall subject the commercial cannabis permit holder to the penalties, enforcement and cost recovery provisions established within the McFarland Municipal Code and any other legal remedies available to the City.

Section 8.29.05.190 - Commercial Cannabis Permit Application Procedures and Requirements.

- (a) In addition to the authority granted pursuant to the express provisions of this Section and Chapter, to the extent consistent with this Chapter and other applicable law, the City Council may by resolution adopt such fees, and the City Manager may adopt such forms and procedures, as are necessary to implement this Chapter with respect to the review, processing, evaluation, selection, investigation, approval, denial, renewal, suspension, and revocation of commercial cannabis permits and related appeals.
- (b) The owner of a proposed commercial cannabis operation shall file an application with the City Manager upon a form provided by the City and shall pay an application filing fee as established by resolution of the City Council, as may be amended from time to time. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of reviewing and processing the application. If a trust deposit-based fee is established, it shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial amount of the trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days of a request from the City. If the applicant fails to do so, application review and processing shall cease and shall not continue until such additional amounts are paid.
- (c) Each commercial cannabis permit application shall contain, at minimum, the following:
 - 1. The printed full name, signature, date of birth, social security number, a color photocopy of the California Driver's license or equivalent form of identification approved by the City Manager, and current address and telephone number of all owners of and responsible persons for the commercial cannabis business that is the subject of the application.
 - 2. Signed consent of each owner and responsible person, who is identified pursuant to subsection (c)(1) and who is not required to obtain an employee badge pursuant to Section 8.29.05.090, to a fingerprint-based state and federal criminal history records check conducted by the City or an agency authorized or requested to do so by the City, including but not limited to fingerprint analysis conducted utilizing the California Department of Justice Live Scan system or any other system deemed necessary or appropriate in the discretion of the City Manager.
 - 3. The address of the commercial cannabis business to which correspondence from the City is to be sent, if other than the permitted premises.

4. The names and addresses of all businesses operated by, and the employment of, the applicant and its owners for the five (5) years immediately preceding the date of the application.
5. Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five (5) years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five (5) years immediately preceding the date of the application.
6. The address of any commercial cannabis business currently being operated by the applicant or any of its owners, or which has been previously operated by any of them.
7. The existing and/or anticipated supply sources and product supply chain for all cannabis and cannabis products entering and leaving the commercial cannabis business, including the site(s) where cultivation occurs, where the cannabis or cannabis products are processed or manufactured, where any required testing of cannabis or cannabis products occurs, and distribution information. Packaging and labelling information and criteria, demonstrating compliance with Section 8.29.05.240(w), shall also be included.
8. Odor control devices and techniques demonstrating compliance with Section 8.29.05.240(i), sufficient to prevent odors from cannabis from being detectable off of the premises.
9. Procedures for safety and adequately identifying, storing, managing, and disposing of all litter, waste, hazardous materials, contaminants, or adulterated, deteriorated or excess cannabis or cannabis products or byproducts of the commercial cannabis business, and demonstrating compliance with Section 8.29.05.240(t).
10. Information reflecting adequate capitalization of the commercial cannabis business.
11. Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.
12. A detail of the operating procedures to be utilized at the facility, including a description of how chemicals and fertilizers will be stored, handled, used and disposed of, manufacturing methods, the transportation process, inventory procedures, and quality control procedures.
13. A site plan and floor plan of the premises of the commercial cannabis business denoting the property lines and the layout of all structures and areas of the commercial cannabis business including storage, cultivation, manufacturing, testing, distributing, reception or waiting areas, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses, indicating compliance with the California Building Standards Code and Title 17 of the McFarland Municipal Code.
14. A plan for the proposed signage at the site, including size, height, colors and design of all signage, demonstrating compliance with Section 8.29.05.240(g). A City sign permit issued pursuant to applicable provisions of the McFarland Municipal Code shall be required.

15. A security plan satisfactorily addressing all required security measures identified in Section 8.29.05.080 and lighting as required by Section 8.29.05.240(x).
16. Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse event recording, and product recall procedures.
17. Proposed days and hours of operation.
18. Recycling and waste disposal procedures reflecting, to the extent practicable, efficiency and conservation of materials and resources used in the commercial cannabis business.
19. Youth access restriction procedures demonstrating compliance with Section 8.29.05.240(h).
20. A transportation plan providing procedures for safely and securely transporting all cannabis, cannabis products and currency to and from the premises.
21. A detailed description of energy and water usage plan enumerating best practices and leading industry practices in efficient utilization of both resources.
22. Evidence of compliance with all applicable insurance-related requirements of this Chapter and State law, including but not limited to Section 8.29.05.180. Endorsements reflecting the City's status as an additional insured on all required policies shall also be included.
23. A copy of the valid and current City business license held by the applicant.
24. A copy of the valid and current seller's permit issued by the California Department of Tax and Fee Administration (formerly the Board of Equalization) to the applicant, or confirmation from said agency that a seller's permit is not required. If a seller's permit is required but the applicant has not yet received it, an attestation that the applicant is currently applying for a seller's permit shall suffice, provided that a copy of the permit shall be provided to the City immediately upon being obtained by the applicant, and the applicant shall not commence activities for which a seller's permit is required until it is obtained.
25. Identification of any and all other licenses and permits currently or formerly held by the applicant, and any other applications pending review for the applicant, relating to commercial cannabis activities, from any licensing or permitting authority, and specific identification of any licenses or permits denied to, suspended for, or revoked from the applicant.
26. Signed acknowledgment of the requirements of this Chapter, including biannual inspections as established within Section 8.29.05.150.
27. Signed authorization for the City Manager to seek verification of the information contained in the application.
28. A signed statement by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
29. Any other information deemed necessary by the City Manager.

