

REGULAR CITY COUNCIL MINUTES

February 13, 2020

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

CALL TO ORDER

Mayor Cantu called the meeting to order at 6:02 p.m. in the McFarland Council Chambers, 103 W. Sherwood Ave, McFarland, CA 93250

ROLL CALL

Council Member Present: Cantu, McFarland, Melendez, Perez, Gonzalez
Council Member Absent: None

OFFICIALS PRESENT

Interim City Manager Pennell, City Attorney Schroeter, Interim Chief of Police/Interim Assistant City Manager Davis, City Clerk Ceja, Administrative Services Director Mosqueda, Community Development Director Lara, and Public Works Director Gonzales

INVOCATION

Mayor Pro Tem McFarland

PLEDGE OF ALLEGIANCE

Council Member Sally Gonzalez

PRESENTATIONS AND PROCLAMATIONS

None

PUBLIC COMMENTS

Silvia Garcia, 349 3rd St, McFarland, Ca. Ms. Garcia expressed her concerns with all the issues that the city is going through. She asked if the community had the right to ask questions related to warrants and budgets.

Maria Trujillo, 1036 Kendrea St, McFarland, Ca. Ms. Trujillo expressed her concern with GEO bringing in an ICE facility. She said she was arrested and lived the nightmare of being in an ICE facility and she's scared just like the other residents.

Tania, refused to state her address. Ms. Tania showed a pictures of a 64 year old who is in a Mesa Verde facility and says that she has been medically neglected.

April, refused to state her address. Ms. April expressed her thoughts on how she expects the Planning Commission meeting on February 18 be handled. She asked that the meeting be held at a larger meeting, all input to be heard, have an interpreter, and all documents should be available both in English and Spanish.

Esmeralda Gonzalez, refused to state her address. Ms. Gonzalez asked if instead of bringing in an ICE facility why not bring in a college to the GEO facility.

Brisa, refused to state her address. Ms. Brisa expressed her thoughts as to why the GEO item was not an item in the agenda.

Maria Figueroa, 673 10th St, McFarland, Ca. Mrs. Figueroa asked why there wasn't an interpreter at the last Planning Commission that translated both in English and Spanish. She stated city workers are not doing their job and she wishes that all current councilmembers are voted out and there are new elected ones that will actually do something.

Francisco Barroso, did not state his address. Mr. Barroso expressed his concerns with the SB29 conditions. His concern is that the community did not have access to the details of the permit therefore the first meeting related to GEO (ICE Facility) should not be identified as a first hearing.

Stefani Pavalos, 448 San Lucas St, McFarland, CA. Ms. Pavalos expressed her concerns with the ICE facility coming to McFarland. She asked how the council would feel if there family was separated. She mentioned that McFarland will be a ghost town because everyone will leave McFarland.

Jose Galvan, did not state his address. Mr. Galvan mentioned his worry with the ICE facility coming to McFarland because all residents are afraid.

Mayor Cantu thanked all speakers for their comments. He asked that the city continue dialog to better understand each other.

CONSENT AGENDA

Note: Items #7, 8, 9, and 13 were pulled by Councilmember Melendez for discussion.

1. Motion by Council Member McFarland and unanimously carried to approve the warrant register for \$686,949.68 from January 08, 2020 through February 04, 2020.

Vote: 4-0

Ayes: McFarland, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: Gonzalez

Note: Council Member Gonzales recluses herself from item #1 due to conflict of interest.

2. Motion by Mayor Pro Tem McFarland and unanimously carried to approve Payroll register for \$192,733.37 for January 2020.

Vote: 4-0

Ayes: McFarland, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: Gonzalez

Note: Council Member Gonzales recluses herself from item #1 due to conflict of interest.

3. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to approve the minutes of regular City Council meeting of January 16, 2020.

Vote: 5-0

Ayes: McFarland, Gonzalez, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

4. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to approve the appointment of Mr. Ricardo Cano as Planning Commissioner for a four-year term.

