

**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: **March 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 \$ 279,040.22 from February 16, 2017 through March 3, 2017 and the pre-issued payroll in the amount of \$154,264.83 for February, 2017.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on February 23, 2017.
3. **Report and Possible Approval of Monthly Stipend** –for the McFarland Police Department Sergeant position.

Attachment(s): Staff Report

Recommendation(s): Staff recommends City Council approve the following monthly stipend addition and adjustments for the qualifying corporals and sergeants. These recognitions of positions and training are identical in responsibilities and duties to the same recognition of titled positions and training that is part of the compensation offered by other law enforcement agencies in Kern County and throughout California.

Take the following action:

- 1) City Council approve addition of a monthly stipend for sergeant position and approve the lowering of the corporal stipend to balance both stipends:
 - a. \$45.00- Sergeant
 - b. \$45.00- Corporal

4. **Phantom Fireworks Stand and Lease Agreement** – As in the previous years' Phantom Fireworks and Gospel Lighthouse Church is requesting permission to use the property located at SWC Sherwood Ave / San Juan St. for their 2017 fireworks season.

Attachment(s): 1. Property Permission Form
2. Phantom Fireworks Lease Agreement.

Recommendation(s): Staff recommends council to approve Property Permission Form, Lease Agreement, as has been done in the previous years and authorize Mayor Cantu to execute the lease agreement.

5. **Legal Services** – The city has utilized the services of LeBeau Thelen for its litigation matters since 2003. They are presently charging at the rate of \$190.00 per hour. They are increasing their billing rate to \$215.00 per hour. They just recently settled the Block Wall litigation and are assisting the City in resolving the Discovery Park issues. They are also litigating the truck shop condemnation and assisted in acquiring the Rose Shed property. The increase in their fee is reasonable.

Attachment(s): Legal Service Agreement

Recommendation(s): Approve legal services agreement.

6. **Authorization to use Trademark** – A request has been made by Mr. Max Bacerra from Maximus III Company to utilize the City's logo in marketing material to be used in promoting and securing retail tenants and service tenants to the planned Centerpointe Development project located at the northwest corner of W. Perkins Ave and Davis Ave.

Attachment(s): Waiver

Recommended Action(s): Staff recommends city council authorizes use of the City's logo by approve of the Waiver and authorize Mayor to execute the Authorization to Use Trademark

7. **Quincy Engineering Amendment to Agreement** - Third Amendment to an agreement with Quincy Engineering for the preparation of a Project Study Report/Project Development Support (PSR/PDS) for the Hanawalt Interchange project.

This work primarily consists of addressing Caltrans' concerns as it relates to the requirement that each interchange be spaced a minimum of one (1) mile apart and the fact that the distance between the Sherwood Ave interchange and the proposed Hanawalt interchange is .9 miles.

Attachment(s): Staff report, Third Amendment to Agreement

Recommendation(s): Staff recommends the City Council approve the proposed third amendment extending the expiration of the contract from December 31, 2016 to August 31, 2017.

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.

8. **The City Of McFarland Does Hereby Set Notice Of A Public Hearing Regarding Unmet Transit Needs.** The City Council will be soliciting public comments to determine if there are any unmet public transit needs that can reasonably be met are discussed. The Public Hearing and Resolution are required on an annual basis from Kern Council of Governments. The City has the two Dial a Ride Buses and a Van which is providing for the public transit needs.

Attachment(s): Resolution No. 2017-008

Recommended Action(s): Staff recommends City Council adopt and approve Resolution 2017-008.

9. Monthly staff report to the City Council

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

ADMINISTRATIVE MATTERS:

10. **Formation of Community Facilities District No. 2017-1 (Police Services) and Community Facilities District No. 2017-2 (Landscaping and Street Maintenance)** - Staff has determined that it is necessary and desirable to create Community Facilities Districts (CFDs) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act") for the purpose of

financing police services, street maintenance, and landscaping. The formation of the CFDs for new development is necessary for the City to meet the increased demands placed upon the City as a result of new development occurring within the boundaries of the proposed CFDs. The Act authorizes the City Council to establish CFDs and levy special taxes within the CFDs.

Attachment(s): Staff Report, Resolutions 2017-009 and 2017-010, Map 1&2

Recommended Action(s): Staff recommends City Council adopt Resolution Nos 2017-009 & 2017-010, authorizing the formation of CFDs 2017-01 and 2017-02.

11. **Polling Results** – from a survey done by Greg Bregman & Associates to determine if the public would be willing to fund the Kern County Fire or a new City operated fire service. Mr. Greg Bregman will be calling in and be available by phone to expand on the Powerpoint presentation.

Attachment(s): Powerpoint Survey

Recommended Action(s): Information Only

12. **Kern County Fire** - City Council requested that staff negotiate a contract with the Kern County Fire at the February 9, 2017 City Council meeting.

The contract is for 5 ½ years at a total cost of \$1,634,587 with a discount by the Kern County Fire Department of \$912,598. The payment schedule is shown under the Fiscal Impact section on your staff report. The Kern County Fire contract increases the payment by 2.1% each fiscal year.

In staff's review of the contract two items will need to be addressed;

- 1) Kern County Fire should attend the City Council meeting once a month and give a report to the City Council on the operation, as well as submit hard copy reports to the City Manager.
- 2) The termination clause should be extended from 6 months to 12 months. Any changes would take at least 12 months.

Attachment(s): Staff Report, County of Kern Fire Contract

Recommendation(s): Staff is recommending that the City Council approve the County of Kern Fire Contract pending City Attorney review and authorize Mayor Cantu and City Manager to execute the contract.

Correspondence

13. Letter from Victor Hopper, Superintendent of McFarland Unified School Dist.

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 February 23, 2017 closed session minutes.
2. Conference with legal counsel regarding claim filed by Randy's Towing pursuant to Government Code Section 54956.9(d)(2).
3. Conference with real property negotiator (city manager) re: price and terms of payment for real property described as 060-050-24 & 201-120-22 per Government Code Section 54956.8.

ADJOURNMENT