(d) A commercial cannabis permit application may be denied based upon any of the following grounds:

1. The applicant has been issued a state or local permit or license to conduct commercial cannabis activities (in California or another state) and the permit or

license has been suspended or revoked, or the applicant has otherwise been sanctioned or subjected to administrative disciplinary action relating to the permit or license by any licensing or permitting authority, or the applicant has been involved in a cannabis business that was ordered closed by a civil injunction or other court order based on a violation of law.

2. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a serious or violent offense as listed within California Penal Code Sections 667.5 and 1192.7(c), or the applicant has been convicted of any other offense listed within Business and Professions Code Section 26057.
3. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
4. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in that Act, within the ten (10) years preceding the date of the application.
5. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has engaged in misconduct related to the ownership, qualifications, functions or duties of their position with the commercial cannabis business.
6. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the McFarland Municipal Code and/or state or federal law.
7. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, is under the age of twenty-one (21).
8. The applicant has violated or failed to comply with any of the requirements of this Chapter or other applicable state or local laws or regulations, or any condition of any entitlement issued to the commercial cannabis business, as determined by the City Manager.

A conviction within the meaning of this Chapter means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

This Section shall not constitute an exhaustive list of grounds for denial of a commercial cannabis application. The City Manager may promulgate regulations identifying additional grounds for denial.

- (e) The City Manager shall review each application to determine whether it contains all of the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The City Manager shall endeavor to conclude his or her review within ninety (90) days of the filing of the application. If

additional time is necessary, the City Manager will advise the applicant of an estimated review time.

- (f) In reviewing an application for a commercial cannabis permit, the City Manager may request whatever additional information is deemed necessary to determine whether the application meets the requirements of this Chapter or other applicable local laws or regulations.
- (g) The City Manager shall have the authority to either approve or deny the application for a commercial cannabis permit. The City Manager shall approve the application if and only if it meets all applicable requirements of this Chapter. Notwithstanding any other provision of this Chapter, the City Manager, when approving a commercial cannabis permit, may place any additional limitations and conditions on the operation of a commercial cannabis business as he or she deems necessary, consistent with the with this Chapter and any regulations promulgated pursuant hereto.
- (h) Payment of an annual commercial cannabis permit fee, in an amount set by resolution of the City Council sufficient to cover the City's annual costs of administering the mandatory regulatory functions of this Ordinance in regard to the permitted commercial cannabis business, including but not limited to inspections, audits and investigations, shall be required before issuance or renewal of any commercial cannabis permit pursuant to this Chapter. The fee may be established as a trust deposit for actual costs. The fee, or initial trust deposit, shall be in an amount the City Manager estimates will cover the City's annual costs as described in this paragraph. If a trust deposit-based fee is established, the trust deposit shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial amount is not sufficient, the applicant shall provide additional amounts as necessary upon request from the City. Failure to pay such additional amounts within thirty (30) days of a request by the City shall constitute a violation of this Ordinance and grounds for denial, non-renewal or revocation of the subject commercial cannabis permit.
- (i) When an application is denied, the City Manager shall provide a statement of decision giving the reasons for the denial and the findings upon which the decision is based. Notice of the denial may be provided by either personal service or U.S. mail. Notice is presumed to be served upon the applicant once deposit into the U.S. mail. Any person denied a commercial cannabis permit shall have the right to appeal such denial in accordance with this Section.
- (j) Any appeal of a denial of an application shall be filed and conducted as prescribed in this subsection.
 - 1. Within ten (10) calendar days from the date of the denial of an application, the aggrieved party may appeal such action by filing with the City Clerk a written appeal setting forth the grounds for reversing the denial. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived. Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.

2. Upon receipt of such written appeal, the City Clerk shall set the matter for a hearing before the City Manager. The hearing shall be conducted pursuant to the following procedures:
 - i. All hearings shall be recorded. Any party may, at their sole expense, have the hearing transcribed by a certified shorthand reporter.
 - ii. Hearings need not be conducted according to the technical rules of evidence.
 - iii. Any relevant evidence shall be admitted, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
 - iv. Oral evidence shall be taken only on oath or affirmation. The City Manager shall have the power to administer oaths.
 - v. Irrelevant and unduly repetitious evidence shall be excluded.
 - vi. Each party shall have the right to: call and examine witnesses on any matter relevant to the issues of the hearing; introduce documentary and physical evidence; cross-examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the control of the City Manager, including the imposition of reasonable alternatives to cross-examination; impeach any witness regardless of which party first called the witness to testify; rebut the evidence; and be represented by anyone who is lawfully permitted to do so.
 - vii. The City Manager may take official notice, either during the hearing or after submission of the matter for decision, of any fact which may be judicially noticed by the courts of this state or of official records, regulations, rules, and decisions of state and local agencies, boards and departments and of City ordinances. In addition, the City Manager may take official notice of matters in its own files and of prior proceedings under this chapter involving the same issues. If applicable, the City Manager may also take official notice of any generally accepted technical or scientific matter within their expertise. The parties present at the hearing shall be informed of the matters to be noticed, and those matters should be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, and
 - viii. The City Manager may provide for reasonable continuances of the hearing, on his/her own initiative or at the request of a party, as necessary to properly conduct the appeal.

The hearing shall be set for hearing in a reasonable time after the date of filing the appeal with the City Clerk, but in no event later than ninety (90) days from the date of such filing. At least ten (10) days prior to the date of the hearing on the appeal, the City shall notify the appellant of the time and the place of the hearing. Notice may be provided by either personal service or U.S. mail. Notice is presumed to be served upon deposit into the U.S. mail.

3. At the conclusion of the hearing, the City Manager shall deliberate and reach a decision within fifteen (15) calendar days. The decision and the reason(s) for the decision shall be reduced to writing. The City Manager may affirm, reverse, or

modify the denial issued pursuant to this Code as the facts and law warrant, subject to the following limitations:

- i. The City Manager shall not have authority to waive any requirements of the McFarland Municipal Code or other applicable law.
- ii. Nothing in these procedures shall be deemed to authorize the City Manager to deviate from unambiguous provisions of the governing code or statute, or well-established interpretations of the same, based upon expert opinions or other reliable evidence.