Vote: 5-0

Ayes: McFarland, Gonzalez, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

5. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to adopt Ordinance No. 004-2019 of the City Council of the City of McFarland amending Chapter 15.30 "Landscaping Water Conservation".

Vote: 5-0

Ayes: McFarland, Gonzalez, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

6. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to adopt Resolution No. 2019-034 of the City Council of the City of McFarland authorizing application for and receipt of SB2 Planning Grants Program Funds.

Vote: 5-0

Ayes: McFarland, Gonzalez, Melendez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

7. Motion by Council Member Melendez, seconded by Council Member Perez, and unanimously carried to approve the agreement with ClearSource Financial Consulting to develop a comprehensive cost of service analysis for user and regulatory fees.

Vote: 5-0

Ayes: Melendez, Perez, Gonzalez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

Note: Council Member Melendez asked for a better understanding of what this agreement is for. Ms. Maria Lara said this agreement is to update all building permit fees, planning fees, code enforcement fees and animal control fees.

8. Motion by Council Member Melendez, seconded by Mayor Pro Tem McFarland, and unanimously carried to approve the agreement with the County of Kern to participate in the Employer Accessible Subsidized Earnings Programs (EASE).

Vote: 5-0

Ayes: Melendez, McFarland, Gonzalez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

Note: Council Member Melendez asked for a clarification of what this agreement is about. Mr. Juan Ortiz gave a short presentation to council explaining that the EASE program is a program for employers to be able to hire full time employees in which they also give the employer \$4,000 for each employee hired with a maximum of \$28,000. Council Member Melendez had no further questions regarding this item.

9. Motion by Council Member Melendez, seconded by Mayor Pro Tem McFarland, and unanimously carried to approve the agreement with the County of Kern to participate in the Employment Preparation Program (EPP).

Vote: 5-0

Ayes: Melendez, McFarland, Gonzalez, Perez, Cantu

Nays: None

Absent: None

Abstentions: None

Note: Council Member Melendez asked for a clarification of what this agreement is about. Mr. Juan Ortiz gave a short presentation to council explaining that the EPP program is a work experience program that the agency offers to send volunteers for work experience at no cost. Council Member Melendez had no further questions regarding this item.

10. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to approve the termination agreement with Public Facilities Investment Corporation (PFIC).

Vote: 5-0

Ayes: McFarland, Gonzalez, Perez, Melendez, Cantu

Nays: None

Absent: None

Abstentions: None

11. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to accept the dedication of easement for street and public utility purposes from McFarland Unified School District (APN: 201-070-001).

Vote: 5-0

Ayes: McFarland, Gonzalez, Perez, Melendez, Cantu

Nays: None

Absent: None

Abstentions: None

12. Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to accept the Quickclaim Deed for APN: (Portion) 201-070-01.

Vote: 5-0

Ayes: McFarland, Gonzalez, Perez, Melendez, Cantu

Nays: None

Absent: None

Abstentions: None

13. Motion by Council Member Melendez, seconded by Council Member Gonzalez, and unanimously carried to accept the Notice of Completion for the Garzoli Overlay Project and authorize the City Clerk to file the notice.

Vote: 5-0

Ayes: McFarland, Gonzalez, Perez, Melendez, Cantu

Nays: None

Absent: None

Abstentions: None

Note: Council Member Melendez asked what section project was this. Mr. Mario Gonzalez mentioned the project was for last fiscal year and it was in front of New Horizon School to Hanawalt. Traffic impact fees were used for this project and fully completed. Council Member Melendez had no further questions

PUBLIC HEARING

14. Mayor opened the public hearing at 7:13 pm, Mr. Ron Brummett gave a short presentation. There were no comments. Mayor closed public hearing at 7:23 pm.

