

**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: **April 13, 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:

1. Proclamation Honoring April Donate Life California Month

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:

2. **Approval Of Warrants** – List of warrants in the amount of \$ 302,085.89 from March 18, 2017 through April 7, 2017 and the pre-issued payroll in the amount of \$226,718.41 for March, 2017.
3. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on March 23, 2017.
4. **Notice of Completion – Signal Light at Intersection of E. Sherwood and Marshall St.** – This is a notice of completion for the work under contract with A-C Electric Company for the Intersection Signalization at E. Sherwood and Marshall Street Project.

The City Council awarded the contract on January 18, 2017 and construction was completed on March 30, 2017, and the completed work substantially conforms to the plans and specifications.

Attachment(s): Notice of Completion

Recommendation(s): Staff recommends the City Council accept the completed work by the contractor, A-C Electric Company, 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. Staff further recommends the release of the 5% retention to the Contractor after 30 days pending claims or liens filed during this period.

5. **Urban Greening Program Grant Funding** –This grants are intended to help create healthy and vibrant communities by establishing and enhancing parks and open space, using natural solutions to improving air and water quality and

reducing energy consumption, and creating more walkable and bike-able trails. City of McFarland is proposing to submit three (3) applications for the following projects:

- McFarland Community Garden- \$2 million
- McFarland Trail- \$1.3 million
- 2nd Street Improvements- Phase II (W. Sherwood Ave to W. Kern Ave) - \$1.8 million

Attachment(s): Staff Report, Resolutions (3)

Recommendation(s): Staff recommends City Council authorize City Manager to sign applications, approve submission of applications and adopt three (3) resolutions for each project titled “A Resolution of the City Council of the City of McFarland approving the application for the grant funds for California Climate Investments Urban Greening program”.

6. **Krazan and Associates Agreement for Asbestos Survey** - As a part of the abatement process for the property located at 264 Browning Road an asbestos survey needs to be conducted to determine if there is any asbestos containing material on the building. If it is determined that asbestos containing material is present then a certified contractor needs to be retained to properly remove the asbestos. Once the asbestos has been removed then the City can proceed with the demolition of the structure.

Attachment(s): Staff Report, Proposal from Krazan and Associates

Recommendation(s): Staff recommends the City Council approve an agreement between Krazan and Associates and the City, subject to review and approval of the City Attorney, in the amount of \$700.00 for an asbestos survey on the structure located at 264 Browning Road.

7. **Transportation Development Act Public Transit Claim for the Fiscal Year 2016-2017** – Every year the City of McFarland has to file a Public transit Claim for funding from the Transportation Development Act (TDA) through the Kern Council of Governments. The claim is to fund the City’s Transit operations.

Attachment(s): Staff Report, Resolution

Recommendation(s): Recommend that the City Council consider adoption of a resolution of the City Council of the City of McFarland approving Kern Council of Governments Transportation Development Act Public Transit Claim for the Fiscal Year 2016-2017.

8. **Annual Transportation Development Act Streets and Roads Claim** - Each year in accordance with the Transportation Development Act the city is required to file a Streets and Roads Claim with KernCOG to be eligible for TDA funding.

The Kern Council of Governments is responsible for administration and apportionment of funds under the Transportation Development Act to all cities within the county. Under the TDA these funds must first to be used to meet the public transit needs within the city.

Attachment(s): Staff Report, Resolution

Recommendation(s): Recommend that the City Council consider adoption of a resolution of the City Council of the City of McFarland approving Annual Transportation Development Act Streets and Roads Claim for the Fiscal Year 2016-2017.

END OF CONSENT CALENDAR

PUBLIC HEARING

9. Monthly staff report to the City Council

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

ADMINISTRATIVE MATTERS:

- 10. Appeal by Site Plan Review 2017-01-Taco Bell** -The City of McFarland conducted a public hearing on March 20, 2017 to consider Site Plan Review 2017-01 a proposal to construct a Taco Bell restaurant located at 51 W. Sherwood Avenue, directly east of the existing Napa Auto Parts Store. The Planning Commission heard the staff report and comments from the project applicant (Ivan Goertzen), the Taco Bell operator Rick Jhaj and members of the public that were in attendance. The appellant, nor a representative of his attended the Planning Commission meeting nor were any comments submitted the City. At the conclusion of the public hearing the Planning Commission on a 4-0 vote with one person absent, approved Site Plan Review 2017-01.

