

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
February 09, 2023

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

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: Mayor S. Ayon, Vice Mayor Cano, Councilmember A. Ayon, Councilmember Gonzalez

Councilmembers Absent: None

*1 Vacant Councilmember Seat

OFFICIALS PRESENT

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

Officials Absent: None

INVOCATION

Pastor Phil Corr and Henry Robledo

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

PET OF THE WEEK

Is a feature that highlights a pet available for adoption from the McFarland Animal Shelter.

Community Development Director Larry Ronk III presented the featured pet of the week to City Council Members and the Community. He introduced "Choco" a Chihuahua Mix breed available for immediate adoption to anyone interested.

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Recognition Award Presented to Annika Fernandez

Mayor Saul Ayon presented Annika Fernandez with a recognition for her outstanding performance in Basketball.

2. Safe Surrender Baby Awareness Month Proclamation- Presented by: Mayor Saul Ayon

Mayor Saul Ayon presented the Safe Surrender Baby Awareness Month Proclamation to Noel Ayon, Human Services Supervisor.

3. Grand Jury Month Proclamation- Presented by: Mayor Saul Ayon

Mayor Saul Ayon presented a proclamation proclaiming February as Grand Jury Month to Enrique Vicuna, Grand Jury Foreman and Alfredo Robledo, Grand Jury Pro-Tem.

PUBLIC COMMENTS

1. Russell Coker, 300 Harlow Ave.- Requested status on the city's budgets and Fire Contract in regard to payment increase.

2. Gina Diaz, 702 Melgar Ave- Requested water meter mis-read update, stating although she met with staff nothing has been resolved. She believes that some fraudulent activity is going on. Ms. Diaz urged the Council to look into this issue and help the residents.

Public Comment Closed at 6:30 p.m.

DEPARTMENTAL REPORTS

None

CONSENT AGENDA

1. Approval of the Expense Report in the Amount of \$290,968.31 from December 28, 2022, to January 10, 2023.
2. Approval of Payroll Report in the Amount of \$265,834.95 for the Month of January 2023.
3. Approval of the Regular Meeting Minutes for January 26, 2023.
4. Approval of Resolution No. 2023-0012 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING CERTIFICATE OF ACCEPTANCE FOR THE SALE OF PERMANENT EASEMENT.

Motion was made by: Councilmember A. Ayon to approve the entire consent agenda; 2nd by: Vice Mayor Cano

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

PUBLIC HEARINGS

5. **Item Tabled:** It Is Recommended That the City Council Conduct a Public Hearing to Receive Public Input Regarding any Unmet Transit Needs and Direct Staff to Forward All Comments to the Kern County Council of Governments (KCOG).
 - a. Open Public Hearing and Receive Public Testimony:
 - b. Close Public Hearing:

*Public Hearing was tabled to March 9, 2023, Regular City Council Meeting.

ADMINISTRATIVE AGENDA

6. **Item Tabled:** Report, Discussion, and Possible Approval of Resolution No. 2023-0013, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND FINDING THERE ARE NO UNMET PUBLIC TRANSIT NEEDS WHICH CAN REASONABLY BE MET IN THE CITY OF MCFARLAND (2023/2024).

*Resolution No. 2023-0013 was tabled to March 9, 2023 Regular City Council Meeting.

7. Motion was made by: Councilmember A. Ayon to select Candidate Maria T. Pérez to fill the vacant seat on the City Council; 2nd by: Vice Mayor Cano. Motion to appoint Candidate Pérez was put to vote by roll call.

Council conducted brief interviews of Candidates Maria T. Pérez and Ivan Sandoval.

Public Comments:

1. Olivia Trujillo, Mayor City of Arvin- Spoke in favor of candidate Maria Pérez to fill vacant seat.

Public Comment: Closed 6:45 p.m.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

Mayor Ayon thanked Ivan Sandoval for his interest in the City Council and commended his potential.

City Clerk Alvarado administered oath of office to newly appointed City Council Member Maria T. Pérez.

8. Motion was made by: Councilmember A. Ayon to approve Resolution No. 2023-0014 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF THE CITY COUNCIL FOR THE REMAINDER OF AN UNEXPIRED TERM; 2nd by: Councilmember Gonzalez.