Motion by Mayor Pro Tem McFarland, seconded by Council Member Gonzalez, and unanimously carried to introduce Ordinance No. 001-2020 for first reading by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADDING CHAPTER 17.78 TO THE MCFARLAND MUNICIPAL CODE RELATING TO A COMMERCIAL RESIDENTIAL MIXED USE (CRMU) ZONE DISTRICT.

Vote: 5-0

Ayes: McFarland, Gonzalez, Perez, Melendez, Cantu

Nays: None

Absent: None

Abstentions: None

15. Mayor opened the public hearing at 7:23 pm, Mr. Ron Brummett gave a short presentation. There was one comment made by an audience member which asked if there is funding for this project. Mayor said the city is depending on developers. Mayor closed public hearing at 7:48 pm.

Motion by Council Member Melendez, seconded by Council Member Gonzalez, and unanimously carried to introduce Ordinance No. 002-2020 for first reading by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING TITLE 17 ZONING CODE TO ADD CHAPTER 17.82 OF THE MCFARLAND MUNICIPAL CODE ADDING THE HIGHWAY COMMERCIAL (CH) ZONE DISTRICT.

Vote: 5-0

Ayes: Melendez, Gonzalez, Perez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

16. Mayor opened the public hearing at 7:48 pm, Mr. Ron Brummett gave a short presentation. There were no comments. Mayor closed public hearing at 7:54 pm.

Motion by Council Member Melendez, seconded by Council Member Perez, and unanimously carried to introduce Ordinance No. 003-2020 for first reading by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND RECOMMENDING APPROVAL TO THE CITY OF MCFARLAND CITY COUNCIL OF A PRE-ZONING AMENDMENT BY ADOPTING AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE AREA.

Vote: 4-0

Ayes: Melendez, Perez, Gonzalez, Cantu

Nays: None

Absent: None

Abstentions: None

Note: Mayor Pro Tem McFarland stepped out of the Council Chambers at 7:50 pm and was back at 7:57 pm.

DEPARTMENTAL REPORTS

- a. Administration – Mr. Pennell reported that it has been a busy but a very constructive week for the future of the city. He mentioned the staff met with landowners of Annexation 18 and they are all happy with all the work the city has done for the pre zoning, the completion of the packet for LACFO, and the progress with the tax sharing agreement. This represents the future solvency for the city. He reminded council that the city is in desperate financial situation. Staff is currently working in bill tightening like postponing the City Hall and the City Museum and do the best we can with the funds we have.
- b. Finance Department- Mrs. Mosqueda reported that staff will be working on mid-year budget review. The unmet transit needs public hearing will be the first council meeting in March and ask that residents attend to voice their comments.
- c. Public Works Department – Mr. Gonzalez mentioned that the ATP SB1 project is in progress and the road will be open on Tuesday. The next block that the construction will take place is on Perkins, 3rd St, 4th St, 5th St, and Robertson. The streets department will work on replacing the lights that were stolen on Whisler and Elmo.

Mayor Pro Tem McFarland asked when was the sign outside the Veteran’s Hall will be fixed. Mr. Gonzalez said that he is currently working on fixing the software for it.

Council Member Melendez asked when will the streets department be back on working on roads. Mr. Gonzalez hopes to have more help with the new contract that was approved and have staff out working on streets.

ADMINISTRATIVE AGENDA

17. Motion by Council Member Melendez, seconded by Council Member Perez, and unanimously carried to adopt Urgency Ordinance No. 004-2020 adopting Board of Supervisors Ordinance No. G-8866 regarding building codes and building.

