

**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: **November 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:

Community Development Block Grant Presentation

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 \$314,248.27 from October 14, 2017 through October 31, 2017 and the pre-issued payroll in the amount of \$155,900.01 for October, 2017.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on October 26, and November 1, 2017.
3. **Award Contract for the W. Perkins Ave. Paving Project** - The City of McFarland desires to pave the north section of W. Perkins Ave, between 8th St. and Garzoli Ave. This road improvement will contribute to a better quality of life for the citizens of McFarland.

The City Clerk opened sealed bids for this project, on October 20, 2017 at 2:15 p.m. There were four (4) bids received as follows:

Bid	
Central Valley Asphalt	\$236,043.00
Granite Construction	\$249,921.80
Griffith Company	\$254,105.00
Nagle Earthworks	\$383,278.53

The Office of the City Engineer has reviewed and qualified the lowest bidder, Central Valley Asphalt. The City is allowing 20 working days for the contractor to complete the project.

Attachment(s): Bid Summary, Agreement, Vicinity Map

Recommendation(s): Staff recommends that City Council awards the contract to Central Valley Asphalt in the amount of \$236,043.00 and authorize the Mayor to execute the agreement.

4. **Submission of the 2017 Community Development Block Grant (CDBG) Program** - The City of McFarland is requesting a waiver of the 50% Expenditure Rule. The Rule states an applicant shall be ineligible for any additional CDBG funds unless the applicant has expended at least 50 percent of CDBG funds awarded for any standard agreement executed in 2012 or later. Currently, the City of McFarland has an active 2015 CDBG standard agreement that has used approximately 40% of the funds awarded.

The City of McFarland is Requesting a Waiver of the 50% Expenditure Rule for the 2017 Community Development Block Grant (CDBG) Program Application for the following 'shovel ready' eligible activity:

- Public Improvement- Phase II: 2nd Street (West Kern Ave to W. Sherwood Ave) Improvements/Sidewalks. (\$2,000,000.00)

Attachment(s): Staff Report, Resolution No. 2017-054, Project Map

Recommended Action(s): Staff recommends that the City Council approve the Resolution 2017-054, and acknowledge that the City is requesting a waiver for the application for the 2017 State CDBG Program Application for funding and execution of grant agreement and any amendments.

5. **Report and possible approval of an agreement with Mark Thomas** –to prepare a Roadway Network Systematic Safety Analysis Report (SSARP).

The City of McFarland applied for and received \$225,000.00 in funding from the California Department of Transportation (Caltrans) for the preparation of a roadway network systematic safety analysis report. The purpose of the Systematic Safety Analysis Report Program (SSARP) is to analyze roadway networks for dangerous features such as insufficient site distance, signage and pedestrian and bicycle infrastructure. This report can be used by the City of McFarland to apply for funding through the State of California Highway Safety Improvement Program (HSIP).

Attachment(s): Staff Report, Scope of Work, SSARP Fee Proposal, SSARP Schedule

Recommended Action(s): Staff recommends the City Council, subject to review by the City Attorney, approve and have the Mayor execute an agreement with Mark Thomas in the amount of \$198,544 for the preparation of a Roadway Network Systematic Safety Analysis Report.

6. **Tract No. 7292 Phase 1, Recordation of Final Map, located North of W. Perkins Ave, east of Davis Avenue and West of 5th Street** -Kwock and Leung Partnership, as sub-divider for Tract Map No. 7292 Phase 1 has submitted the Final Tract Map for City Council's approval. The City Engineer has reviewed the final map and found it in substantial conformance with the Subdivision Map Act. The City Planner, City Engineer and Community Development Director reviewed the final map and found it in substantial compliance with the approved Tentative Map.

Attachment(s): Staff Report, Resolution No. 2017-055, Improvement Agreement, Tract 7292, Phase 1 Map.

Recommended Action(s): Staff recommends that the City Council of the City of McFarland adopt Resolution No. 2017-055, approving the recordation of final Map for Tract Map 7292 Phase 1, authorizing the city clerk to endorse the final map and authorizing the City Engineer to transmit same to the county clerk's office.

