

AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY
MCFARLAND USA FOUNDATION

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

March 11, 2021
6:00 PM

VIA ZOOM MEETING

NOTICE TO THE PUBLIC

CORONAVIRUS (COVID-19) Due to the Coronavirus pandemic, the City of McFarland will not be holding in person meetings. Governor Newsom, by State of California Executive Order N-29-20 issued on March 17, 2020, and, to the extent applicable, Government Code Section 54953(b) in-person participation by the public will not be permitted. Remote public participation is allowed in the following ways via Zoom Meeting; please see instructions below:

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How to submit public comments:

- If you have a comment, a statement or question, please submit these in writing to the City Clerk by mail at 401 W. Kern Ave, McFarland, CA 93250, or email at falvarado@mcfarlandcity.org. Such comments must be identified by adding the Agenda Item Number in the subject line of the email. Please include your name and address for the record.
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CALL TO ORDER

ROLL CALL:

Mayor/Chairman, Sally Gonzalez
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Eric Rodriguez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS AND AWARDS

- Certificate of Recognition to the McFarland Recreation and Park District, Requested by Mayor Pro Tem María T. Pérez
- Certificate of Recognition to Thomas Valles Sr., Requested by Mayor Pro Tem María T. Pérez

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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. Warrant Register for \$ 254,092.45 from February 16, 2021 through February 28, 2021.
2. Payroll Register for \$147,365.43 for February 2021.
3. Minutes of Regular City Council Meeting of February 25, 2021.

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

- a. Administration
- b. Police Department
- c. Public Works Department
- d. Finance Department
- e. Community Development Department

ADMINISTRATIVE AGENDA

4. Approve Resolution No. 2021-0005 Adopting the City of McFarland Updated Employee Handbook.
5. Council Consideration to Approve the Human Resource Analyst Position and Authorize City Manager to Proceed with Advertising.
6. At the Council's last meeting, the Council requested from the City's HR Attorney, Che Johnson, to provide an estimate of the cost of drafting an Ordinance amending Chapter 2.16 of the McFarland Municipal Code and to bring back the estimate for further action by the Council. Attached is the staff report with Mr. Johnsons estimate. **RECOMMENDATION:** Consider whether or not to authorized Mr. Johnson to proceed with drafting an Ordinance amending Chapter 2.16 for further consideration by the Council.
7. Request by Councilmember Ayon to introduce and have first reading of Ordinance regarding the following revisions to Chapter 2.16 of the McFarland Municipal Code
 - a. **2.16.010 - Office created.** The office of city manager of the city is created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council. This office shall not be subject to, or have the benefits given by, the city personnel ordinance or rules or regulations thereunto applicable. (Ord. 73 §1, 1963)
 - b. **2.16.080 - Powers and duties—Appointments, promotions, removals and demotions.** It shall be the duty of the city manager to, and he shall appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney, subject to the rules and regulations of the city personnel ordinance, insofar as the personnel ordinance does not conflict with the ordinance codified in this chapter, it being the intent and purpose of the city council that in case of any conflict between the ordinance codified in this chapter and the city personnel ordinance and rules and regulations thereunder, that the ordinance codified in this chapter shall prevail. (Ord. 73 §10, 1963)
 - c. **2.16.070 - Powers and duties—Authority over employees.** It shall be the duty of the city manager, and he shall have the authority to control, order and give directions to all officers and employees of the city other than the city attorney or the city treasurer. (Ord. 73 §9, 1963)
 - d. **2.16.090 - Powers and duties-Administrative reorganization of offices.** It shall be the duty and responsibility of the city manager to recommend to the city council such reorganization of offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

No Ordinance has yet been drafted. Attached is a comparison of the existing sections and the changes requested.

RECOMMENDATION: Consider Councilmember Ayon's request.

8. Request by Councilmember Cano To Receive Copies of Unredacted City Attorney's Legal Services Invoices for Calendar Year 2020. **RECOMMENDATION:** Consider Council Member Cano's Request to Allow Copies of These Invoices to Leave City Hall, Waiving the Attorney- Client Privilege.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Council Member Ricardo Cano
- b. Kern Council of Governments (KCOG) – Mayor Sally Gonzalez or Alternate Mayor Pro Tem Maria T. Pérez
- c. McFarland Tri-Agency Partners (MTAP) – Mayor Sally Gonzalez or Alternate Council Member Eric Rodriguez
- d. Kern Economic Development Corp. (KEDC) – Mayor Sally Gonzalez
- e. Kern County Association of Cities (KCAC)
- f. Poso Creek IRWMP

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. Approval of the February 11, 2021 Closed Session Minutes.
2. Approval of the February 27, 2021 Special Closed Session Minutes.
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 060-050-24
Agency Negotiator: City Manager
Negotiating Parties: Greenlight Enterprises, LLC
Under Negotiation: Price and Terms of Payment
4. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Manager, City HR Attorney
Employee organization: McFarland Police Officers Association
5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
(One potential case).
6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Paragraph (1) of Subdivision (d) of Section 54956.9
Name of Cases: City of McFarland v. Dow Chemical et al
Immigrant Legal Resource Center et al v. City of McFarland et al
Jane Doe et al v. City of McFarland et al

And the following worker's compensation cases:

Belinda Cole v. City of McFarland et al
Freddie Hernandez v. City of McFarland
Andrew Garcia v. City of McFarland
Brian Wilson v. City of McFarland
Manuel Garcia v. City of McFarland

7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) and Paragraph (3) of Subdivision (e) of Section 54956.9: Claim filed by Miguel Morales

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on March 5, 2021.

Francisca Alvarado

Francisca Alvarado, City Clerk

Next Meeting: Regular City Council Meeting March 25, 2021.

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 one business day prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

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ADMINISTRATIVE AGENDA

1. Report, Discussion, and Approval of *Resolution 2021-0010* Adopting Protocols for In-Person Meetings to Address the COVID-19 Pandemic

ADJOURNMENT

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Francisca Alvarado
Francisca Alvarado, City Clerk

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