

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

REGULAR MEETING– 6:00 P.M.

PLEASE NOTE: The City of McFarland City Council Chambers complies with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact the City Hall at **(661) 792-3091**, at least one business day prior the meeting so that we may accommodate you.

LOCATION OF MEETING: **McFarland Veterans Community Center
103 W. Sherwood Ave
McFarland, Ca 93250**

DATE/TIME: **March 24, 2016 at 6:00 P.M.**

ROLL CALL: Mayor / Chairman Manuel Cantu Jr.
Mayor Pro Tem / Chairman Stephen McFarland
Council Member / Boardmember Russell Coker
Council Member / Boardmember Vidal Santillano
Council Member / Boardmember Rafael Melendez

REGULAR MEETING: – 6:00 P.M.

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS AND PROCLAMATIONS:

1. R & F Disposal Power Point Presentation

PUBLIC COMMENTS: This portion of the meeting is reserved for persons to address the Council/Board members on any matter not on this agenda but under the jurisdiction of the Council/Board members. Council/Board members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Council/ Board members at a later meeting.

SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION. FIFTEEN MINUTES TOTAL TIME WILL BE ALLOWED FOR ANY ONE SUBJECT.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT:

All items listed as consent items are considered to be routine and noncontroversial by City staff and will be approved by one motion if no member of the City Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the City Council or public to address the concerns of the item before action are taken.

CONSENT CALENDAR:

2. **Approval Of Warrants** – List of warrants in the amount of \$417,120.08 from March 5, 2016 through March 21, 2016.
3. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on March 10, 2016.
4. **Phantom Fireworks Stand and Lease Agreement** – As in the previous years Phantom Fireworks and Gospel Lighthouse Church is requesting permission to use the property located at SWC Sherwood Ave / San Juan St. for their 2016 fireworks season.

Attachment(s):

1. Property Permission Form
2. Phantom Fireworks Lease Agreement.

Recommendation(s): Staff recommends council to approve Property Permission Form, Lease Agreement, as has been done in the previous years and authorize Mayor Cantu to execute the lease agreement.

5. **CMFA PACE Program** –The Council previously approved Resolution No. 2015-0244 in October 22nd, 2015, authorizing California Municipal Finance Authority PACE Program in McFarland. This item is being brought back to the Council for consideration as the Director of Municipal Development overlooked the required Opt In and Joining Resolution as well as the JPA agreement at the time the original Resolution was presented approved in October 22, 2015.

The PACE Program offers low cost financing for the construction of energy savings improvements to residential and business structures. The payment for the

cost of the improvements is added to the property tax bill and participation in the program is voluntary.

Attachment(s): Staff Report, Resolution No. 2016-012, JPA Agreement

Recommendation(s): Staff recommends City Council approve Resolution No. 2016-012 and the JPA Agreement. The City will incur no costs, and no staff time is required for administration or fund of the PACE program.

6. **W. Kern Ave Pedestrian Improvement Change Order #1** –The Public Works Department would like to purchase the size of trees on the West Kern Ave Pedestrian Improvement project from 15 gallons size to 24 gallon size trees.

The change order would keep the trees in uniformed with the 100 block of W. Kern Ave.

Attachment(s): Staff Report, Change Order #1

Recommendation(s): Staff recommends City Council approve Cen-Cal Construction change order #1 in the amount of \$6,728.26.

7. **Installation of Extra Street Lights on E. Perkins Ave** – The Public Works Department would like to have three extra street lights installed on the 400 block of E. Perkins Ave.

The primary purpose of the extra street lighting is to increase the personal safety and security of the public since there are a lot of events going on with youth activities.

Attachment(s): Staff Report, Various Quotes

Recommendation(s): Staff recommends that City Council approve Southern California Edison for the installation of the street lights and energize them in the amount of \$36,081.82 and Californian Professional Engineering for the installation of all the underground work and installation of 3EA pull box and replace sidewalk concrete in the amount of \$19,500.00.

8. **Purchase of New Transit Bus** – The Public Works Department would like to purchase a new transit bus that would be replacing one of the older buses that is requiring repairs and high maintenance.

Attachment(s): Staff Report, Quotes

Recommendation(s): Staff recommends that the City Council approve the purchase of the new transit bus from A &Z Bus Sales in the amount of \$79,702.95.

9. **Freestanding LED Monument Sign** –The Public Works Department would like to purchase a Freestanding LED Monument Sign at would be installed at the McFarland Veterans Community Center.

This would be another way of letting residents and visitors know of any upcoming events in the city.

Attachment(s): Staff Report, Quote from Stewart Signs

Recommendation(s): Staff recommends that the City Council approve the monument installation from Stewart Signs in the amount of \$40,661.00.

