

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
December 14, 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, Councilmember Pérez

Councilmembers Absent: None

OFFICIALS PRESENT

City Manager Williams, City Attorney Hodges, Chief of Police Knox, Finance Director Viramontes, Community Development Director Saldaña, Assistant Public Works Director Cabrera, City Clerk Alvarado

INVOCATION

Vice Mayor Cano

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

INTERPRETATION: If you need an interpretation of your communications to the City Council into English, please contact the City Clerk Department at 661-792-3091 ext. 2135 at least 48 hours prior to the meeting.

Marco Perez was present for any interpretation needs.

FEATURED PET

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

Presented by: Chief of Police Knox

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Longevity Awards Presented to City of McFarland Staff on Behalf of Mayor Saul Ayon. - Mayor presented.
2. Appreciation Recognition Presented to Dr. Michael Hair from LeOra LLC on behalf of Mayor Saul Ayon and the City Council. -Item not addressed.

PUBLIC COMMENT: 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.

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.

1. Ron Woods- Thanked the Public Works Department City Workers for their great job maintaining the city clean.
2. Phil Corr- Congratulated the longevity recipients and Animal Control Officer Mungia for doing a great job.

DEPARTMENTAL REPORTS

None

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 or Member from the Public requests to remove a particular item.

3. Approval of the Expense Report in the Amount of \$511,135.17 from 11/18/2023 to 12/01/2023.
4. Approval of Payroll Report for the Month of November 2023 in the Amount of \$462,871.70.
5. Approval of November 30, 2023 Regular Meeting Minutes.
6. Approval of Resolution No. 2023-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND DESIGNATING THE CITY MANAGER, COMMUNITY DEVELOPMENT DIRECTOR AND FINANCE DIRECTOR AS THE AGENT'S OF THE CITY FOR THE CALIFORNIA OFFICE OF EMERGENCY SERVICES.
7. Approval of Resolution No. 2023-0154, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA APPROVING A REVISED MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF KERN RELATING TO THE TRANSFER OF TAX REVENUES UPON ANNEXATION.
8. Approval of Resolution No. 2023-155 A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND, CALIFORNIA APPROVING THE APPROPRIATION OF FUNDS FROM THE CITY'S GENERAL FUND TO PURCHASE NEW TASERS.
9. Approval of Resolution No. 2023-157 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING FUNDS FROM THE CITY'S GENERAL FUND FOR THE PURCHASE OF A UTILITY TRAILER.

No comments from the public were presented.

A Motion was made by: Vice Mayor Cano to approve consent agenda items 3, 4, 5, 6, 7, 8, AND 9; 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

PUBLIC HEARINGS

10. The City Council of the City of McFarland, California will conduct a public hearing to accept public comment and any written protest regarding the proposed water, sewer, and solid waste five-year utility rate schedules effective January 1, 2024. Upon conclusion of the public hearing, the City Clerk shall tabulate the filed written protests. If a majority protest does not exist, City staff recommends the City Council take the following action:

PowerPoint presentation was held by Cris Fisher, Director/Vice President with Willdan Financial Services. Upon conclusion of the presentation a Q & A was held to answer any questions.

Mayor Saul Ayon opened the public hearing on proposed water, sewer, and solid waste five-year utility rate schedule at 6:44 p.m. and closed it at 7:15 p.m. The following residents were present for public comment:

1. Manuel A. Cruz- 330 Harlow Ave. McFarland
2. Arturo Campos- 706 Topaz McFarland – *Submitted speaker form but chose not to comment.*
3. Celestino Cervantes- 721 Cozumel Ct. McFarland
4. Maria Jacinto- 343 Mt. Arbor McFarland
5. Lucia Jauregui- 395 San Juan Street McFarland
6. Alejandra Vásquez -700 La Paz CT McFarland

Ms. Alejandra Vasquez turned in protest letters at 7:14 p.m.

The final count of protest letters received was 33 unverified and 74 verified. For a grand total of 107 protest.

Motion was made by: Councilmember Pérez to Approve Resolution No. 2023-149 A Resolution of the City Council of the City of McFarland, California Adopting the Water, Sewer, and Solid Waste Five-Year Rate Schedules Effective January 1, 2024; 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

11. Approval of Resolution No. 2023-156 A Resolution of the City Council of the City of McFarland resolving its intention to initiate procedures for establishing and implementing district-based elections.

A Motion was made by: Councilmember A. Ayon to approve consent agenda item 11; 2nd by: Councilmember M. 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

12. Approval of Ordinance No. 13-2023 Establishing a Development Agreement with OTC McFarland LLC and the City of McFarland.