Attachment(s): Staff Report, Appeal Letter, Site Plan, Legal Notice of Public Hearing and 300 ft. mailing list.

Recommended Action(s): Staff recommends the City Council consider and deny the appeal of the Planning Commission approval of Site Plan Review 2017-01 Taco Bell.

11. **Veterans Community Center Marquee** – Staff discussed the marquee in general at the December 8, 2016 City Council meeting. At that time directions was given not to allow the Marquee to be used for public information, such as wishing someone a Happy Birthday. Staff was recently approached by the Lions Club wanting a message asking for donation of eye glasses. Staff is asking for clear policy direction.

Attachment(s): Staff Report

Recommended Action(s): Staff is seeking policy recommendation from the City Council.

12. **City Owned Park Usage:** Staff was recently approached by citizens asking if they could use Munoz Park for football practice. After some research staff has determine that there is no policy in place for sport teams to utilize city owned parks for practices. The Parks agencies in other cities, such as Bakersfield, utilizes a per-preservation scheduling policy. Sports teams, such as soccer, football, baseball, swimming and basketball pre-schedule their practices with the agency in order to have a reserved time and place to practice. Staff believes a system of usage will need to be put into place in order to manage the two new parks (Blanco and Villa Del Caribe) before they are completed.

Attachment(s): Staff Report

Recommended Action(s): Staff is seeking policy recommendation from the City Council.

13. **City Hall Project** - Previously you approved an engagement letter with William Blair & Company to act as the underwriter for the sale of bonds to obtain financing for remodel and expansion of City Hall. The person in that firm who was handling the City's project has now moved to another firm, B.C. Ziegler and Company. He left Blair for a better employment opportunity with Ziegler. He did not have a noncompetition agreement with Blair. He has asked if we would hire his new firm. The existing engagement letter with William Blair & Company is nonbinding and terminable at any time by the City without penalty or liability. Because the individual making the request has been working on this project for a considerable period of time and is fully familiar with it, the City would prefer to keep him on the project and is recommending termination of the William Blair letter and approval of the engagement letter with B.C. Ziegler.

Attachment(s): Engagement Letter from B.C. Ziegler and Company.

Recommendation(s): Terminate engagement letter with William Blair & Company and execute engagement letter with B.C. Ziegler and Company.

14. **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 and a discount by the Kern County Fire Department of \$912,598. The Kern County Fire contract increases the payment by 2.1% each fiscal year.

At the March 23, 2017 City Council Meeting City Council asked staff to try and negotiate the removal of the \$912,598 discount that would have to be paid if the City is deemed to have defaulted on the contract. Staff sent Deputy Fire Chief Mike Miller an email requesting the discount be removed and replaced with the interest payment due from the County Sheriff's contract in 2019. Mr. Miller said that he couldn't remove the discount.

The contract presented to the City Council has no changes from the last meeting.

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

Recommendation(s): Staff is recommending that the City Council approve the County Fire contract after the City Attorney's final review and authorize the Mayor and City Manager to execute the contract.

15. **Mid –Year Budget** – Finance Department staff has prepared a mid-year budget review. The report provides information on the original budget, actual data, and proposed mid-year amendments to the budget.

Attachment(s): Staff Report, Mid-Year Budget and Resolution No. 2017-012

Recommended Action(s): Staff recommends that City Council approve the Resolution of the City Council of the City of McFarland Adopting the Proposed Mid-Year Budget Amendments for Fiscal Year 2016-2017.

Correspondence

None

Oral Reports from City Council on Committee / Special District Meetings

Delano Mosquito Abatement District (DMAD) – Councilmember Coker

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

Kern County Association of Cities (KCAC)

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 March 23, 2017 closed session minutes.
2. Conference with legal counsel re Ortiz/Garcia v. City of McFarland per Government Code Section 54956.9(d)(1).
3. Conference with real property negotiator (city manager) regarding price and terms of payment for real property located directly south of the existing McDonald's restaurant and north of the existing City monument sign. Per Government Code Section 54956.8.

ADJOURNMENT