A copy of the decision shall be sent by mail or otherwise to the appellant. Where known, a copy may also be provided by email.

4. The decision of the City Manager shall be subject to a further administrative appeal to the Planning Commission, which shall be conducted in accordance with the procedures and requirements applicable to the appeal to the City Manager pursuant to this subsection. The decision of the Planning Commission shall be subject to further administrative appeal to the City Council, which shall be conducted in accordance with the procedures and requirements applicable to the appeal to the City Manager pursuant to this subsection.
5. The decision of the City Council on the appeal shall constitute a final administrative decision. The appellant may thereafter file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Section 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 8.029.05.200 Development Agreement.

A qualified applicant, pursuant to subsection (b) of this Section, may apply to enter into a development agreement with the City pertaining to a commercial cannabis operation. The provisions of this Section shall apply to such applications.

(a) Content and Procedures.

- (1) Development agreements entered into pursuant to this Chapter shall set forth the terms and conditions under which the commercial cannabis business will operate that are in addition to the requirements of this Chapter, including, but not limited to, public outreach and education, community benefit, 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 of the City.
- (2) The procedures for commercial cannabis development agreements shall comply with this Chapter, Chapter 16.40 of the McFarland Municipal Code, and Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code. To the extent there is a conflict between this Chapter and Chapter 16.40 of the McFarland Municipal Code with respect to a development agreement for a commercial cannabis business, this Chapter shall govern.

(b) Qualified Applicant. Development agreements are for substantial development projects, often requiring an investment in infrastructure and/or improvements,

payment of development impact fees, and contribution of non-restricted funds that benefit the community. Such agreements are special contracts to be negotiated with property owners or those with an interest in the land. A qualified applicant is a person who meets all of the following criteria, with satisfaction of each criterion to be determined in the sole discretion of the City Manager:

- (1) The applicant has a pending or approved application for a commercial cannabis permit on file with the City pertaining to the real property that will be subject to the development agreement.
- (2) The applicant holds a legal or equitable interest in the real property that will be the site of the commercial cannabis business. If the applicant does not own the property, the applicant must have a legal right to purchase or develop the property and/or notarized written consent from the owner of the property to operate a commercial cannabis business on the property and to enter into a development agreement with the City pertaining to the property.

(c) Filing Requirements.

- (1) Only a qualified applicant may file an application to enter into a development agreement. An applicant shall provide, to the satisfaction of the City Manager, written proof of meeting the criteria in subsection (b) above, as well as proof of the authority of any agent or representative to act for the applicant.
- (2) The City Manager shall prescribe the form for each application, notice and documents provided for or required under this Section for the preparation and implementation of development agreements. The applicant shall complete and submit such an application form to the City Manager, along with a deposit for the estimated direct and indirect costs of processing the development agreement. Each applicant pursuant to this Section shall be required to pay a development agreement application fee, in an amount established by resolution of the City Council, sufficient to cover the City's costs of review and processing of the development agreement application pursuant to this Section. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of reviewing and processing the application. If a trust deposit-based fee is established, the trust deposit shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days upon of a request from the City. If the applicant fails to do so, the application review and processing shall cease and shall not continue until such additional amounts are paid.
- (3) The City Manager shall require an applicant to submit such information and supporting data as the City Manager considers necessary to process the application, including but not limited to a community benefit assessment to

evaluate the benefits the development agreement will provide to the community.

(d) Processing Requirements.

- (1) The City Manager shall endorse on the application the date it is received. An application or related document shall not be complete until an estimated deposit for the cost of processing has been paid to the City. The City Manager shall review the application and determine any additional requirements necessary to complete processing of the application. If within thirty (30) days of receiving the application the City Manager finds that all required information has not been submitted or the application is otherwise incomplete or inaccurate, the processing of the application and the running of any limits shall be suspended upon written notice to the applicant and a new thirty (30) day period shall commence once the required material is received by the City Manager.
- (2) If the City Manager finds that the application is complete, it shall be accepted for filing and the applicant so notified. After receiving the required information and determining that the application is complete, the City Manager shall prepare a staff report and recommendation to the Planning Commission and City Council stating whether or not the agreement as proposed or in an amended form would be consistent with policies of the City, this Chapter and any applicable general or specific plan. The City Attorney shall review the proposed development agreement as to legal form.
- (3) Notice of a hearing regarding the development agreement shall be given by the City Manager and shall comply with the requirements of Section 65867 of the California Government Code, as may be amended, as well as in the manner set forth in this Code.
- (4) The Planning Commission shall review the proposed development agreement and provide a recommendation to the City Council to approve, approve with modifications or deny the proposed development agreement. If the Planning Commission fails to take action within sixty (60) days of opening the hearing on the matter, such failure shall be deemed to have made a recommendation of denial to the City Council unless the applicant has requested an extension of time, either in writing or on the record, which has been approved by the Planning Commission prior to the running of the sixtieth day.
- (5) The proposed development agreement shall be set for hearing and consideration before the City Council within sixty (60) days of the recommendation of the Planning Commission, unless the applicant agrees in writing to an extension of time with the City Manager prior to the matter being heard by the City Council.