Introduction and First Reading of Ordinance No. 13-2023 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, APPROVING ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND OTC MCFARLAND, LLC AND GUADALUPE F. GARCIA DIAZ FOR THE DEVELOPMENT OF A COMMERCIAL CANNABIS BUSINESS AT 981 FRONTAGE ROAD, MCFARLAND CA

Staff Report was presented by Community Development Director, Paul Saldaña.

Mayor opened the public hearing to receive public testimony at: 7:41 p.m. and closed it at 7:53 p.m.

Public comments:

- 1. Phil Corr-117 5th Steet McFarland
- 2. Javier Lopez -1004 3rd Street McFarland

A motion was made by: Councilmember A. Ayon to Waive the Reading of the Ordinance Text in its Entirety, Read by Title Only, and Introduce Ordinance No. 13-2023 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, APPROVING ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND OTC MCFARLAND, LLC AND GUADALUPE F. GARCIA DIAZ FOR THE DEVELOPMENT OF A COMMERCIAL CANNABIS BUSINESS AT 981 FRONTAGE ROAD, MCFARLAND CA; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 5/0

AYES: S. Ayon, R. Cano A. Ayon, A. Gonzalez, M. Pérez
NAYS: None

ABSTAIN: None
ABSENT: None
Full consensus

Mayor directed staff to schedule second reading and adoption of ordinance No. 13-2023 on our next regular scheduled meeting of January 11, 2023.

ADMINISTRATIVE AGENDA

13. Motion was made by: Councilmember A. Ayon to Approve Resolution No. 2023-0150, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AUTHORIZING THE ESTABLISHMENT OF THE DEVELOPMENT SERVICES MANAGER POSITION IN THE COMMUNITY DEVELOPMENT DEPARTMENT; 2nd by: Councilmember M. 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

14. Motion was made by: Vice Mayor R. Cano to Approve Resolution No. 2023-0152, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, APPROVING THE APPROPRIATION OF FUNDS FOR THE EXECUTIME ELECTRONIC TIME & ATTENDANCE PROJECT; 2nd by: Councilmember M. 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

15. Motion was made by: Vice Mayor R. Cano to Approve Resolution No. 2023-0158, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING FUNDS FROM THE CITY’S GENERAL FUND TO CONSTRUCT A BLOCK WALL AT CITY HALL.; 2nd by: Councilmember M. Perez.

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

16. Motion was made by: Vice Mayor Cano to Approve Resolution No. 2023-0158, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE PROCEDURAL RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS; 2nd by: Councilmember A. Gonzalez.

Public comments: Ron Woods

ROLL CALL VOTE: 5/0
AYES: **S. Ayon, R. Cano A. Ayon, A. Gonzalez, M. Pérez**

NAYS: None
ABSTAIN: None
ABSENT: None
Full consensus

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Kern Council of Governments (KCOG)
- b. Kern Economic Development Corp. (KEDC)
- c. Kern Local Agency Formation Commission (LAFCO)
- d. Delano Mosquito Abatement District (DMAD)
- e. Poso Creek (IRWMP)
- f. San Joaquin Valley Air Pollution Control District (SJV)
- g. Public Policy and Finance Committee
- h. Public Safety Committee
- i. Quality of Life Committee -
- j. Cannabis Committee –

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.

- 1. A. Gonzalez- Thanked everyone for coming and wished everyone a Merry Christmas and a Happy New Year.
- 2. M. Pérez- Thanked the public and council members for coming to the meeting and wished people a Merry Christmas and Happy New Year.
- 3. A. Ayon- Thanked everyone and wished everyone Happy Holidays. He acknowledged that the prices of things were rising but assured the public that actions were being taken to improve our community.
- 4. R. Cano- Mentioned he has lived in McFarland for 20 years. Apologized for not being considerate of the rate increase proposal stating that he understands the need for the rate increase. He stated he knows the importance of listening to the community and assured everyone that they are.
- 5. S. Ayon- Stated the importance of being transparent, he informed that decades of negligence, uncountability, and lack of oversight left the city's infrastructure and water wells unmaintained for decades. He assured the public that they are working diligently to fix the issues as well as build the foundation for a prosperous future and good quality of life for our residents. He wished everyone happy holidays.

The council adjourned to closed session at 8:24 p.m.

CLOSED SESSION

- 17. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)Property: APN 060-050-24 Agency Negotiators: Paul Saldana and Diego Viramontes
Negotiating Parties: San Joaquin Renewables LLC Under Negotiation: Terms, price, and conditions of sale.
Reportable Action:
- 18. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation - Significant exposure to litigation pursuant to Government Code §54956.9(b): Two Cases
Reportable Action:

ADJOURNMENT

A motion was made by: Vice Mayor Cano; 2nd by: Councilmember Pérez to adjourn the regular open session meeting at 8:24 p.m.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus



Francisca Alvarado, City Clerk