Vote: 5-0

Ayes: Melendez, Perez, Gonzalez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

Motion by Council Member Gonzalez, seconded by Council Member Melendez, and unanimously carried to introduce Ordinance No. 005-2020 for first reading by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING ORDINANCE NO. G-886 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA AMENDING CHAPTERS 17.04, 17.06, 17.08, 17.10, 17.12, 17.16, 17.20, 17.24, 17.26, 17.28, 17.32, 17.34, 17.36, 17.40, 17.44, 17.48, AND 17.56 OF TITLE 17 OF THE ORDINANCE CODE OF THE COUNTY OF KERN CONCERNING BUILDING REGULATIONS, RESIDENTIAL CODE, BUILDING CODE, GREEN BUILDING STANDARDS CODE, MECHANICAL CODE, HOUSING CODE, PLUMBING CODE, ELECTRICAL CODE, SEISMIC STRENGTHENING, PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS, GRADING CODE, FIRE CODE, WILDLAND URBAN INTERFACE CODE, DANGEROUS BUILDINGS CODE, BUILDING RELOCATION, MOBILE HOME AND ACCESSORY STRUCTURES, FLOOD PLAIN MANAGEMENT CODE, AND ENERGY CODE AND AMENDING SECTION 1 OF ORDINANCE NOS. 061-2016 AND 062-2016 OF THE CITY OF MCFARLAND AND MCFARLAND MUNICIPAL CODE SECTION 15.04.160.

Vote: 5-0

Ayes: Gonzalez, Melendez, Perez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

18. Motion by Council Member Gonzalez, seconded by Council Member Melendez, and unanimously carried to adopt Resolution No. 2020-006 adopting a written policy for discontinuance of residential water service.

Vote: 5-0

Ayes: Gonzalez, Melendez, Perez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

Motion by Council Member Melendez, seconded by Council Member Gonzalez, and unanimously carried to introduce Ordinance No. 006-2020 for first reading by title only

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING TITLE 13 (PUBLIC SERVICES) OF THE MCFARLAND MUNICIPAL CODE TO ADD A CHAPTER 13.06 REGARDING WATER SERVICE DISCONTINUATION.

Vote: 5-0

Ayes: Melendez, Gonzalez, Perez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

19. Motion by Council Member Gonzalez, seconded by Council Member Melendez, and unanimously carried to approve the agreement with The Lew Edwards Group and Fairbank, Maslin, Maulin, Metz and Associates (FM3) for strategic consulting, planning, communications and engagement services related to customer satisfaction and to conduct a community survey.

Vote: 5-0

Ayes: Gonzalez, Melendez, Perez, McFarland, Cantu

Nays: None

Absent: None

Abstentions: None

ORAL REPORTS FROM CITY COUNCIL ON COMMITTEES

- a. Delano Mosquito Abatement District (DMAD) – None to report.
- b. Kern Council of Governments (KCOG) – None to report.
- c. McFarland Tri-Agency Partners (MTAP) – None to report.
- d. Kern Economic Development Corporation (KEDC) – None to report.
- e. Kern County Association of Cities (KCAC) – None to report.
- f. Poso Creek IRWMP- None to report.

COUNCIL STATEMENTS

Council Member Melendez – Thanked audience because it is important to hear the concerns and thanked them for their input.

Council Member Gonzalez – Thanked the staff for their hard work and the residents of the city and will do our best to serve you.

Mayor Pro Tem McFarland – He stated that there is hope and that's what he heard tonight and knows that god loves the community of McFarland. He prays that god watches over our ears and eyes and especially what we speak.

Council Member Perez – Thanked everyone for being at the meeting and they are taking all concerns into consideration.

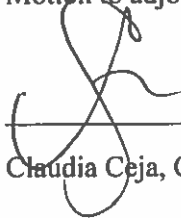
Mayor Cantu – Thanked the community and said that all council members are only interested in what's best for the community.

CLOSED SESSION

1. Motion by Council Member McFarland, seconded by Council Member Perez, and unanimously carried to adopt the the closed session minutes held on January 16, 2020.
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Per Paragraph (1) of subdivision (d) of 54956.9: McFarland v. Community Works Design Group
No Reportable Action
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (1) and (4) of subdivision (e) of Section 54956.9: one potential case.
No Reportable Action

ADJOURNMENT

Motion to adjourn the meeting at 9:15 pm.



Claudia Ceja, City Clerk