- (6) Within ten (10) calendar days after the City enters into any development agreement pursuant to this Section, the City Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the California Government Code for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.
- (e) Findings and Development Agreement Conditions. After the City Council completes the public hearing, the City Council may not approve the development agreement unless it finds that the provisions of the agreement:
 - (1) Are consistent with the goals, objectives, and policies of the general plan and any applicable specific plan;
 - (2) Are compatible with the uses authorized in and the regulations prescribed by this Chapter, zoning district in which the activity is located, and area in which the real property is located;
 - (3) Will not be detrimental to the health, safety, environmental quality, and general welfare of the community;
 - (4) Will provide for or result in contributions, services or facilities that benefit the community, which may include, but are not limited to, public facilities, improvements, and services, parks, recreation and open space improvements, public art, youth sports programs, other public youth benefit programs, substance abuse awareness and recovery programs, and other public service programs.
 - (5) Will not adversely affect the orderly development of property or the preservation of property values;
 - (6) Provides for payment by the applicant of all costs associated with preparing and entering into the agreement; and
 - (7) Provides for a reasonable penalty for any violation of the development agreement.
- (f) Effectiveness of a development agreement pursuant to this Section shall be contingent upon issuance of a commercial cannabis permit and all other entitlements necessary to operate a commercial cannabis business on the subject property.
- (g) Modifications and Extensions.
 - (1) The provisions of Section 65868 of the California Government Code shall apply for all modifications, with the exception of Minor Modifications,

extensions or other amendments of the terms of a development agreement subject to this Chapter.

- (2) Either party may propose an amendment or termination of an approved development agreement subject to the following:
 - (i) The procedure for amending or terminating the development agreement is the same as the procedure for entering into an agreement in the first instance.
 - (ii) The development agreement may be amended or cancelled only by the mutual consent of the parties, as provided in Section 65868 of the California Government Code.
- (3) Nothing herein shall limit the City's ability to terminate or modify the agreement consistent with Section 65865.1 or 65865.3 of the California Government Code, or as may be amended.
- (4) Minor modifications to a Development Agreement may be authorized by the City Manager, upon consultation with the City Attorney.
- (5) The Development Agreement may necessitate further planning and development of the Project and may demonstrate that refinements and changes are appropriate with respect to the details and performance in implementing the Project under a Development Agreement. The Development Agreement may permit a certain degree of flexibility with respect to the details of the development of the Project and with respect to those items covered in general terms under a Development Agreement. A Minor Changes (as hereinafter defined) when found to be necessary or appropriate, a written request shall be submitted to the City Manager, unless otherwise required by federal, state or local ordinance and/or regulation, effectuate such changes or adjustments through administrative amendments executed by the City Manager or designee. Upon approval of a Minor Modification, it shall be attached as addenda and become a part of the Development Agreement. Minor Modifications shall be recorded with the Development Agreement.
- (6) The term "Minor Changes" collectively means:
 - (a) minor deviations to the Project Approvals that are permitted under the Existing City Requirements and are reasonably approved by the City Manager;
 - (b) a reduction in the parking ratio requirements for the Project under consistent with the McFarland Municipal Code, provided that (i) the reduction does not exceed ten percent (10%) of the Code requirement, and (ii) the reduction is approved by the City Manager, which approval shall not be unreasonably withheld or denied; or

- (c) such other changes, modifications or adjustments to the Project Approvals, which the City Manager determines are consistent with the overall intent of the Project Approvals and which do not materially alter the overall nature, scope, or design of the Project, and which are consistent with the requirements of Chapter 8.29.05 of the McFarland Municipal Code and any commercial cannabis activity regulations or policies established by the City Manager.

(7) Assumption Agreement(s) - No Modification. An Assumption Agreement shall be subject to the terms of an approved Development Agreement. An Assumption Agreement shall not limit, restrict, modify, alter, amend or otherwise change in any manner the rights and obligations of an Assignor or Assignee under the DA, and in the event of any conflict between the terms and provisions of an Assumption Agreement and the terms and provisions of the DA, the terms and provisions of the DA shall control.

- (8) In effecting any Minor Changes, the City shall cooperate with the Developer, provided that the permitted uses are not modified from those in the Project Approvals and any changes are in accordance with the Existing City Requirements. Minor Changes shall not be deemed to be an amendment to a Development Agreement under California Government Code section 65868 but are ministerial clarifications and adjustments, and unless otherwise required by law, no such administrative amendments shall require prior notice or hearing by the City Council. Any amendment or change requiring a environmental impact report, or a supplement thereto, pursuant to CEQA shall not be considered a Minor Change, but shall be considered substantive amendment which shall be reviewed and approved by the City Council as determined by the applicable provisions of the McFarland Municipal Code relating to the hearing and approval procedures for the specific Project Approval.

Section 8.29.05.220 - Records and Reporting.

- (a) Commercial cannabis operations shall maintain on the permitted premises the following records either in paper or electronic form:
 - 1. The full name, address, and telephone numbers of the owner and lessee of the property.
 - 2. The name, date of birth, address, and telephone number of each employee and independent contractor of the commercial cannabis operation; the date each was hired or retained; and the nature of each person's participation in the commercial cannabis business.
 - 3. Copies of all required state licenses.
 - 4. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the site, the daily amounts of cannabis and cannabis products on the site, and the daily amounts of cannabis and cannabis products leaving the site for any reason, including but not limited to cannabis that is sold, delivered, or distributed.

5. A written accounting of all expenditures, costs, revenues and profits of the commercial cannabis operation, including but not limited to cash and in-kind transactions.
 6. A copy of all insurance policies related to the operation of the commercial cannabis operation.
 7. A copy of the commercial cannabis operation's most recent year's financial statement and tax return.
 8. Proof of a valid and current permit issued by the City in accordance with this chapter, and the equivalent State of California license to operate the commercial cannabis business. Every commercial cannabis business shall display at all times during business hours the City permit issued pursuant to the provisions of this Chapter, and the equivalent State license, in a conspicuous place so that it may be readily seen by all persons entering the location of the commercial cannabis operation.
- (b) Subject to HIPAA rights and regulations unrelated to the purpose and intent of the inspection, each commercial cannabis business shall allow City officials, upon request, to inspect all books, accounts, records, information and data required to be maintained by the cannabis business pursuant to this Chapter or otherwise relevant to its permitted activities for the purpose of facilitating any inspection, audit or investigation deemed necessary by the City. Such records shall be produced within twenty-four (24) hours after receipt of the City's request.
- (c) By December 1 of each year, each commercial cannabis business shall file with the City Manager a complete audited report detailing its financial operations for the previous fiscal year, including its gross revenues, net profits, and total expenditures, which report shall be certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. The report shall also include a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the report shall be made available to the City in standard electronic format which shall be compatible with Microsoft Office programs and software and which can easily be imported into either Excel, Access or any other contemporary software designated by the City Manager, and shall be subject to audit by the City.
- (d) All records required by this Chapter shall be maintained by commercial cannabis businesses for a period of not less than seven (7) years, and commercial cannabis businesses shall maintain accurate records of all commercial cannabis activities. All such records shall be made available for immediate inspection by the City upon request consistent with California Business and Professions Code Section 26160.