No Comments from the public were presented.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

9. Motion was made by: Councilmember A. Ayon to Approve to Transition one of the Administrative Assistant Positions to Executive Administrative Assistant and Approve Resolution No. 2023-0015, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, TO CHANGE THE SALARY RANGE OF THE EXECUTIVE ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER; 2nd by: Councilmember Pérez.

No Comments from the public were presented.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

10. Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING THE POLICE OFFICER HIRING AND RETENTION BONUS PROGRAMS; 2nd by: Councilmember A. Ayon.

Public Comment:

1. Ron Woods- Asked if the city can afford these bonuses.
2. Russell Coker- McFarland Police Department Phone Directory Issue.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

11. Report, Discussion, and Appointment of Councilmembers on Subcommittees and Special District Committees.

*Mayor S. Ayon appointed members to Subcommittees and Special District Committees as follows:

1. Kern Council of Governments (KCOG)

Primary: Mayor Saul Ayon - Alternate: Vice Mayor Ricardo Cano

2. Kern Economic Development Corp. (KEDC)

Primary: Mayor Saul Ayon - Alternate: Vice Mayor Ricardo Cano

3. San Joaquin Valley Air Pollution Control District (SJV)

Primary: Councilmember Amador Ayon - Alternate: Councilmember Anita Gonzalez

4. Delano Mosquito Abatement District (DMAD)

Vice Mayor Ricardo Cano

5. Poso Creek (IRWMP)

Councilmember Anita Gonzalez

6. Kern Local Agency Formation Commission (LAFCO)

Mayor Saul Ayon

7. Public Policy and Finance Committee

Mayor Saul Ayon, & Councilmember Anita Gonzalez

8. Public Safety Committee

Mayor Saul Ayon & Vice Mayor Ricardo Cano

9. Quality of Life Committee

Councilmember Anita Gonzalez, & Councilmember Amador Ayon

10. Ad Hoc Committee

Mayor Saul Ayon & Vice Mayor Ricardo Cano

11. Cannabis Committee

Vice Mayor Ricardo Cano & Councilmember Maria Pérez

- 12. Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE UPDATED WRITTEN POLICY FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE; 2nd by: Councilmember A. Ayon.**

Public Comments:

1. Gina Diaz- Requested clarification of time frame on when the water issues were going to be resolved before the water is shut off and notification. She also requested a clarification on what is an appeal.

City Attorney Hodges gave detail clarification on purpose of resolution No. 2023-0017.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

- 13. Motion was made by: A. Ayon to approve Resolution No. 2023-0018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE UPDATED WRITTEN**

PROTOCOL FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE; 2nd by:
Councilmember Pérez.

No Comments from the public were presented.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

PUBLIC HEARINGS

14. Introduction of proposed Ordinance No. 0001-2023, An Ordinance of the City Council of the City of McFarland Approving amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and removing Sections 17.08.045 and 17.08.050 of Title 17. Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

- a. Open Public Hearing and Receive Public Testimony; 7:25 p.m.

Public Comments:

1. Tony Caudle- Valley Pure Group- Mr. Caudle spoke in support of Cannabis Zoning Ordinance and informed the Council of his interest in working with the City of McFarland if Council decided to move forward with the Cannabis zoning Ordinance. He also stated he would be more than happy to help and participate in the Cannabis Committee answering any questions they may have.
2. Danny Sanchez -512 10th Street, - Spoke in support of the Zoning Ordinance stating it will provide more funding for the city.
3. Jose Hernandez- 602 7th Street- Spoke against the Cannabis Zoning Ordinance. Voiced his concerns against the negative image of the city.
4. Russell Coker -300 Harlow Ave- Requested clarification on Zoning Areas and buffer zones where cannabis business would be allowed (map).
5. Catherin Woods- 13053 Garzoli Ave- Mrs. Wood's stated that she has lived in McFarland all her life and she just turned 80 years old. She stated that this is a big change but understands why it is happening. She just hopes the zoning would be out far enough so our kids will not be exposed. She asked the Council to be very careful and thanked them for listening to the residents' concerns.
6. Gina Diaz- 702 Melgar- Spoke in supports of the Cannabis Zoning Ordinance for Medical purposes only to help people sick people who need it for pain.

