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

**SPECIAL 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:** **December 20, 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.**

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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:**

**1.** **Approval of Warrants** – List of warrants in the amount of $789,018.27 from December 6, 2016 through December 16, 2016.

**2.** **Approval of Minutes of Regular And / Or Special Council Meeting** – held on December 8, 2016.

**3.** **KaBoom Park Bus Shelter**- The proposed new bus shelter will be located adjacent to the existing Kaboom Park and the proposed Community Garden on the north side, and to the future transit station on the south side. The proposed bus shelter will incorporate the design ideas and comments received from the public workshop conducted specifically for the kids.

City Staff solicited price quotes from several manufacturers for the supply and on-site installation of the preferred structure, excluding works involved in concrete pad construction. The city received three proposals. With the lowest proposal being Amish Country Gazebo.

**Attachment(s):** Staff Report, three (3) proposals

**Recommendation(s):** Staff recommends the City Council approve Amish Country Gazebo proposal for the bus shelter supply and installation with a required 50% deposit at the time of installation ($7,793.60) and the remaining to be paid after final inspection and acceptance of the project by the City Council. Total amount for the project is $15,587.20.

**4.** **Adoption of Uniform Codes** - Every three (3) years, the Uniform Building Codes are updated and it is important for each County and City to incorporate these updated codes. The City adopts the updated codes by adopting the form of update adopted by the Board of Supervisors. The Board of Supervisors adopted the 2016 updated codes on November 15, 2016 to be effective on January 1, 2017. The City just recently learned of the adoption. In order for the City to adopt the updated codes to be effective by January 1, 2017, the City must do so by an Urgency Ordinance. It is also recommended that the City adopt the ordinance in the normal fashion as a backup in the event there were any challenges to the Urgency Ordinance.

**Attachment(s):** Ordinance No. 061-2016, Urgency Ordinance No. 062-2016

**Recommendation(s)**: - Introduce Ordinance No. 061-2016 by title only; adopt Urgency Ordinance No. 062-2016 by title only (4 votes are required).

5. **Award Contract for the Frontage Road Streetscape Improvement Project** – The City of McFarland wishes to improve the historic downtown areas by installing streetscape amenities that include new curb, gutter, sidewalk, landscaping and street lights.

The City Clerk opened sealed bids on December 13, 2016 at 2:15 pm. The City received four (4) bids which are as follows:

| | Base Bid |
|---|---|
| JTS Construction | $240,750.00 |
| Cen-Cal Construction | $264,068.00 |
| Granite Construction | $345,782.00 |
| DOD Construction | $362,080.00 |

City staff, with assistance from QK (Engineer) has reviewed and analyzed all bids received. The lowest bidder, JTS Construction, did not sign and submit the Addendum No. 1 as specified in the Contract. The total based bid was incorrectly summed up. The second lowest bidder, Cen-Cal Construction, submitted all required items in the bid package as specified in the Contract, and qualified as the lowest responsible bidder. The City is allowing thirty (30) working days to complete the construction.

**Attachment(s):** Staff Report, Agreement, Bid Summary, Site Plan

**Recommendation(s)**: Staff recommends the City Council award the contract to Cen-Cal Construction in the amount of $264,068.00 and authorize the Mayor to execute the agreement.

6. **Formation of McFarland USA Foundation** - The City of McFarland is proposing creating "McFarland USA Foundation", a 501 (c) (3) Public Charity. The mission of McFarland USA Foundation will be to strengthen and sustain the well-being of McFarland's people and places through providing financial,

volunteer resources and advocacy for Animal Welfare, Parks and Community Programs in McFarland.

**Attachment(s):** Staff Report

**Recommendation(s):** Staff recommends the City Council authorize the formation of McFarland USA Foundation by our attorneys, LeBeau Thelen.

**END OF CONSENT CALENDER**

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**CONTINUED PUBLIC HEARING**

**7.** **Browning Road Well Solar Project**--At a previous meeting you approved the solar project for the Browning Road Well by Pavletich Electric & Communications, Inc. (PECI) provided there is positive cash flow between financing and utility savings such that the financing will cost less than the utility savings the city will receive from the project. The city has scheduled a public hearing on the PECI agreement attached. The city does not have to publically bid out the project provided the city can make findings to the effect that the anticipated cost to the city for the project under the contract will be less than the anticipated cost to the city of electrical energy that would have been consumed by the city without the project. The city manager hopes to have information on the financing by the time of the public hearing to give to the council to be able to make this finding.

**Attachment(s)**: PAV Solar Agreement, Resolution 2016-056

**Recommendation(s)**: Adopt resolution making findings and approving PAV Solar Agreement.

**PUBLIC HEARING**

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

**8.** **Nonmedical Marijuana**--At a previous meeting you approved an interim urgency ordinance prohibiting commercial sales of nonmedical marijuana as well as outside cultivation of it. The ordinance is scheduled to expire on Christmas day but can be extended for an additional 10 months and 15 days to allow staff more time to determine the best course of action to recommend to the city council. In order to extend the ordinance you must adopt a report describing what has been done since the ordinance was adopted and then adopt the extension of the ordinance.

**Attachment(s):** Section 65858 report; Urgency Ordinance Extending Interim Ordinance

**Recommendation(s)**: Adopt Section 65858 report and Interim Urgency Ordinance of the City of McFarland Extending the Term of Interim Ordinance No. 059-2016, Enacted Pursuant to Government Code Section 65858, Establishing a Moratorium on All Commercial Non-Medical Marijuana Activity in the City, Prohibiting All Outdoor Marijuana Cultivation On Private Residences, and Declaring the Urgency thereof (4 votes are required).

**9.** **Zone Change 2016-02** – A proposal to amend the City of McFarland's Zoning Map for Assessor's Parcel Number's 201-010-04, 201-010-43 and 201-010-44, was introduced at the December 8, 2016.

The approximate 36 acre project site is bounded on the east by Kendrea Street, north by Elmo Hwy, the west by Garzoli Ave and the south by Hail Lane.

**Attachment(s):** Staff Report, Ordinance No. 060-2016.

**Recommendation(s):** Staff recommends the City Council introduce Zone Change 2016-02 and schedule a public hearing for January 12, 2017

**10.** Monthly staff report to the City Council

a. Administration
b. Police Department
c. Finance Department

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**ADMINISTRATIVE MATTERS:**

**11.** **Underwriting Services for Bond Issuance** - The City will be analyzing whether or not to fund the Browning Road Well Solar Project and to refinance the 2010 A Revenue Bonds. This analysis requires a report from an underwriter or placement agent to determine the City's capacity to issue the bonds and to do the refinancing. Stifel Nicolaus and Company, Inc., is an underwriting service that the City has used in the past. It has made a proposal to the City to conduct the foregoing feasibility study. The engagement letter is non-binding and the City will not be responsible for Stifel's costs or fees should the City decide not to issue the bonds or not to utilize Stifel's services as underwriter when the bonds are issued. The City can terminate this Agreement at any time.

**Attachment(s):** Stifel Engagement Letter

**Recommendation(s):** Staff recommends that the City Council approve the Stifel engagement letter.

**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. Conference regarding claim filed by Freddy Ramirez per Government Code Section 54956.9(d) (2).

2. Conference re possible initiation of litigation pursuant to Government Code Section 54956.9(d) (4).

**ADJOURNMENT**