Section 8.29.05.230 - Prohibition on Transfer of Commercial Cannabis Permits.

- (a) No commercial cannabis business shall operate under a commercial cannabis permit issued pursuant to this Chapter at any place or location other than that identified in the commercial cannabis permit.

- (b) Any permit issued pursuant to this Chapter shall be null and void upon sale or transfer of ownership of the commercial cannabis business.
- (c) Any attempt to transfer or any transfer of a commercial cannabis permit issued pursuant to this Chapter shall be void and the commercial cannabis permit shall be deemed immediately revoked and no longer of any force or effect.
- (d) Notwithstanding (a) or (b) above, the City Manager may conditionally approve a Commercial Cannabis Business permit transfer subject to the proposed transferee submittal of all required application materials (new Commercial Cannabis Permit), pays all applicable fees and charges, and independently meets the requirements of this Chapter. Prior to approval or conditional approval of a transfer, the existing Commercial Cannabis permit must have met all the applicable requirements. Before being eligible for a Commercial Cannabis Business permit transfer, the Commercial Cannabis Business must first have been operating the Cannabis Business for 12 months in the City and has followed all State and local cannabis regulations.

Section 8.29.05.240 - General Operating Requirements for Commercial Cannabis Businesses.

In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the following operating requirements shall apply to all commercial cannabis businesses operating in the City:

- (a) Hours of Operation. Normal business hours for commercial cannabis businesses are eight (8:00) a.m. and seven (7:00) p.m., Monday through Sunday. Subject to the night-time operating restrictions applicable to deliveries set forth in Section 8.29.05.280, commercial cannabis businesses may operate outside normal business hours, provided that any business activity conducted outside of normal business hours shall be sensitive to surrounding land uses and occupants and shall not result in excessive light, noise or other impacts that could cause a nuisance to members of the surrounding community.
- (b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses, except that medicinal cannabis may be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health & Safety Code, as stated in Section 8.29.05.06 of the McFarland Municipal Code.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the public right-of-way or other public area or any adjacent property. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale tracking system to track and to report on all aspects of the commercial cannabis business including, but not limited to, such matters as tracking of cannabis and cannabis products, inventory data, and gross sales (by weight and by sale price) and shall ensure that such information is compatible with the City's recordkeeping systems. The system must have the capability to produce historical transactional data for

review by the City. All information provided to the City pursuant to this subsection shall be confidential and shall not be disclosed, except as may otherwise be required under law.

- (e) All cannabis and cannabis products sold, cultivated, manufactured, delivered, distributed or tested shall be cultivated, manufactured, delivered, distributed or tested by State licensees that maintain operations in full conformance with the state and local laws and regulations.
- (f) Emergency Contact. Each commercial cannabis business shall provide the City Manager with the name and telephone number (office and mobile) of an on-site employee or owner to whom emergency notice can be provided on a 24-hour per day, 7-day per week basis.
- (g) Signage and Notices.
 - 1. In addition to the requirements otherwise set forth in this Section, business identification signage for a commercial cannabis business shall conform to the signage requirements of the McFarland Municipal Code, including, but not limited to, issuance of a City of McFarland sign permit.
 - 2. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - 3. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
 - 4. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
 - 5. Signage shall not be directly illuminated, internally or externally. No banners, flags or other prohibited signs may be used at any time.
- (h) Minors. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business. It is unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (i) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected off the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common

tenants or the public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment or any other equipment which the City Manager determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

(j) Display of Commercial Cannabis Permit, State License and City Business License. The original copy of the commercial cannabis permit issued by the City pursuant to this Chapter, the required State license, and the business license issued by the City pursuant to the McFarland Municipal Code shall be posted inside the commercial cannabis business in a location readily visible to the public.

(k) Criminal History Records Check.

1. Every owner of each commercial cannabis business must submit to annual fingerprint-based state and federal criminal history records checks, conducted by the City or another agency authorized or requested to do so by the City, as an application requirement in connection with each application for issuance or renewal of a commercial cannabis permit for the commercial cannabis business.
2. The criminal history records check may be conducted utilizing the California Department of Justice Live Scan system or any other system deemed necessary or appropriate in the discretion of the City Manager. The City Manager is authorized to request subsequent notification service, if Live Scan is used, or an equivalent service, if another system is used, sufficient to obtain ongoing notifications of criminal offenses committed by owners of commercial cannabis businesses. In the event the City Manager does so, and such subsequent notification or equivalent service reveals a conviction or other conduct, such a conviction or other conduct shall constitute grounds for immediate suspension or revocation of the subject commercial cannabis permit.
3. Owners and responsible persons shall be disqualified from involvement with a commercial cannabis business where the results of a criminal history records check would constitute grounds for denial.
4. A fee for the City's costs of conducting the criminal history records check, as established by resolution of the City Council, shall be paid at the time the application for a commercial cannabis permit is submitted. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of conducting the criminal history records check, including City review and processing services and any third-party fees. If a trust deposit-based fee is established, it shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If the initial trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days of a request from the City. If the applicant fails

to do so, the investigation shall cease and shall not continue until such additional amounts are paid.

