

**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: **November 10, 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:

None

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:

1. **Approval Of Warrants** – List of warrants in the amount of \$ 1,725,944.55 from October 8, 2016 through November 7, 2016 and the pre-issued payroll in the amount of \$147,695.03 for October, 2016.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on October 13, 2016.
3. **Notice of Completion – Davis Ave Monument Sign Project** – This is a notice of completion for the work under contract with Ken Smith Construction for the Davis Ave Monument Sign Project.

The City Council awarded the contract on April 28, 2016 and construction was completed on September 19, 2016, and the completed work substantially conforms to the plans and specifications.

Attachment(s): Staff Report, Notice of Completion

Recommendation(s): Staff recommends the City Council accept the completed work by the contractor, Ken Smith 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.

4. **Kern Avenue SR25 Connectivity Project (ATP Cycle 2)** - Kern Avenue SR25 Connectivity Project (ATP Cycle 2) is a State only funded project under the Active Transportation Program.

The preliminary engineering phase will require a topographic survey of the various project areas to design the project components. The City of McFarland Public Works Department issued a request for proposal for the topographic survey in compliance with the requirements of the California Public Contract Code and Caltrans LAPM Chapter 10.

The City of McFarland Public Works Department received four (4) proposals from surveying firms for evaluation based on the criteria specified in the Request for Proposal. The evaluation team conducted deliberation on November 2, 2016 and selected the highest ranked survey firm Cannon to perform the topographic survey.

Attachment(s): Staff Report, four (4) proposals

Recommendation(s): Staff recommends that the City Council approve the proposal from Cannon for the Topographic Survey of various areas in the City of McFarland in the amount of \$9,705.00.

5. **McFarland WWTP Sinkhole** –A sinkhole was reported by Mr. Johnny Pruneda, the farmer who is currently leasing the farm land owned by the City. The sinkhole is located on the southwest of Melcher Rd and Elmo Hwy.

The WWTP Department is requesting for the authorization to contract Pruneda Farms Custom Farming to backfill and compact fissure with native dirt as needed. The dirt will be provided by the City.

Wastewater has estimated it would be \$11,485.91 if wastewater performed work, versus contracting out for \$12,000.00.

Attachment(s): Staff Report, Quotes

Recommendation(s): Staff recommends the City Council approve to contract with Pruneda Farms Custom Farming in the amount of \$12,000.00 to backfill and compact the dirt into the sinkhole at the Wastewater Treatment Plant.

6. **Report and possible approval of an Amendment to the Agreement with Michael Baker International** – for work on the City of McFarland South McFarland General Plan Amendment.

During the comment period for the So. McFarland GPA Update and Environmental Impact Report (EIR) the Kern County Planning and Natural Resources Department provided a letter with several comments that will need to be addressed. This comments include the City's entitlement process, the City's ability to provide water to the service area, the on-going Fire Department issue and the determination that the City be required to prepare a more detailed EIR, instead of the proposed Program Level EIR report that was prepared for the project.

Attachment(s): Staff Report, Michael Baker International Proposal

Recommendation(s): Staff recommends the City Council approve the amendment to the agreement with Michael Baker International in the amount of \$78,730.00 for additional work on the South McFarland General Plan Amendment.

7. **Notice of Completion –Tract 6416, Phases 3 through 8** - The improvements included in the attached Notice of Completions were completed by VDC, LLC as a part of Tract 6416. These improvements were included in the Amended and Re-stated Development Agreement, Kern County Recorder's Document # 0211023381.

Attachment(s): Staff Report, Notices of Completion

Recommendation(s): Staff recommends that the City Council accept the completed work by the contractor, VDC LLC, and authorize the City Clerk to file the Notice of Completion with the Kern County Recorder's Office after City Manager signs the notice.

8. **Report and approval of an agreement with Provost and Pritchard for work on the City of McFarland's Sphere of Influence expansion.** - The City of McFarland is proposing to expand the City's Sphere of Influence (SOI) by approximately 7,000 acres. The current SOI is Whisler Rd. to the south, Driver Rd. to the east, Peterson Rd. to the north and Stradley Ave. to the west. The proposed SOI expansion will go to Phillips Rd. to the south, Zachary Ave. to the east and Melcher Rd. to the west. The northern SOI boundary cannot be changed because it is the common boundary with the Delano SOI.

Attachment(s): Staff Report, Provost and Pritchard Proposal, Sphere of Influence Map.

Recommendation(s): Staff recommends that the City Council approve the agreement (subject to review and approval by the City Attorney) with Provost and Pritchard in the amount of \$42,050.00 for additional work on the South McFarland General Plan Amendment.

9. **Report and adoption of the City of McFarland Local Hazard Mitigation Plan**
On April 20, 2011, the City Council authorized the City Manager to apply for funding through the 2008 Disaster Recovery Initiative (DRI) Grant to update the City of McFarland General Plan Safety Element and prepare a Local Hazard Mitigation Plan (LHMP). The City was successful in securing grant funding in the amount of \$245,000.00 for Planning Studies. This \$245,000.00 was used to prepare the City of McFarland Safety Element, Local Hazard Mitigation Plan and the Storm Drain Master Plan.

