

REGULAR CITY COUNCIL MINUTES
February 22, 2024
MCFARLAND CITY COUNCIL

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: Mayor Ayon, Vice Mayor Cano, Councilmember Pérez

Councilmembers Absent: Councilmember A. Ayon, Councilmember Gonzalez

OFFICIALS PRESENT

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

APPROVE AGENDA AS TO FORM

Motion was made by: Councilmember Perez to approve agenda as to form; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

INVOCATION

Vice Mayor Cano

PLEDGE OF ALLEGIANCE

City Manager Williams

INTERPRETATION

Marco Perez

FEATURED PET

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

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Kern County Grand Jury Awareness Month Proclamation - Presented by Mayor Saul Ayon – Item not addressed.

2. Ceremonial National Cancer Prevention Month Proclamation -Presented by Mayor Saul Ayon to Tori Limbean, Marketing & Physician Relations Manager With Comprehensive Blood & Cancer Center of Bakersfield.
3. Ceremonial Presentation of McFarland Police Department Cadets.

Motion was made by: Councilmember Perez to approve agenda as to form; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

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

PUBLIC COMMENT:

The following comments from the public were presented:

1. Michael Hair-
2. Jose Hernandez
3. Phil Corr

Public comment closed at 6:23 p.m.

COUNCIL COMMENTS

1. Councilmember Perez- Welcomed and thanked everyone in attendance. She honored her brother Roberto who recently lost his battle of liver cancer and encouraged the community to get regular checkups and cancer screenings for early detection and treatment.
2. Vice Mayor Cano- Informed the community that the Kern County Cancer Foundation is an organization that helps residents in Kern County who are battling cancer with resources such as transportation, medications, and treatments. He welcomed the community to reach out to the foundation and get the services they need.
3. Mayor Saul Ayon- Thanked Councilmember Pérez for attending tonight's meeting.

Response to public comment- Mayor Ayon stated that the major issue with potholes in the alley ways is the weight of the trash truck pick up on unpaved surface. He recommended moving forward with front yard pick up's in the future as this would alleviate the impact the weight of the truck would have compared to a paved street vs an unpaved alleyway. He requested our new Public Works Director Hernandez begin working on this issue.

Browning Road Well Nitrate Issue follow up- Mayor Ayon thanked Channel 17 news station Norma Gaspar and Ruby Rivera from channel 23 news for giving him the opportunity to give an interview to clarify the allegations of contaminated water. He reiterated that the Browning Road well has been offline since October 2023 and that our water is not contaminated. He assured the residents of McFarland that they are doing the best they can to fix the issue.

Lastly, he recognized Dr. Michael Hair.

DEPARTMENTAL REPORTS

CONSENT AGENDA

4. Approval of Expense Report in the Amount of \$244,601.09 from 1/27/2024 to 2/9/2024.
5. Approval of February 08, 2024 Regular Meeting Minutes.
6. Approval of February 09, 2024 Special Meeting Minutes.
7. Approval of the February 15, 2024 Special Meeting Minutes.
8. Approval of Resolution No. 2024-15 A RESOLUTION OF THE CITY COUNCIL OF McFARLAND APPROVING THE FINAL MAP FOR TRACT MAP NO. 7393 PHASE 3, CONTINGENT UPON THE RECEIPT OF REQUIRED IMPROVEMENT BONDS, SUBDIVISION GUARANTEE AND IMPROVEMENT AGREEMENT AUTHORIZING THE CITY CLERK TO ENDORSE THE FINAL MAP, AND AUTHORIZING THE CITY ENGINEER TO TRANSMIT SAME TO THE COUNTY CLERK'S OFFICE.

Motion was made by: Councilmember Perez; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

No comments from the public were presented.

PUBLIC HEARINGS

9. Approval of Resolution No. 2024-5 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND FINDING THERE ARE NO UNMET PUBLIC TRANSIT NEEDS WHICH CAN BE REASONABLY BE MET IN THE CITY OF MCFARLAND.

Public Hearing Opened at 6:32 p.m. – No comments from the public were presented. Public Hearing Closed at 6:33 p.m.