- b. Close Public Hearing; 7:38 p.m.

- c. Vice Mayor Cano: Motioned to Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and Introduce for Reading, Ordinance No.0001-2023, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING MCFARLAND MUNICIPAL CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.84.020 B, AND 17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045 AND 17.08.050; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

- d. Mayor S. Ayon Directed Staff to Schedule Second Reading and Adoption of Ordinance No. 0001-2023 For the February 23rd, 2023, Regular City Council Meeting.

15. Proposed Cannabis Ordinance No. 0002-2023, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING TITLE 5, CHAPTER 5.04.045 AND ADDING TITLE 19, CHAPTERS 19.04.010 THROUGH 19.04.370 OF THE MCFARLAND MUNICIPAL CODE.

- a. Open Public Hearing and Receive Public Testimony; 7:41 p.m.

Public Comments:

1. Bobby Sharp- 799 5th Street- Thanked the council for their service. Mr. Sharp expressed to Council that he was strongly against the Cannabis Ordinance. He stated that he understood the measure that voted on was to approve the taxation of cannabis Urged council not to move forward with the Cannabis Ordinance believes the cons will outweigh the pros. Does not think it would be a good fit for our city with not enough law enforcement.
2. Oliva Trujillo City of Arvin, Mayor- Spoke in favor of the Cannabis Ordinance. Ms. Trujillo clarified to Council and Residents that Arvin is not distributing or selling cannabis in the City of Arvin, they are only collecting revenue from the people who harvest it. She also stated that it has not affected the Arvin youth community negatively.
3. Russell Coker 300 Harlow Ave- Mr. Coker requested clarification if this Ordinance would allow distribution or cultivation? Expressed he believes this is the wrong way to do things.

Staff clarified that based on the ordinance recommended by the Cannabis Committee there would be a total of 10 licenses: 2 retail, 2 distribution, 2, micro, 2 manufacturing, 2 cultivation.

4. Tony Caudle- Clarified some facts regarding cannabis retail businesses stating that these businesses are protected via live feed cameras directly tapped into law enforcement. Cannabis business have helped improve dilapidated areas in some city's which in return has reduced crime. He also stated that research as shown that states who legalize marijuana have shown a decrease in cannabis use amongst young adults via education.
5. Danny Sanchez- encouraged residents to educate themselves about these types of business and how they operate. Stated he prefers secure commercial facilities with protocols versus mom-and-pop shops that bring gang related and affiliated activity. Marijuana is a growing business that will improve our Community.

- b. Close Public Hearing; 7:54 p.m.

- c. Motion was made by: Councilmember Pérez to Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and Introduce for Reading, Ordinance No.0002-2023, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING TITLE 5, CHAPTER 5.04.045 AND ADDING TITLE 19, CHAPTERS 19.04.010 THROUGH 19.04.370 OF THE MCFARLAND MUNICIPAL CODE; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

- d. Mayor S. Ayon Directed Staff to Schedule Second Reading and Adoption of Ordinance No. 0002-2023 For the February 23rd, 2023, Regular City Council Meeting.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD)
- b. Kern Council of Governments (KCOG)
- c. Kern Economic Development Corp. (KEDC)

- d. Poso Creek (IRWMP)
- e. Kern Local Agency Formation Commission (LAFCO)

COUNCIL STATEMENTS AND REPORTS

Anita Gonzalez- No Comments.

Maria Pérez- Councilmember Pérez commended applicant Ivan Sandoval and encouraged him to continue his pursue in life to do great things. She also commended Annika Fernandez for inspiring our youth in our community and thanked everyone for their attendance.

Amador Ayon- No Comments.

Ricardo Cano- Vice Mayor Cano thanked everyone for coming out tonight and encouraged the community to continue to voice their options and ideas to the City Council during these difficult decisions that need to be made.

Saul Ayon- Mayor Ayon thanked everyone in attendance. He assured the community that they are doing their best to handle the difficult discussions they come across with the best interest of the city and with full transparency.

CLOSED SESSION

1. Potential Litigation: Government Code Section 54957: One Case
Reportable Action: Direction to City Attorney to join the National Opioid Settlement.

ADJOURNMENT:

Closed session adjourned at 8:30 p.m.



Francisca Alvarado, City Clerk

