

**REGULAR CITY COUNCIL MINUTES
TELECONFERENCE/VIRTUAL MEETING**

March 11, 2021

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

CALL TO ORDER

Mayor Gonzalez called the meeting to order at 6:04 p.m. via teleconference/virtual meeting.

ROLL CALL

Council Members Present: Gonzalez (Mayor), Pérez, Rodriguez, Ayon, Cano

Council Members Absent: None

OFFICIALS PRESENT

City Manager Lara, Chief of Police Williams, City Attorney Schroeter, City Clerk Alvarado, Public Works Director Gonzales, Acting Community Development Director Ronk, Accounting Supervisor Lara, Police Officer Garcia

INVOCATION

Mayor Pro Tem Pérez

PLEDGE OF ALLEGIANCE

Council Member Ayon

PRESENTATIONS AND PROCLAMATIONS

Mayor Pro-Tem Pérez recognized the McFarland Parks and Recreation District for always having the community parks clean and well kept. She commended the park and recreation staff for their hard work keeping the restrooms clean throughout the pandemic. She presented a Certificate of Recognition to Mr. Jeff Nickell director of the McFarland Recreation and Park District.

Mr. Nickell thanked Mayor Pro-Tem Pérez, Council, and City Staff for recognizing his staff. He stated that he is a competitive person and takes pride on his parks looking better than others. He credited his staff members Juan Carrillo, Jose Arambula, Ricardo Medina, and Miguel Escamilla for this award. He stated that he is honored to have such a gifted and talented crew.

Mayor Pro-Tem also presented Cross- Country Couch Thomas Valles Sr. with a Certificate of Recognition for his outstanding efforts with the Cross-Country girls' team.

Mr. Valles thanked everyone and stated that we are very blessed. He congratulated New Council on their election and stated that the girl's team is doing very well not only because of his coaching but because of the coaching that came before him. He credited Coach Ayon, Coach Adams, Coach Pierson, and Coach White for the team's success. He stated that he is doing what someone once did for him and hopes one day these girls will come back home and coach other kids from this community.

PUBLIC COMMENTS

Juan Munguia – Agenda item # 7. Request by email (address not stated) – Withdrew his request to comment at 6:23 p.m.

Jesus Pérez- Field Representative for David Couch (address not stated) – Commented on the way we currently post our City of McFarland Council Meetings (Via Zoom). He suggested to post the videos on our city Facebook account, to make it easier for the public to view the meetings.

Mayor Gonzalez replied by stating his suggestion was noted and mentioned that the city is currently working on going back to in person meetings.

Danny (address not stated)- Congratulated Mr. Thomas Valles and agrees with Mr. Jesus Pérez public comment. He stated that we need as much exposure to the public and that staff needs to make the effort to reach out to the community in more ways like social media, he stated he noticed that the comments section had been disabled on Zoom and believes they should be allowed just filtered. He stated that we

should not be afraid of change. He agrees with changes to the City ordinances. He stated he does not understand why there has been so much conflict with the City Attorney invoices.

Mayor Gonzalez called two-minute timer and thanked Danny for his suggestions and said all his comments will be taken into consideration.

Public comment closed at 6:26 p.m.

CONSENT AGENDA

1. **Motion was made by: Council Member Rodriguez to approve the warrant register for \$254,092.45 from February 16, 2021 through February 28, 2021; 2nd by: Council Member Ayon**
Vote: 4/0
Ayes: Rodriguez, Ayon, Pérez, Cano
Nays: None
Absent: None
Abstentions: Gonzalez (Mayor)
***Mayor Gonzalez recused herself from item #1 due to marriage.**

*Agenda item 1 Pg. 4 (City Attorney Invoices) Pulled by Councilmember Ayon

Council member Ayon asked Mr. Schroeter what the breakdown was for the charges that stated his name. Mr. Schroeter agreed to meet with Mr. Ayon to go over the invoice. Council member Cano stated the invoice detail is very veg. Mr. Schroeter stated that to discuss the specifics it would have to be done in closed session. Mr. Schroeter stated that they are drafted in normal legal invoice form. Councilmember Ayon requested a special meeting for review of the invoices and performance evaluation of the City Attorney. Mr. Schroeter stated that evaluation of the City Attorney and review of detail invoices would have to be done in a closed session meeting. Closed Session meeting set for Tuesday, March 23, 2021 at 6:00 p.m.