5. In the alternative to subsection (k)(4) above, the commercial cannabis business or the subject owner, may provide the City Manager with a completed criminal history records check performed by a third-party vendor, as deemed necessary or appropriate in the discretion of the City Manager. If this alternative is used, the fee established pursuant to subsection (k)(4) above shall not apply, except as may be necessary for the City to confirm the validity and the results of the records check used.
- (l) Upon completion of the investigation or in the event the applicant withdraws its application, any unused amount of any trust deposit made pursuant to this Chapter will be refunded to the applicant within thirty (30) days of request by the applicant.
 - (m) Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering on the premises of the commercial cannabis business.
 - (n) Permits and other Approvals. Prior to the establishment or operation of any commercial cannabis business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.
 - (o) Greenhouses. Greenhouses may be utilized only for commercial cannabis cultivation businesses, including nurseries. Greenhouses used for cannabis cultivation shall be fully enclosed permanent structures with solid walls that are clad in an opaque material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that use a combination of natural and supplemental artificial lighting. The cultivation activities conducted within a greenhouse shall not be visible from any public right-of-way or adjacent private property. All greenhouses shall comply with the requirements of this Chapter and the McFarland Municipal Code, including the adopted requirements of the California Building Code, the California Fire Code and any other code adopted or incorporated by reference within the McFarland Municipal Code, as amended. Greenhouse must have a minimum of 2,000 square feet.
 - (p) No commercial cannabis business may store food grade alcohol or any other volatile chemical, solvent or substance in an amount which exceeds the maximum authorized amount determined by the Fire Chief. Subject to the foregoing, use of food grade alcohol solely for the purposes of cleaning machinery and dissolving wax, unless otherwise prohibited by the State, is allowed.
 - (q) Commercial cannabis businesses shall comply with all pesticide use requirements of local, state and federal law.

- (r) All weighing devices used by commercial cannabis businesses shall be maintained in compliance with local, state or federal law and applicable regulations regarding device registration with the Agricultural Commissioner.
- (s) Commercial cannabis businesses shall comply with all applicable provisions of the California Building Standards Code, as adopted or incorporated into the McFarland Municipal Code.
- (t) Commercial cannabis businesses shall comply with all local, state and federal laws and regulations and best practices applicable to storage and disposal of chemicals, solid waste, contaminants, hazardous materials, adulterated, deteriorated or excess cannabis and cannabis products, and all byproducts of the commercial cannabis business.
- (u) In no case shall any commercial cannabis business utilize any volatile solvents or other flammable, explosive or toxic substances to process or manufacture cannabis products in the City, except as expressly authorized pursuant to both a Type 7 State license and a City-issued commercial cannabis permit.
- (v) All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance to the provisions of the California Retail Food Code, California Health and Safety Code Sections 113700 through 114437. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases.
- (w) All cannabis and cannabis products, prior to leaving any licensed premises for transfer to any retailer, shall be properly labeled and placed in resealable, tamper-evident, child-resistant packaging, shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products, and shall otherwise comply with applicable State laws, including Business and Professions Code Section 26120, and applicable State regulations, all as may be amended from time to time.
- (x) The premises of all commercial cannabis businesses shall have sufficient lighting such that all areas subject to monitoring by the security surveillance camera system shall be always visible to all cameras of the system.

Section 8.29.05.250 - Operating Requirements for Cultivation Businesses and Nurseries.

- (a) Outdoor commercial cultivation and outdoor nursery activity is prohibited.
- (b) If a commercial cannabis business includes nursery activities, only one nursery may be located on the premises of the commercial cannabis business, and the nursery activity must be permitted pursuant to this Chapter and State law.
- (c) Cannabis cultivation and nursery activity shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site, except as otherwise stated in this Chapter pertaining to food grade alcohol.
- (f) The cultivation of cannabis and any nursery activity shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) Stacking shall be allowed in a given structure only to the point that measuring the total canopy of each level of stacking is cumulatively no greater than the maximum canopy size allowed under State laws or regulations applicable to the State cultivation license held by the commercial cannabis business
- (h) All applicants for a commercial cannabis permit for cultivation or nursery activity shall submit the following, which shall be subject to approval by the City Manager prior to issuance of a commercial cannabis permit to the applicant, in addition to the information otherwise required for a commercial cannabis permit application:
 - 1. An operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, proper disposal of waste materials, and a description of the nursery or cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
 - 2. A description of a legal water source, irrigation plan, and projected water use.
 - 3. Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - 4. Plan for addressing odor and other public nuisances which may result from the nursery or cultivation site.

Section 8.29.05.260 Cannabis Manufacturing Business Operating Requirements.

- (a) Manufacturer 1 (Type 6) permittees shall utilize only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
- (b) Manufacturer 2 (Type 7) permittees shall utilize only manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:

1. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
 2. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
 3. A licensed engineer certifies that the system is commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).
 4. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
- (c) No compressed gases used in the manufacturing process shall be stored on the premises of any manufacturer in excess of the amount authorized by the Fire Chief
- (d) No manufacturer may engage in the retail sale, by delivery or otherwise, of any manufactured cannabis products, including edible cannabis products, on a retail basis in the City.
- (e) All cannabis products shall be properly packaged and labeled in accordance with Business & Professions Code Section 26120 and applicable State regulations before leaving the commercial cannabis manufacturing business. All edible cannabis products must be in an opaque (non-see-through) package.
- (f) Manufacturers shall comply with all applicable federal, State and local laws and regulations relating to manufacturing safety procedures.

Section 8.29.05.270 - Cannabis Testing Laboratory Operating Requirements.

- (a) Commercial cannabis testing laboratories (e.g. businesses requiring a Type 8 State license) shall comply with all applicable federal, state and local laws, regulations and/or guidelines governing testing procedures and safety measures.
- (b) Testing laboratories are prohibited from obtaining permits to engage in any commercial cannabis activity, except testing. A commercial cannabis business which holds a commercial cannabis permit for testing shall not be issued or hold any other commercial cannabis permit.
- (c) Testing laboratories shall not employ any individual who is also employed by any other State licensee that does not hold a Type 8 State license.
- (d) Testing laboratories must be accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity, and must provide proof of said

accreditation, to the satisfaction of the City Manager, as a prerequisite to obtaining a commercial cannabis permit authorizing testing of cannabis or cannabis products.