10. **Proposition 84 – Resolution Adopting the Labor Compliance Plans** - Proposition 84 requires the body awarding a contract for a public works project financed in any part with Proposition 84 funds to adopt and enforce or contract with a third party to enforce a Labor Compliance Program (LCP) pursuant to the California Labor Code as administered by the California Department of Industrial Relations. An LPC is required to inform contractors about their prevailing wage obligations, review certified payroll reports, monitor compliance and enforce contractors' compliance with California labor and apprenticeship laws for the public works projects

Attachment(s): Resolution No. 2016-013, Labor Compliance Program

Recommendation(s): Staff recommends city council approve the following:

1. Approve a Labor Compliance Program for Proposition 84 funded project; and
2. Authorize the City Manager, or his designee, to act as the Agent of the City on all matters concerning the Garzoli Well Arsenic Removal Treatment System Project.

11. **FY 2015/2016 CalRecycle Beverage Container Recycling City/County Payment Program** - CalRecycle made several changes to the Beverage Container Recycling City/County Payment Program. Some of these are being implemented as a result of findings in a California State Auditor report completed in 2010 and 2014 on the Beverage Container Recycling Program.

The City must submit an approved Resolution from the local governing body, as part of the Funding Request requirement and to receive the annual \$5,000.00 grant.

Attachment(s): Staff Report, Resolution No. 2016-014

Recommendation(s): Staff recommends City Council approve Resolution No. 2016-014.

12. **Award the Contract for the Elmo Hwy and Browning Rd Project** - The City of McFarland wishes to improve the increase the bicycle use along Elmo Highway and Browning Road by installing bike lanes along the shoulder of the existing street.

The City Clerk opened sealed bids on March 4, 2016 at 2:00 pm. The City received five (5) bids which are as follows:

	Base Bid
Burtch Construction	\$165,694.10
DOD Construction	\$188,720.00
Griffith Construction	\$206,323.00
Granite Construction	\$235,145.00
MAC General Engineering	\$249,314.00

City staff, with assistance from Quad Knopf (Designer) has reviewed and qualified the lowest bidder, Burtch Construction. The City is allowing forty-five (45) working days to complete construction.

Attachment(s): Staff Report, Bid Summary, Project Map

Recommendation(s): Staff recommends City Council award the agreement to Burtch Construction in the amount of \$165,964.10 and authorize the Mayor to execute the agreement.

13. **Agreement with Quad Knopf for the Design of the Frontage Road Streetscape Project.** - The City of McFarland received a surplus allocation of \$298,886.00 from Caltrans through the Regional Surface Transportation Program (RSTP). This is surplus money that the City was awarded because of the City's ability to advance the 200 block of W. Kern Avenue Streetscape project

The proposed agreement is for the design portion of the project. The total allocation for the Preliminary Engineering and Design is 33,625.00 of which \$29,556.00 is Federal funds and \$4,069.00 will be local funds. Staff negotiated the price at \$33,500.00.

Attachment(s): Staff Report, Project Limits Map

Recommendation(s): Staff recommends City Council award the agreement to Quad Knopf in the amount of \$33,500.00 for the design of the Frontage Road Streetscape Project and authorize the Mayor to execute the agreement.

END OF CONSENT CALENDER

PUBLIC HEARING

Mayor Cantu to open the public hearing and take public comments, if any, Mayor to close public hearing.

14. **Zoning Ordinance Text Amendment 2016-01** - The City has been approached by the Kern County Public Health Department regarding the City of McFarland adopting certain Kern County Ordinances. This proposed ordinance will add Section 8.40 Food Safety Education to the McFarland Municipal Code. The purpose of this ordinance is to establish standards for the requirement of individuals to attend Food Safety Education courses and to pass a competency examination when found to have a posed to the risk and safety of the community.

Attachment(s): Ordinance No. 049-2016

Recommendation(s): Staff recommends that the City Council approve the second and final reading of Ordinance No. 049-2016 by title only.

15. **Zoning Ordinance Text Amendment 2016-02** - The City has been approached by the Kern County Public Health Department regarding the City of McFarland adopting certain Kern County Ordinances. This proposed ordinance will amend Section 8.34 Tobacco Retailers Permit of the McFarland Municipal Code. The purpose of this Chapter is to prohibit any person from acting as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer's permit and to set forth the terms and conditions of obtaining the permit.

Attachment(s): Ordinance No. 050-2016

Recommendation(s): Staff recommends that the City Council approve the second and final reading of Ordinance No. 050-2016 by title only.

16. **Zoning Ordinance Text Amendment 2016-03** - The City has been approached by the Kern County Public Health Department regarding the City of McFarland adopting certain Kern County Ordinances. This proposed ordinance will add Section 9.16 Psychoactive Bath Salts, Psychoactive Herbal Incense (SPICE), and Other Synthetic Drugs of the McFarland Municipal Code. The purpose and intent of this Chapter is to protect the public health and safety within the County of Kern from the dangers and ill effects of all synthetic drugs by declaring certain activities involving synthetic drugs to be a public nuisance and subject to all available civil remedies and, to provide the County of Kern with reasonable measures to address the dangers to the community posed by synthetic drugs that are not regulated by State or Federal law.