2. **Motion was made by: Councilmember Cano to approve payroll register for \$ 147,365.43 for February 2021; 2nd by: Councilmember Ayon**
Vote: 4/0
Ayes: Cano, Ayon, Rodriguez, Pérez
Nays: None
Absent: None
Abstentions: Gonzalez (Mayor)
***Mayor Gonzalez recused herself from item #2 due to marriage.**

3. **Motion was made by: Council Member Ayon to approve minutes of Regular City Council Meeting of February 25, 2021; 2nd by: Council Member Cano**
Vote: 5/0
Ayes: Ayon, Cano, Rodriguez, Pérez, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

- a. **Administration** – City Manager Lara informed Council that the McFarland Police Department will be hosting a Drive Thru Community Easter Egg Event on Saturday March 20, 2021 from 3 to 5 p.m. It will be held at the McFarland Parks and Recreation Sherwood Park. Flyers will be posted with more information.
On March 23, 2021 Adventist Health will be back in McFarland administering the 2nd dose of the COVID vaccine. Councilmember Cano asked how people can schedule their 2nd dose of the vaccine City Manager Lara stated that she believes Adventist Health would be reaching out to those people to schedule that appointment.
She also informed small business owners that The Chamber of Commerce has applications for a grant in the amount of 500\$. For more information on how to apply contact Juan Munguia President of the Chamber of Commerce. She also informed that the reopening of City Hall would be Monday, March 22, 2021 and that the remodel would be complete before then.

Mayor Gonzalez reminded the community that transit is still offering free ride services and encourage anyone taking their children to school to use our free services.

Mayor Pro-Tem asked City Manager Lara if an upgrade or remodel of the McFarland Police Department was possible. City Manager Lara replied yes, and that she would be working with Chief Williams on the future expansion of our McFarland Police Department.

Mayor Gonzalez asked if the Grant Department could work on looking into grants that could help with the remodel. Acting Community Development Director Ronk replied that they are currently looking for grants.

- b. **Police Department** – Chief Williams introduced new McFarland Police Officer Andrew Garcia. Officer Garcia thanked everyone for the opportunity to speak and for allowing him to be part of the police department and community. Chief Williams asked the community to reach out to these new officers so that the community can get to know them.
Chief Williams informed that the assistant to the Chief of Police position will close tomorrow and stated that they are hiring for lateral police officers. He encouraged qualified people to apply. Chief Williams thanked the Chamber of Commerce for their significant help putting together the baskets for the Community Easter Egg Event and thanked all monetary donors.
He informed the community that patrolling hours for McFarland Police Department would be changing to have more coverage during the day.
- c. **Public Works Department**- Public Works Director Gonzales stated that the water department repaired some fire hydrants.
The streets department removed graffiti and cleaned up the east side of railroad tracks as requested.
He informed that an ac unit will be installed in police department server room for overheating purposes and that temporary repairs were being done to several roads.
- d. **Finance Department**- Fernando Lara informed Council that they are still working on finalizing the second review for Audit 18/19 and that it will be ready to present at next council meeting. He also informed that they are getting ready for the reopening of City Hall on Monday March 22, 2021.
- e. **Community Development**- Acting Community Development Director Ronk addressed the Capri Gas Station concerns, he informed that Planning Department did receive cite plans and they are currently being reviewed by our City Planner and that plan checks were submitted and sent out to Interstate for review and are also under Environment review as well.
He also informed that the Planning Department is currently working on creating a draft for Home Occupation Permits.
He informed that the PPE grant supplies were ordered and getting ready to be distributed. He encouraged local businesses to apply for the PPE grant to obtain COVID-19 supplies. For further information contact Diana Garcia or himself.
Dollar General tree concern is still being addressed. No contact has been made with responsible party, but they will continue to make the necessary efforts to get the issue resolved.

ADMINISTRATIVE AGENDA

4. **Motion was made by: Councilmember Ayon to approve Resolution No. 2021-0005 adopting the City of McFarland updated Employee Handbook; 2nd by: Councilmember Cano**
Vote: 5/0
Ayes: Ayon, Cano, Rodriguez, Pérez, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None
*Council Member Ayon requested Che Johnson to update/ tighten up the section in the employee handbook regarding employee relationships at a later time.
5. **Motion was made by: Councilmember Ayon to table Human Resource Position until all outstanding Audits are complete; 2nd by Councilmember Rodriguez**
Vote: 5/0
Ayes: Ayon, Rodriguez, Cano, Pérez, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None
6. **Motion was made by: Councilmember Cano to Authorize City's HR Attorney, Che Johnson to proceed with Updating Chapter 2.16 and Chapter 2.20 for further consideration by the Council; 2nd by Councilmember Rodriguez**
Vote: 5/0
Ayes: Cano, Rodriguez, Pérez, Ayon, Gonzalez (Mayor)

