

**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: **February 9, 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 \$ 343,473.76 from January 23, 2017 through February 6, 2017 and the pre-issued payroll in the amount of \$161,197.24 for January, 2017.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on January 18, and January 26, 2017.
3. **Request by City Attorney to Attend the Spring Conference** – The City's Attorney's Spring Conference sponsored by the League of California Cities will be on May 3-5, 2017 in San Francisco. The registration fee is \$625.00 and a one (2) night stay in the hotel is \$486.00. During the conference, there will be three days of presentations devoted to legal issues facing cities and updates on cases recently decided. This is a critical learning session for city attorneys and reduces the time and effort needed by the City Attorney to find out about these matters on his or her own.

My other two cities are being asked to contribute equally to the cost for the registration fee and two night's lodging. The City's share of the expenses would be \$370.00. I would request permission to represent the City of McFarland at the attorney's League conference and for the City to pay up to \$370.00 for my expenses.

Attachment(s): None

Recommendation(s): Staff recommends City Council approve City's Attorney request and consider approval of City Attorney to attend City Attorney's Spring Conference and approve the City's share of expense in the amount of \$370.00.

4. **Housing-Related Parks (HRP) Program Application** - The Department of Housing and Community Development issued a Notice of Funding Availability for Housing Related Park funding. This grant awards funds for new parks or expansion of an existing park based on development or substantial rehabilitation of affordable housing.

This application will allow all 2016 affordable developments built or rehabilitated within McFarlan to be counted. Funds awarded will be used to complete Jim (Blanco) White Park.

Attachment(s): Staff report, Resolution No. 2017-005

Recommended Action(s): Staff recommends City Council to authorize City Manager to sign application, approve submission of application and adopt Resolution No. 2017-005.

END OF CONSENT CALENDAR

PUBLIC HEARING

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

5. **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 ordinance prohibit medical marijuana dispensaries, cooperatives, and collectives as well as mobile delivery and cultivation and the processing of marijuana. An Urgency Ordinance took effect immediately when city council approved it at their last council meeting.

Attachment(s): Ordinance No. 064-2017

Recommendation(s): Staff recommends city council adopt the final reading of Ordinance No. 064-2017.

6. **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 conduct the Public Hearing and adopt the final reading of Ordinance No. 065-2017.

7. Monthly staff report to the City Council

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

ADMINISTRATIVE MATTERS:

8. **Request from Ms. Hazel McNutt to convert an existing office to manager/caretakers quarters-** Hazel McNutt operates a small mini-storage located at 730 2nd Street and requested that an office trailer be allowed to be moved on-site to serve as an office for the mini storage facility. The Planning Commission considered this request at a public hearing on April 19, 2016. At the conclusion of the public hearing the Planning Commission approved Ms. McNutt's request for the trailer provided that it was not to be used as dwelling unit. Subsequent to the trailer being approved, Ms. McNutt has applied for a permit to build a cover for a deck and requested sewer service be extended to the site so that the office trailer can directly drain into the sewer and not the tank located on the trailer.

Ms. McNutt and City staff met to discuss the project status and it was determined that the best approach to for both the City and Ms. McNutt would be for her to request that the office be allowed to be considered a manager/caretakers quarters which would allow for the porch and sewer service to be approved while at the same time requiring that the site be improved in accordance with the Commercial Design Guidelines that include a paved driveway, covered parking and the installation of landscaping.

Attachment(s): Staff Report, Site Plan

Recommendation(s): Staff recommends City Council allow for a manager/ caretaker quarters at the mini storage located at 720 2nd St.

9. **Report and Approval, re: Tentative Tract 7214 as conditioned-** The proposed project will subdivide 18.30 gross acres into 81 lots. Lots 1-78 will be developed in detached single family dwelling units, Lot 79 will be developed with multifamily dwelling units and Lots 80 and 81 will be developed with commercial uses. As a part of this approval only Lots 1-78 will be developed and Lots 79-81 will require separate review under the California Environmental Quality Act and separate discretionary approval by the Planning commission and City Council. The proposed 78 single family lots will be developed in two (2) phases.

Attachment(s): Staff Report, Resolution No. 2017-006, Exhibit A & B

Recommendation(s): Staff recommends the City Council approve Tentative Tract 7214 as reflected in the attached Resolution as Exhibit A and as conditioned in Exhibit B.

10. **City Hall Project** - The City wants to remodel and expand City Hall. In order to do so, it will need to issue bonds to obtain the funds to construct the project. In a typical bond issue, an underwriter is involved which is the company that purchases the bonds. The company is usually a stock brokerage firm or similar firm which then sells the bonds to individual or institutional investors. The City gives the underwriter a discount on the price of the bonds from their face value which represents the profit the underwriter will make when it resells the bonds. In your packet is an Engagement Letter with William Blair & Company, LLC which the City proposes to use to purchase the bonds for the project. Also enclosed is a Disclosure Statement required by Federal Securities Law. In the Agreement, the underwriter states that its primary role is to purchase the City's securities at a discount of 1% of the gross par amount of the bonds. We have checked with our bond counsel, Richards Watson and Gershon who says this is a fair discount. The Agreement is terminable at any time and the City may decide to use any other underwriter.

Attachment(s): Engagement Letter and Disclosures by Underwriters.

Recommendation(s): Staff recommends City Council approve Engagement Letter and Disclosures and authorize City Manager to sign.

11. **NBS Governmental Finance Group Agreement** – In order to move forward with formation of a New Citywide Parcel Tax Measure or Special Tax to finance a Bond for Infrastructure and for ongoing services for Fire Station and Fire Protection Services the City must conduct a feasibility and formation analysis

Attachment(s): Staff Report, Agreement with NBS Government Finance Group Agreement

Recommendation(s): Staff recommends the City Council approve the NBS Governmental Finance Group Agreement not to exceed \$4,500.00 and authorized Mayor Cantu to execute the agreement.

12. **Report and Discussion and possible approval of contract with Gene Bregman & Associates – Public Opinion & Marketing Research-** The City will need to conduct a public opinion survey to determine whether the public would be willing to fund the Kern County Fire or a new City operated fire service.

Attachment(s): Staff Report and Full McFarland Library Structural Evaluation Report.

Recommendation(s): Staff recommends that City Council approve the contract with Bregman & Associates and authorize the Mayor to execute the agreement pending City Attorney review.

13. **Report and Discussion on Structural Engineers Report of the Old Library Renovation** – This is informational item.

Attachment(s): Staff Report and Full McFarland Library Structural Evaluation Report.

Recommendation(s): City council can take action under Minute Motion.

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:

None

ADJOURNMENT