Section 8.29.05.280 - Cannabis Retail/Delivery Businesses Operating Requirements

- (a) Retail sales of cannabis and cannabis products in the City shall be conducted by delivery only.
- (b) All commercial cannabis businesses conducting deliveries shall have permitted premises in the City from which all deliveries to addresses in the City or outside of the City shall be conducted.
- (c) The premises of all commercial cannabis businesses that are permitted to conduct deliveries shall be closed to the general public at all times and shall be accessible only to employees and persons with a bona fide business or regulatory purpose for accessing the premises.
- (d) In accordance with Business & Professions Code Section 26070.1, cannabis or cannabis products purchased by a customer shall not leave the permitted premises of a retailer unless they are placed in an opaque package. Lake i
- (e) Retailers shall not accept, possess, or sell cannabis or cannabis products that are not packaged and labeled as they will be sold at final sale and in accordance with Business & Professions Code Section 26120, as may be amended. Retailers shall not package or label cannabis or cannabis products.
- (f) No employee or other person acting on behalf of a commercial cannabis operation permitted to conduct deliveries may possess or deliver more than \$3,000 worth of cannabis or cannabis products at any given time.
- (g) No delivery shall be made to any person other than the person who requested the delivery, except when the person requesting the delivery is a qualified patient and the person receiving the delivery is his or her primary caregiver, or vice versa.
- (h) Any person who is present on the permitted premises of a commercial cannabis business permitted to conduct deliveries who is not an employee, officer, agent, or representative of the retailer must sign in and wear a "visitor" identification badge at all times while on the premises.
- (i) Proof of the required State license and commercial cannabis permit, and a copy of all requests/orders for deliveries being conducted, shall be carried at all times in all vehicles being used to make deliveries, and shall be immediately available upon request from law enforcement officers.
- (j) Deliveries shall not be conducted between the hours of 11:00 p.m. and 7:00 a.m.

Section 8.29.05.290 - Total Area Devoted to Commercial Cannabis Businesses

- (a) No more than 200 acres or eight million, seven hundred and twelve thousand (8,712,000) square feet of area shall be permitted for use by commercial cannabis businesses in the City. Notwithstanding the foregoing, land annexed into the City after the date of enactment of this Chapter shall not be subject to, nor shall be counted toward, this restriction.
- (b) The square footage of premises of each permitted commercial cannabis business shall be a minimum of 2,000 square feet in area. A coexisting, Commercial Cannabis business, subtenant, may be located, with the City Manager or designee's approval or conditional approval, in a building area of less than 2,000 square feet where the Commercial Cannabis business is in conjunction with another approved Commercial Cannabis activity permitted in a building larger than 2,000 square feet.
- (c) Accessory Structures in Support of Commercial Cannabis Businesses may, at the City Manager's or designee approval or conditional approval, be authorized. The ratio of 1:1 square footage (Accessory Structure vs Commercial Cannabis Business) shall not exceed 25,000 square feet. (Example: Commercial Cannabis Business with 25,000 square feet may be authorized to have up to 25,000 square feet of Accessory Structures). All Accessory Structures shall be affixed to concrete foundations and must conform to the California Building Code (CBC), California Electrical Code (CEC) and American Mechanical Code (AMC). Accessory structures shall meet the requirements of Section 8.029.05.080 Security Measures and must have exterior lights around all four sides or appropriate detached lighting as approved by the City. Accessory structure(s) may be less than the minimum square footage as established in 8.029.05.290 (b). Accessory Structures shall be screened from public view – design of screening shall be at the discretion of the City Manager or designee. Accessory Structures square footage shall be included as established by Section 8.029.05.290 Total Area Devoted to Commercial Cannabis Businesses. Temporary buildings for a Non-Store Front Delivery license may be permitted by the City Manager or his designee. However, reasonable progress must be made on a permanent structure, or the license may be revoked. The permanent fencing requirements required by this chapter, for the site, shall apply to these temporary buildings.

Section 8.29.05.300 - Periodic Review by the City Council.

Upon request of the City Manager, the City Attorney and the Chief of Police shall report to the City Council with findings on the operation of any commercial cannabis business permitted pursuant to this Chapter and a recommendation as to whether the business should be permitted to continue operating for the remaining period of its commercial cannabis permit (in addition to whatever other recommendations may be made) and whether the City should renew the permit upon application for renewal. Any termination or revocation of a permit based on such findings shall be in accordance with the provisions of this Chapter.

Section 8.29.05.310 - Promulgation of Regulations and Standards.

The City Manager, in his or her discretion, is authorized to promulgate reasonable regulations as he or she deems necessary to implement procedures or requirements in furtherance of the purposes of this Chapter. Regulations promulgated by the City Manager shall have the same force and effect of law and shall become effective upon the date of approval and execution of such regulations by the City Manager.

Section 8.29.05.320 - Community Relations.

- (a) Each commercial cannabis business shall provide the City Manager with the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided.
- (b) The owner, manager, and community relations representative of a commercial cannabis permit holder operating in the City shall, upon request of the City Manager, meet to discuss costs, benefits, and other community issues resulting from implementation or application of this Chapter.

Section 8.29.05.330 - Unpaid Fees Deemed Debt to City.

The amount of any unpaid fee, cost or charge imposed pursuant to this Chapter shall be deemed a civil debt to the City that is recoverable in any court of competent jurisdiction.

Section 8.29.05.340 - Permit Holder Responsible for Violations.