Attachment(s): Ordinance No. 051-2016

Recommendation(s): Staff recommends that the City Council approve the second and final reading of Ordinance No. 051-2016 by title only.

17. Monthly staff report to the City Council

- a. Administration
- b. Planning Department
- c. Public Works Department

ADMINISTRATIVE MATTERS:

18. **Electronic Mail Management and Retention Policy** - Electronic mail (“e-mail”) generates correspondence and other documentation which may be recognized as Official City Records in need of retention in accordance with the California Public Records Act (Gov. Code §§ 6250-6277). Although the use of City e-mail is considered official City business, the e-mail system is intended as a medium of communication. Therefore, the City’s e-mail system should not be used for the electronic storage or maintenance of documentation, including, but not limited to, Official City Records.

Attachment(s): Staff Report, Electronic Mail Management and Retention Policy

Recommendation(s): Staff recommends that the City Council approve the Electronic Mail Management and Retention Policy.

19. **Report and Discussion and possible approval of donating to the First Annual McFarland USA ½ Marathon** - On May 1, 2016 the City of McFarland will have its first annual McFarland USA ½ Marathon. It is anticipated that this event will grow and continue for years to come. A few others businesses donating to the marathon is GEO, Citizen Bank and McDonalds. This marathon will benefit the city by promoting the New McFarland. Businesses will benefit with the large number of people shopping in our local stores and eating in our local restaurants. This event is an excellent way to continue the branding campaign for McFarland.

Attachment(s): Staff Report, Marathon Flyer

Recommendation(s): Staff recommends that the City Council approves donating \$3000.00 to the First Annual McFarland USA ½ Marathon.

Mayor Cantu please close city council meeting and open the McFarland Improvement Authority Meeting.

20. **Resolution No. 2016-001-IA** - At the request of the City, the Authority sold a portion of the real property comprising the Project, being more particularly described as: 162 W. Kern Avenue (APN 200-140-10) and 146 W. Kern Avenue (APN 200-140-06). The Authority desires to release its rights, title and interest in the Project, including that certain real property more particularly described as 361 W. Kern Avenue (APN 200-170-01) and sales proceeds for the Sold Property.

Attachment(s): Staff Report, Resolution No. 2016-001-IA

Recommendation(s): Staff recommends that the McFarland Improvement Authority Board approve Resolution No. 2016-001-IA, providing for the transfer of its interests in certain real property to the City of McFarland.

Chairman Cantu please close the McFarland Improvement Authority meeting and reconvene to the City Council meeting.

21. **Resolution No. 2016-015** – The City desires to accept from the Improvement Authority the conveyance of that certain real property described as 361 W. Kern Ave (APN 200-170-01) and sales proceeds from the sold property described as 162 W. Kern Ave (200-140-10 and 146 W. Kern Ave (APN 200-140-06).

Attachment(s): Staff Report, Resolution No. 2016-015

Recommendation(s): Staff recommends the approve its Resolution No. 2016-015 authorizing acceptance from the McFarland Improvement Authority of a quitclaim deed conveying interest in certain real property and accepting the proceeds from the sale of other certain real property.

22. **Audited Financial Statements** - Report and Discussion and Possible Approval, RE: The Audited Financial Statements for the period ending June 30, 2015 for City of McFarland.

Mark and/or Chris Albert from Albert & Associates, LLP will be presenting the Audited Financial Statements.

Attachment(s): Staff Report, Audited Financial Statements

Recommendation(s): Staff recommends that the city Council accepts the City of McFarland's Audited Financial Statements for the period ending June 30, 2015.

Correspondence

23. **Invitation:** Memorial Day Ceremony on Saturday, May 28, 2016 at the Bakersfield National Cemetery

Oral Reports from City Council on Committee / Special District Meetings

Delano Mosquito Abatement District (DMAD) – Councilmember Coker

Kern County Association of Cities (KCAC) – (Vice-President) – Councilmember Melendez

Kern Council of Governments (KCOG) – Mayor Cantu or Alternate Member Mayor Pro-Tem McFarland

McFarland Tri-Agency Partners (MTAP): Mayor Cantu or Alternate Member Councilmember Santillano

Kern Economics Development Corp. (KEDC) – Mr. John Wooner, City Manager

MAYOR AND COUNCIL MEMBERS STATEMENTS:

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 factual information. Or request staff to report back 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. Conference with legal counsel regarding potential litigation over improvements to Garzoli Avenue pursuant to Government Code Section 54956.9(d), (2).

ADJOURNMENT