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: **July 28, 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. Proclamation: Valley Fever Awareness Month August 2016

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.

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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.

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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 $974,606.74 from July 9, 2016 through July 21, 2016.

3. **Approval of Minutes of Regular And / Or Special Council Meeting –** held on July 14, 2016.

4. **Notice of Completion – Garzoli Ave and Elmo Hwy Overlay Project** – This is a notice of completion for the work under contract with Burtch Construction for the Garzoli Ave and Elmo Hwy Overlay Project.

The City Council awarded the contract on April 16, 2016 and construction was completed on July 7, 2016, and the completed work substantially conforms to the plans and specifications.

Attachment(s): Notice of Completion

Recommendation(s): Staff recommends the City Council accept the completed work by the contractor, Burtch Construction, and authorize Mayor Cantu to sign the Notice of Completion and the City Clerk to file the Notice of Completion with the Kern County Recorder. Staff further recommends the release of the 5% retention to the Contractor after 35 days pending claims or liens filed during this period.

5. **Notice of Completion – W. Kern Ave Pedestrian Improvement Project** – This is a notice of completion for the work under contract with Cen-Cal Construction for the W. Kern Ave Pedestrian Project.

The City Council awarded the contract on October 22, 2015 and construction was completed on July 7, 2016, and the completed work substantially conforms to the plans and specifications.

Attachment(s): Notice of Completion

Recommendation(s): Staff recommends the City Council accept the completed work by the contractor, Cen-Cal Construction, and authorize Mayor Cantu to sign the Notice of Completion and the City Clerk to file the Notice of Completion with the Kern County Recorder. Staff further recommends the release of the 5% retention to the Contractor after 35 days pending claims or liens filed during this period.

6. **Purchase of Lids for Refuse and Green Waste Containers** – The City has exhausted its current supply of lids, and the Refuse Department needs to order one hundred lids to replace damaged lids on customers' refuse and green waste containers.

   Attachment(s): Staff report**,** Toter Quote

   Recommended Action(s): Staff recommends the City Council approve the purchase of one hundred refuse and green waste lids from Toter in the amount of $2,148.45.

7. **Browning Road Water Well** – The deep well pump assembly for the Browning Road well is currently installed at an approximate depth of 460-ft. Pumping water levels have declined as a result of the prolonged drought conditions and it is therefore recommended that the pump assembly be lowered 100-ft to an approximate depth of 560-ft.

   Bakersfield Well & Pump Company provided a quote for this work in the amount of twenty thousand seven hundred and fifty dollars - $20,750.00. This work is planned to be performed in between the hours of 10:00 pm at night and 6:00 am the following day in order to limit the well downtime to periods of lowest system demand.

   Attachment(s): Staff report**,** Quote from Bakersfield Well & Pump Co.

   Recommended Action(s): Staff recommends that the proposed Browning Road Well pump work be awarded to Bakersfield Well & Pump Company in the amount of $20,750.00.

8. **Report and Introduction of an Ordinance amending Ordinance No's 120, 238 and 241 and McFarland Municipal Code Section 8.12.020(A) regarding recycling and solid waste services.** - The proposed ordinance is for R & F Disposal to be able to charge a fee to the residents that their recycling and green

waste container have some sort of contamination. The public hearing for the proposed ordinance will be held on Thursday, August 25, 2016.

Attachment(s): Staff report**,** Proposed Ordinance 055-2016

Recommended Action(s): Staff recommends the City Council introduce and waive the first reading of Ordinance No. 055-2016.

9. **Release of Memorandum of Option**-When the City entered into a purchase and sale agreement with Halferty Development Company to purchase the property for the Rite Aid and construction of the building, the City included an option to repurchase the property if Halferty Development Company failed to construct the building on the timeline provided in the agreement. This included commencement of construction within 6 months after the close of escrow and receipt of a certificate of occupancy for the building no later than 12 months following the close of escrow. The City recorded a memorandum of the option against the title to the property to insure that the City's option was enforceable. Escrow closed on or about February 24, 2016 and the construction is now completed well ahead of the time frames. Before Rite Aid can take over the property and begin its lease with Halferty, the memorandum of option which encumbers the title must be removed. The City agreed to do so if construction was completed pursuant to the time frames.

Attachment(s): Quitclaim Deed

Recommended Action(s): Approve Quitclaim Deed to release the Memorandum of Option as an encumbrance on the property.

END OF CONSENT CALENDER

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PUBLIC HEARING

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

10. **McFarland Partners Third Amendment** –The proposed Third Amendment to the Amended and Restated Development Agreement will modify the existing Amended and Restated Development Agreement in three (3) ways. The first involves the requires a modification to the improvements along Elmo Hwy and Garzoli Avenue, the second involves the payment of sewer impact fees in the amount of $2,512.82 per lot, that were not previously collected and the third is to exempt the developer from installing mow strips and street trees on local streets located in the subdivision

Attachment(s): Staff Report, Ordinance No. 054-2016

Recommendation(s): Staff recommends that the City Council approve the Third Amendment to the Amended and Restated Development Agreement between the City of McFarland, McFarland Partners, LLC and Diversified Central Development, LLC.

11. Monthly staff report to the City Council

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

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ADMINISTRATIVE MATTERS:

12. **Report and informational item regarding an amendment to City of McFarland's Sphere of Influence.** The City Council of the City of McFarland has expressed a desire to expand the existing Sphere of Influence by 7,700 acres. This Sphere expansion will be focused on expansion to the east, south and west. As required by California Government Code Section 56425(b) the City has met with representatives of Kern County to discuss the proposed new boundaries. Based on this preliminary discussion it appears that there are three (3) main items that need to be addressed. The first is water availability, the second is the need to for the Sphere expansion and the third is the ability of the City to provide services to these areas upon annexation to the City of McFarland. As the project progresses, City staff will continue to meet with Kern County to resolve any potential issues.

Attachment(s): Staff Report, Proposal Map

Recommendation(s): Information Only.

13. **Urgency Ordinance for purchase of recycled products--**In order to demonstrate support for the purchase of recycled and environmentally preferred products and be consistent with the requirements of Assembly Bill 939, requiring a 50% reduction of material going to landfills the city must have a policy to give preference to using recycled products by August 8, 2016. This will require that the council adopt an urgency ordinance amending its purchasing ordinance to allow for this and then adopt such a policy. The proposed ordinance and policy will allow for the City and its employees to give preference in purchasing environmentally preferable products if they are reasonably available and at reasonably competitive prices. By adopting a policy for recycled products the City will also qualify for additional grant funding that will assist in the efforts of AB939.

Attachment(s): Urgency Ordinance No. 056-2016, Resolution Establishing Environmentally Preferable Purchasing and Practices Policy

Recommendation(s): (1) Adopt urgency ordinance; and (2) adopt resolution approving an environmentally preferable purchasing and practices policy.

Correspondence

None

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

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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. Approval of the July 14, 2016 closed session minutes.

2. Conference with legal counsel re possible initiation of litigation per Government Code Section 54956.9(d) (4).

ADJOURNMENT