END OF CONSENT CALENDAR

PUBLIC HEARING

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

7. **Extension of Tobacco Shop Ordinance** – The City Council approved an Urgency Ordinance on October 18, 2017 to prohibit tobacco and smoke shops and electronic/vapor substance inhalation shops until city could draft a permanent ordinance to regulate same. The permanent ordinance has been drafted and will be heard by the Planning Commission in November 14, 2017 who will make a recommendation to the City Council regarding consideration of the permanent ordinance. Until the matter can be heard by the Planning Commission and thereafter, the City Council, the prohibition on tobacco and smoke shops and electronic/vapor substance inhalation shops should be continued. Attached is an ordinance to extend the prohibition under the Urgency Ordinance for 10 months and 15 days or until adoption of a permanent ordinance.

Attachment(s): Ordinance to Extend Urgency Ordinance

Recommended Action(s): Staff recommends City Council adopt extension of Urgency Ordinance No. 077-2017.

8. **Public Hearing for Community Development Block Grant (CDBG) Program** - The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding what types of eligible activities the *City of McFarland* should apply for under the State CDBG program. A separate public hearing will be held to discuss and approve the application prior to submittal to the State.

CDBG ELIGIBLE ACTIVITIES CONSIST OF:

- Homeownership Assistance And Housing Rehabilitation Programs;
- Public Facility And Public Improvements Projects (Including Public Improvements In Support Of New Housing Construction);
- Public Service Programs, Planning Studies,
- Economic Development Business Assistance and Microenterprise Activities.

APPLICATION MAXIMUM AMOUNT: \$5,000,000.00

Attachment(s): Staff report, 2017 CDBG Application Funding Limits and Eligible Activities Chart.

Recommended Action(s): Staff recommends Mayor Cantu to conduct the public hearing for the submission of State CDBG Application.

9. Monthly staff report to the City Council

- a. Administration
- b. Community Development Department
- c. Public Works Department

ADMINISTRATIVE MATTERS:

10. **Business License Ordinance 073-2017** – Report and introduction of an Ordinance amending Title 5 Business Tax, Licenses and Regulation of the McFarland Municipal Code by amending Section 5.04 Business Licenses (Municipal Code Text Amendment 2017-03).

Attachment(s): Business License Ordinance 073-2017

Recommendation(s): Staff recommends the City Council introduce the Ordinance, waive the first reading and set the public hearing on December 14, 2017.

11. **Ordinance No. 075-2017** – Discussion and final reading of an Ordinance of the City of McFarland prohibiting all commercial cannabis activity and uses (both medical and adult-use), making related municipal code amendments, prohibiting outdoor cultivation, and allowing indoor cannabis cultivation consistent with State law, and making environmental findings in support thereof.

Public hearing and introduction of this Ordinance was held at the November 1, 2017 special city council meeting.

Attachment(s): Ordinance 075-2017

Recommendation(s): Staff recommends that the City Council adopt the final reading of Ordinance No. 075-2017 by title only.

12. **Cannabis Urgency Ordinance** — On November 10, 2016, the City Council adopted an Urgency Ordinance prohibiting all commercial cannabis activities which was thereafter extended on December 22, 2016 for ten (10) months and fifteen (15) days from expiration of the first Urgency Ordinance adoption. Since that time, and at a special meeting on November 1, 2017, the City Council introduced an ordinance to permanently prohibit commercial cannabis activities. Its adoption is being considered tonight. If adopted, the

permanent ordinance would become effective in thirty (30) days. In order to maintain a prohibition during this 30 day period, staff is recommending a further extension of the Urgency Ordinance. Staff adopted its report listing the activity and investigation into this matter that has occurred since the previous extension pursuant to Government Code Section 65858 at its October 26, 2017 meeting.

Attachments: Urgency Ordinance 078-2017

Recommendation: Staff recommends City Council extend Urgency Ordinance 078-2017.

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 October 26, 2017 closed session minutes.

ADJOURNMENT