Commercial cannabis permit holders shall be responsible for all violations of State or local laws or regulations, whether or not committed by the permit holder or any employee or agent of the permit holder, which occur in or on the premises of the commercial cannabis business, whether or not said violations occur within the permit holder's presence.

Section 8.29.05.350 – Effect on Other Ordinances

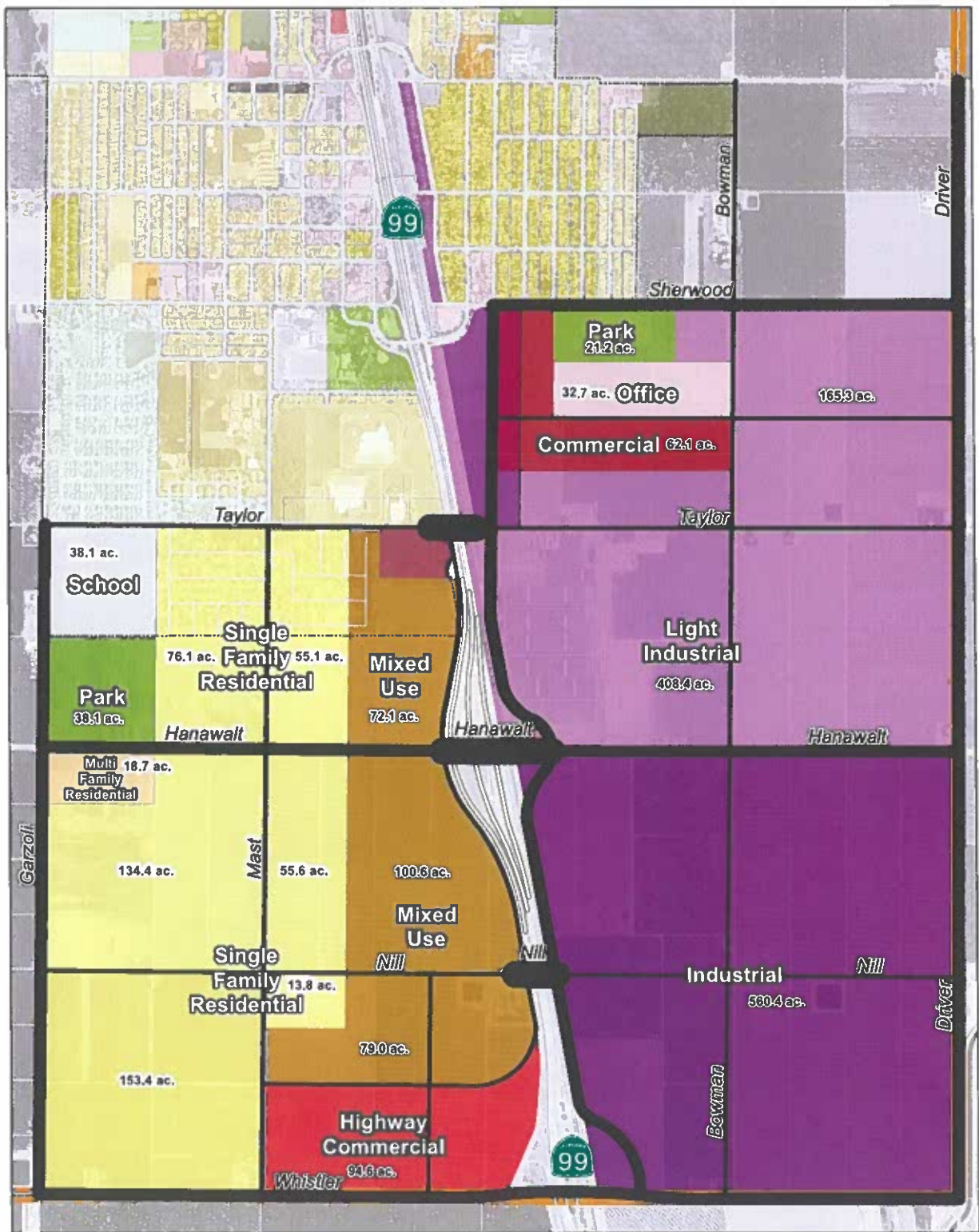
Except as designated in this chapter, the provisions of this chapter shall control for regulation of commercial cannabis businesses as defined herein if other provisions of the code conflict therewith. This chapter shall not, however, relieve any person of his or her duty to comply with such laws if additional obligations, duties, or prohibitions are imposed thereby.

Section 8.29.05.360 – Unlawful Businesses Prohibited

In no event shall any business license be granted for any use or activity that is illegal or unlawful under federal, state or city laws or regulations. No business license issued hereunder shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business, or the furnishing, sale or provisioning of any service, good or product that is illegal under this code, the laws of the State of California, or the laws of the United States of America. Notwithstanding the foregoing, a business license may be granted for businesses permitted under this chapter, provided the applicant has complied with all provisions of this code and state law.

Section 8.29.05.370 – City Manager Designee

The City Manager may designate a staff member to be the City Manager's designee and act on some or all the City Manager decisions of this chapter.



- | | | |
|-------------|---------------------------|---------------------|
| Overpass | Single Family Residential | Commercial |
| Arterial | Multi Family Residential | Light Industrial |
| Collector | Mixed Use | Industrial |
| Freeway | Office | Park |
| Kernroads | Highway Commercial | School |
| City Limits | | Sphere of Influence |



MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Kenny Williams, City Manager/ Chief of Police

DATE: October 27, 2022

SUBJECT: Report, Discuss, and Provide Staff Direction to Modify the Regular Council Meeting Date of November 24, 2022, to another date of Council Choosing due to Observed Holidays.

SUMMARY:

Regular City Council Meetings are held every second and fourth Thursday of each month. This year one of those meetings lands on Thanksgiving Day, therefore, City Staff is requesting Council choose another date and time for this meeting to take place.

RECOMMENDATION:

City Council Choose new meeting day.

FISCAL IMPACT:

None

ATTACHMENTS:

None