Motion was made by: Vice Mayor Cano; 2nd by: Councilmember Pérez.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

10. Introduction and First Reading of Ordinance No. 002-2024, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING THE OFFICIAL

ZONING MAP FOR ASSESSOR'S PARCELS 060-420-14, 060-420-20, 060-420-21, 060-420-24, 060-420-23, AND 060-420-13. Annexation (19)

Public Hearing was opened at 6:36 p.m. No comments from the public were presented. Public Hearing was closed at 6:36 p.m.

Community Development Director Saldana requested this item be continued due to the Planning Commission not having acted on this item due to lack of quorum. Mayor Ayon requested a motion to have this item continued to Thursday Adjourned Meeting on February 29, 2024 at 5:00 p.m.

Motion was made by: Councilmember Perez; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

11. Public Hearing on Draft Boundary Maps of Council Districts and Introduction and Waive First Reading of Ordinance No. 003-2024 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND PROVIDING FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FOUR DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT AND ADDING NEW SECTIONS TO CHAPTER 1.25 GENERAL MUNICIPAL ELECTIONS OF THE MCFARLAND MUNICIPAL CODE TO PROVIDE FOR CITY COUNCIL ELECTION DISTRICTS.

Public Hearing was opened at 6:41 p.m. No comments from the public were presented. Public Hearing was closed at 6:42 p.m. (4th Public Hearing)

Mayor Ayon requested A Motion to Waive First Reading in its Entirety Read by Title Only and Introduce Ordinance No. 003-2024 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND PROVIDING FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FOUR DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT AND ADDING NEW SECTIONS TO CHAPTER 1.25 GENERAL MUNICIPAL ELECTIONS OF THE MCFARLAND MUNICIPAL CODE TO PROVIDE FOR CITY COUNCIL ELECTION DISTRICTS; motion was made by: Councilmember Pérez and 2nd by: Vice Mayor Cano. Council Members discussed. Mayor indicated the RED MAP and sequencing of area number 2 in 2024 and area number 1 in 2026 (district 4 and 2 in 2024 and District 1 and 3 in 2026) as their choice.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

Mayor Ayon directed staff to Schedule Second Reading and Adoption of Ordinance No. 003-2024.

12. Public Hearing for Consideration and Adoption of Resolution No. 2024-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING THE INITIAL STUDY AND NEGATIVE DECLARATION FOR PROPOSED ANNEXATION 20; Introduction and Wave First Reading of Ordinance No. 004-2024 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING THE OFFICIAL ZONING MAP FOR PARCELS 060-090-24, 060-090-06, 060-090-25, AND 060-090-20; Consideration and Adoption of Resolution No. 2024-17 A RESOLUTION OF THE CITY OF MCFARLAND REQUESTING INITIATION OF PROCEEDINGS FOR ANNEXATION OF TERRITORY TO THE CITY OF MCFARLAND TO BE IDENTIFIED AS ANNEXATION NO. 20.
- b. Staff Report-Community Development Director, Paul Saldaña
 - c. Open Public Hearing and Receive Public Testimony
 - d. Close Public Hearing
 - e. Motion to Adopt Resolution No. 2024-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING THE INITIAL STUDY AND NEGATIVE DECLARATION FOR PROPOSED ANNEXATION 20
 - f. Motion to Waive the Reading Ordinance Text in its Entirety Read by Title Only and Introduce Ordinance No. 004-2024 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING THE OFFICIAL ZONING MAP FOR PARCELS 060-090-24, 060-090-06, 060-090-25, AND 060-090-20.
 - g. Motion to Adopt Resolution No. 2024-17 A RESOLUTION OF THE CITY OF MCFARLAND REQUESTING INITIATION OF PROCEEDINGS FOR ANNEXATION OF TERRITORY TO THE CITY OF MCFARLAND TO BE IDENTIFIED AS ANNEXATION NO. 20.

Public Hearing was opened at 6:51 p.m. No comments from the public were presented. Public Hearing was closed at 6:51 p.m.

Mayor Ayon requested future annexations be for commercial before residential due to city need.

Community Development Director Saldana requested this item be continued due to the Planning Commission not having acted on this item due to lack of quorum.

Mayor Ayon requested a motion to have this item continued to Thursday Adjourned Meeting on February 29, 2024 at 5:00 p.m.

Motion was made by: Vice Mayor Cano; 2nd by: Councilmember Pérez.

