

**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: **January 26, 2017 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 \$ 384,819.43 from January 6, 2017 through January 23, 2017.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on January 12, 2017.
3. **Medical Marijuana** – Effective January 1, 2016, the “Medical Marijuana Regulation and Safety Act” went into effect which allowed local governments to enact ordinances prohibiting marijuana cultivation, processing, delivery, and medical marijuana dispensaries. A city with “permissive” zoning is deemed to have prohibited these activities without further action. McFarland’s zoning ordinance arguably is permissive and therefore prohibits these activities. However, the law could change to remove the ability to terminate these activities through “permissive” zoning and so the City should prohibit them out right by ordinance. The attached ordinances prohibit medical marijuana dispensaries, cooperatives, and collectives as well as mobile delivery and cultivation and the processing of marijuana. One is an Urgency Ordinance to take effect immediately. The other is a backup ordinance in the event the Urgency Ordinance is deemed invalid.

Attachment(s): Urgency Ordinance No. 063-2017, Ordinance No. 064-2017

Recommendation(s): Staff recommends city council adopt the Urgency Ordinance by title only to become effective immediately; and introduce Ordinance No. 064-2017.

4. **Notice of Completion –Masonry Wall Concrete Improvement Project** – This is a notice of completion for the work under contract agreement with DOD Construction. The City desired to rehabilitate Water Well #6 Site with new retaining wall, new sidewalk and retrofit drive approaches as well a new concrete block walls and a new gate at Well #2.

City Council approved this project and contract on July 14, 2016 in the amount of \$299,935.00.

Attachment(s): Staff Report, Notice of Completion

Recommendation(s): Staff recommends that the City Council accept the completed work by the contractor, DOD Construction and requests authorization for the City Clerk to file the Notice of Completion with the Kern County Recorder Office.

5. **2016 HOME Investment Partnerships Program (HOME)** - The Department of Housing and Community Development issued a Notice of Funding Availability for HOME Program. Eligible program activities are: First-Time Homebuyer Program, (FTBH) Owner-Occupied Rehabilitation Program (OOR) and Tenant-Based Rental Assistance (TBRA).

The City of McFarland does not have an open HOME Contract; therefore, may only apply for up \$500,000.00. Currently, the City has OOR Funds available and a waitlist for the FTHB Program; thus, the Grants Department is recommending all funds be allocated for the First-Time Homebuyer (FTBH) Acquisition- Only Down Payment Assistance. The City of McFarland does not have the staff capacity or program policies/procedures to implement TBRA.

Attachment(s): Staff Report, Resolution No. 2017-004

Recommendation(s): Staff recommends that the City Council authorize City Manager to sign application, approve submission of application and adopt Resolution No. 2017-004.

6. **Memorandum of Understanding with CHP** – The California Highway Patrol (CHP) Area Commander, Ron Seldon would like us to sign the yearly agreement for 2017. Council reviewed and Mayor Cantu signed the 2016 yearly agreement approximately one year ago with the Area Commander Sheldon. The CHP has statewide jurisdiction. At times, the CHP makes various traffic stops on Highway 99 and other areas within our jurisdiction. This agreement allows McFarland Police Department and the CHP to negotiate an equitable share of asset forfeiture proceeds to reflect the proportionate contribution of each agency participating in the seizure.

Attachment(s): Staff Report, Memorandum of Understanding with CHP

Recommendation(s): Staff recommends city council approve the Memorandum of Understanding with the CHP- Originated Drug Investigations and authorize Mayor Cantu to sign the agreement.

7. **Retirement of Police Department K-9 Ringo** – Our K-9, Ringo was seen by the veterinarian that the MPD use, Dr. Richard Stout, due to recent problems with his hind legs. Dr. Stout determined that Ringo most likely has a neurological condition that German Shepherds can get call Myelopathy. Dr. Stout recommended, not only for Ringo, but for the protection of the officers, that it is best to retire Ringo. Staff took Ringo out of service (off-duty) on January 13, 2017, after learning this information from Dr. Stout.

Attachment(s): Staff Report, Letter from Dr. Stout, Agreement to Purchase Ringo by Sgt. Jerrod Place.

Recommendation(s): Staff recommends that the City Council immediately retire K-9 Ringo from service from the MPD, approve Sgt. Jerrod Place to purchase Ringo who is the K-9 handler, and approve and authorize Mayor Cantu and Sergeant Jerrod Place sign written agreement releasing the City of McFarland of any and all responsibility, care, claims, and liability for Ringo.

8. **K-9 Grant with K9S4COPS** – With K-9 Ringo's retirement, the Police Department has an immediate need for another Police K-9 service dog for patrol purposes, the safety of the officers and community. The grant from K9S4COPS funds the training prior to granting the K-9 and the purchase price of the Police K-9 dog. The MPD is responsible for any subsequent training, care, shelter, maintenance and liability associated with the K-9.

Attachment(s): Staff Report, K9S4COPS Grant Agreement

Recommendation(s): Staff recommends the MPD apply for a grant for a new K-9 service dog through K9S4COPS and authorize Mayor Cantu to sign the grant agreement.

9. **K-9 Vehicle Conversion of the MPD 2013 Dodge Charger** – The Ford Crown Victoria K-9 vehicle which is currently used is a 2006 with approximately 150,000 miles. The maintenance cost involved are increasing and becoming problematic. The K-9 vehicle must be reliable and maintenance costs should be kept to a minimum. Staff requested a quote from Code 3 for the conversion of the MPD 2013 Dodge Charger.

Attachment(s): Staff Report, Quote from Code 3

Recommendation(s): Staff recommends city council review the quote and approve the conversion of one of the current low mileage 2013 Dodge Charger in the amount of \$8,962.03.

10. **Administrative Hearing-Municipal Code Section 1.14.020** - Section 1.14 Administrative Citations - of the McFarland Municipal Code addresses the City's policies on enforcing compliance with City Ordinances through the issuance of Administrative Citations. Currently, Section 1.14 allows for citizens to appeal the issuance of an Administrative Citation before a City appointed Hearing Officer. Currently there is no hearing officer identified in the City of McFarland Municipal Code and this amendment will assign the Hearing Officer duties to the Chief of Police or his or her designee.

Attachment(s): Staff Report, Ordinance 065-2017

Recommendation(s): Staff recommends the City Council introduce Ordinance 065-2017, waive the first reading and schedule the public hearing on this item for the February 9, 2017 City Council Meeting.

END OF CONSENT CALENDER

PUBLIC HEARING

None

11. Monthly staff report to the City Council

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

ADMINISTRATIVE MATTERS:

12. **1999 Crown Victoria Police Vehicle** –This vehicle was apparently sold to California State University San Bernardino for \$1.00 sometime in 2012. The city has no record of this vehicle sold. CSUSB representative said there was paperwork give to them but apparently it was misplaced. CSUSB would like a transfer form signed by the City so they can fix the paperwork.

Attachment(s): Email from CSUSB to staff

Recommendation(s): Staff is requesting city council's direction.

13. Presentation of Fire Department Report

Attachment(s): Power Point Presentation

Recommendation(s): Staff is requesting city council's direction.

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. Approval of the January 12, 2017 closed session minutes.

ADJOURNMENT