Upon completion of the Draft LHMP, it was made available for public review for a period of 30 days. The Draft LHMP was submitted to the California Office of Emergency Services (Cal OES) and Federal Emergency Management Agency (FEMA) for review and approval. On October 14, 2016, the City received notice of approval from FEMA pending the formal adoption of the plan by the City Council.

Attachment(s): Staff Report, Resolution, FEMA Letter, LHMP

Recommendation(s): Staff recommends that the City Council approve the Local Hazard Mitigation Plan.

END OF CONSENT CALENDER

PUBLIC HEARING

None

10. Monthly staff report to the City Council

- a. Administration
- b. Police Department
- c. Grant Department
- d. Finance Department

ADMINISTRATIVE MATTERS:

- 11. Solar Facilities at Browning Rd Well Site** – Staff requested Solar Bids for the Browning Road Well Site from Cenergy, Solar City and Pav Solar. The only company that submitted a bid was Pav Solar.

The solar project calls for carport solar panels to be placed in the two acre parking lot next to the well and park. The solar system size will be 714 kW and is estimated to reduce the power costs by 90%. In addition, Pav Solar will use the highest rated solar panels available in today's market "Sun Power Panels". In the attachments you see reports and charts explaining the equipment, facilities and cost.

The objective is to obtain financing for the project that cost less than the 90% power cost savings. This would be considered positive cash flow. Positive cash flow would help in the ability to keep water rates low or at the very least reduce rate increases in the future. Staff will work with our financial advisor to locate the best

possible financing available to achieve positive cash flow. The city would only move forward on this project if positive cash flow financing was obtained.

Attachment(s): Staff Report, Proposal, Sun Power Performance Series, and Drawing of Photovoltaic Energy System.

Recommendation(s): Staff is requesting that City Council approve the Pav Solar for construction of Solar Panels at the Browning Road Well, as long as, there is positive net cash flow between financing and utility savings.

12. **Report and Discussion and possible approval of 9/80 Work Schedule** - In a continued effort to improve the employee benefit package and stay competitive against other cities, staff researched the 9/80 work schedule. A 9/80 work schedule means that an employee works nine days over a two-week period rather than the traditional 10. Specific schedules may vary by employer, but a common 9/80 format is four nine-hour days each week, with alternating eight-hour Fridays and "free day" Fridays.

Administration conducted a 9/80 survey with all staff except the Police Department. The Police Department was excluded from the survey because the Police Department has its own flex schedule. The survey came back as 66% in favor of switch to a 9/80 work schedule.

Administration believes that a 9/80 work schedule would improve the Cities benefit package and improve the ability of the city to compete against other cities that have already implemented the 9/80 pay schedule.

Attachment(s): Staff Report, Survey summary

Recommendation(s): Staff is requesting that City Council approve the 9/80 work schedule to begin the first full payroll cycle in January 2017.

13. **Proposition 64 (Marijuana)** - Proposition 64 legalizes use and sale of recreational marijuana. It will allow the commercial sales of marijuana subject to issuance of a license by the state. The state must begin issuing licenses by January 1, 2018 but no license will be issued for commercial sales within cities which have prohibited commercial sale of marijuana. Proposition 64 also allows industrial hemp to be grown as an agricultural product. Cities may prohibit or regulate the commercial sales of marijuana and the outdoor cultivation of marijuana, and regulate indoor and outdoor cultivation. The City's special counsel, Richards Watson and Gershon, have drafted an urgency ordinance which gives the City 45 days initially and up to 2 years if necessary to determine how best to proceed and to adopt an appropriate ordinance. This ordinance, if adopted, would temporarily ban commercial sales of marijuana and outdoor cultivation of marijuana.

Attachment(s): Interim Urgency Ordinance.

Recommended Action(s): Adopt Interim Urgency Ordinance temporarily banning commercial sales of marijuana and outdoor cultivation of marijuana.

14. **Report and Discussion and possible approval to share cost of a point study (feasibility study) with a potential national vendor.** The City of McFarland is working with another national vendor, as well as City staff has been working with Caltrans to obtain approval for the site behind NAPA Auto Parts. Caltrans has approved the site.

The national vendor has stores in Delano and in Wasco, which have filed a petition with the vendor's corporate office to perform a "Point Study" (Feasibility Study) at a cost of \$18,000. This study will determine if constructing a store in McFarland would result in reduced income streams for the Stores in Delano and Wasco. If it is determined that the income streams are reduced 10% or less the McFarland Store can be built, and the fees for the study will be charged to the Delano and Wasco stores, essentially the City and McFarland National vendor will be reimbursed for the fees.

Attachment(s): Staff Report

Recommended Action(s): Staff recommends that City Council approve sharing the cost of a point study (feasibility study) with a potential national vendor.

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

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 Garcia and Ortiz v. City of McFarland per Government Code Section 54956.9(d) (1).
2. Conference with legal counsel regarding potential litigation per Government Code Section 54956.9(d)(2), (e)(2).

ADJOURNMENT