ROLL CALL VOTE: 3/0

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

ADMINISTRATIVE AGENDA

- 13.** Approval of Resolution No. 2024-22 A RESOLUTION APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY AND YERLYS HERNANDEZ FOR THE POSITION OF PUBLIC WORKS DIRECTOR.

No comments from the public were presented.

Motion was made by: Vice Mayor Cano; 2nd by: Councilmember Pérez.

ROLL CALL VOTE: 3/0

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

- 14.** Approval of Resolution No.2024-21 A RESOLUTION OF THE CITY OF MCFARLAND APPROVING AN AGREEMENT BETWEEN THE CITY AND DIEGO VIRAMONTES FOR THE CITY MANAGER /FINANCE DIRECTOR.

Public Comments:

1. Ron Woods
2. Jose Hernandez

Motion was made by: Councilmember Pérez; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

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

- 15.** Approval of Resolution No. 2024-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ACCEPTING THE COMPLETED WORK BY ADVANCED CONCRETE FOR THE 2ND STREET LANDSCAPE AND PEDESTRIAN IMPROVEMENTS – STPL 5343 (017) PROJECT AND AUTHORIZING THE CITY CLERK TO THE FILE THE NOTICE OF COMPLETION WITH THE KERN COUNTY RECORDER.

No comments from the public were presented.

Motion was made by: Councilmember Pérez; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 3/0

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

- 16.** Resolution 2024-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ACCEPTING THE COMPLETED WORK BY BOWMAN ASPHALT, INC. FOR THE 2023 STREET

REHABILITATION – VARIOUS LOCATIONS PROJECT AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE KERN COUNTY RECORDER.

No comments from the public were presented.

Motion was made by: Vice Mayor Cano; 2nd by: Councilmember Pérez.

ROLL CALL VOTE: 3/0

AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

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. San Joaquin Valley Air Pollution Control District (SVJ)

COUNCIL STATEMENTS AND REPORTS

Mrs. Perez thanked the public for their attendance and the city staff for their hard work and dedication. She thanked Kenny Williams for his dedication to the city and welcomed Diego Viramontes and stated that she looks forward to working with him.

Vice Mayor Cano thanked Dr. Michael Hair for all his support and contributions to the city. He also thanked Kenny Williams for everything he's done for the city and the council and wished him the best retirement and asked for his continued support. He supports the mayor's efforts to try to clarify the truth about the water issue. He thanked Assistant Public Works Director Adam Cabrera for his hard work and doing a great job leading the team.

Mayor Ayon requested an ordinance amendment for mobile food vendors to increase the number of mobile food vendors allowed. He thanked all city staff and police department for their hard work. He thanked the residents for their patience and understanding with the misinformation that was given to them regarding the nitrate water issue. Mayor gave a big thank you to Kenny Williams for helping the council be successful in getting the city where it is now. He asked everyone to think of McFarland first. Mayor Ayon concluded the meeting honoring Councilmember Pérez's brother Roberto who passed away from cancer.

CLOSED SESSION

Public Employment (Government Code §54957)

Reportable Action: Council approved an employment agreement for Kenny Williams for the position of Special Project Manager/Police Oversight Advisor. The material terms of the agreement are as follows:

- 6 month agreement, renewable if agreed by both parties
- part time, 40 hours per month
- \$150.00 per hour, not to exceed \$72,000 during the 6 month contract period
- Williams receives same holidays, and other leaves as other employees
- No vacation, no sick leave, no administration leave, no health benefits, no life insurance
- Cell phone provided by the City
- City will contribute the equivalent of 10% of William's salary to retirement account
- City will reimburse Williams for reasonable expenses
- Performance Evaluation after 3 months

The closed session adjourned at 7:44pm

ADJOURNMENT

Mayor requested a motion to continue the meeting to a later date of February 29, 2024 at 5:00 p.m.

A motion was made by: Councilmember Pérez; 2nd by: Vice Mayor Cano

ROLL CALL VOTE: 3/0

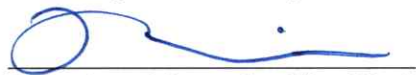
AYES: S. Ayon, R. Cano, M. Pérez

NAYS: None

ABSTAIN: None

ABSENT: A. Ayon, A. Gonzalez

Recording ended at 7:25 p.m.



Francisca Alvarado, City Clerk