Nays: None
Absent: None
Abstentions: None

HR Attorney Johnson provided estimate in the amount of \$10,000 to \$15,000 to update the entire 2.16 to include (2.16.10-2.16.26) chapter and 2.20 to include (2.20.010-2.20.150).
Councilmember Ayon asked Johnson for clarification on high estimate amount.
Mr. Johnson apologized and explained he was under the impression that Council wanted an estimate to revise the entire two sections. He stated that the amount would be significantly less for edits than a revision.
City Attorney Schroeter explained to Council that they cannot make edits to one chapter without affecting others because its contradicting.
Councilmember Ayon asked if city staff can make the changes he is requesting to the Ordinance?
Mr. Schroeter replied that only City Attorney's or Special Council are authorized to draft ordinances.
Councilmember Cano commented that some of these ordinances were very outdated and believes it is a good idea to go ahead and update the entire 2.16 and 2.20 of the municipal code.
Mr. Johnson asked if the request by Council is to make just the revisions that Councilmember Ayon is requesting on Agenda Item #7 without the view of what other provisions this might impact
Mayor replied with a yes for now.
Mr. Schroeter explained that we will need the full rewrite to incorporate Ayon's changes.

7. **Motion was made by: Councilmember Rodriguez to table Councilmember Ayon's revisions to Chapter 2.16 of the McFarland Municipal Code until HR Attorney Che Johnson completes revisions to Chapter 2.16; 2nd by Councilmember Cano**
Vote: 5/0
Ayes: Rodriguez, Cano, Pérez, Ayon, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None

8. **Councilmember Cano requested to table his request to receive unredacted copies of City Attorney's Legal Services Invoices for calendar year 2020 indefinitely; Motion was made by Councilmember Ayon and 2nd by Mayor Pro-Tem Pérez**
Vote: 5/0
Ayes: Ayon, Pérez, Rodriguez, Cano, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None
*Councilmember Cano stated that he can review invoices inhouse.

ORAL REPORTS FROM CITY COUNCIL ON COMMITTEES

- a. Delano Mosquito Abatement District (DMAD) – Council Member Cano informed the next meeting scheduled for March 18, 2021.
- b. Kern Council of Governments (KCOG) – Mayor Sally Gonzalez – Informed the next meeting is scheduled for March 18, 2021.
- c. McFarland Tri-Agency Partners (MTAP) – March 8, 2021 meeting was cancelled due to children going back to school that day.
- d. Kern Economic Development Corporation (KEDC) – None to report
- e. Kern County Association of Cities (KCAC) – None to report
- f. Poso Creek IRWMP- Councilmember Ayon informed they had a meeting on Tuesday, there was talk about the high-speed rail.

***Special Meeting Opened**

1. Motion was made by: Councilmember Rodriguez to approve Resolution No. 2021-0010 Adopting Protocols for In-Person Meeting to Address the COVID-19 Pandemic; 2nd by Mayor Pro-Tem Pérez.
Vote: 5/0
Ayes: Rodriguez, Pérez, Cano, Ayon, Gonzalez (Mayor)
Nays: None
Absent: None
Abstentions: None

Special Meeting Closed at 8:32 p.m.

COUNCIL STATEMENTS

Council Member Cano- Thanked Public Works Department for their hard work cleaning the City and Community Development Department for all their work. Councilmember Cano commented on the number of mobile vendors allowed in the City currently (10) he is concerned that there are vendors wanting to come and conduct business here in McFarland so he would like to bring item for review in a future meeting he also addressed the number of yard sales allowed at this current time (4) and would also like to review this ordinance as well.

Council Member Ayon- Stated he went out to the McFarland Animal Shelter to take a look after he reviewed some statements made by the media about the Animal Shelters condition. He observed that the staff out there is limited, and his direction is to get the resources they need to reduce the possibility of negative attention.

Council Member Rodriguez- Thanked Chief of Police Williams and City Manager Lara for being available for him when he has questions or concerns. He appreciates everyone and believes that we are moving in the right direction.

Mayor Pro-Tem Pérez- Thanked everyone present and Chief Williams for the ride-along and for taking the time.

Mayor Gonzalez- Thanked the Community for their participation in our Zoom meetings and appreciate their input. Thanked the City workers. In a Future meeting she would like to present Tacos El Cazador with a recognition award for their years of serving our Community.

***Motion to adjourn at 8:42 p.m.**

CLOSED SESSION

1. Motion was made by: Mayor Pro-Tem Pérez to approve the Closed Session Minutes held on February 11, 2021; and 2nd by Councilmember Rodriguez.
2. Motion was made by: Mayor Pro-Tem Pérez to approve the Closed Session Minutes held on; and February 27, 2021 2nd by Councilmember Rodriguez.
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
Action: No Reportable Action
4. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Manager, City HR Attorney
Employee organization: McFarland Police Officers Association
Action: No Reportable Action
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).
Action: No Reportable Action
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
Action: No Reportable Action

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
Action: No Reportable Action

ADJOURNMENT

Meeting adjourned at 8:42 p.m.



Francisca Alvarado, City Clerk

