

**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:** September 10, 2015 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:**

Warden Wanda Wilson from GEO Group will conduct a brief presentation.

Buxton representatives will be conducting a power point 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.

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**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.** If your business requires time, submit your items to the City Manager for the next meeting agenda. Thank you.

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**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 \$709,235.21 from August 11, 2015 through September 3, 2015 and the pre-issued payroll in the amount of \$120,419.51 for August, 2015.
2. **Approval of Minutes of Regular And / Or Special Council Meeting** – held on August 13, 2015.
3. **E. Sherwood Ave Reconstruction- Notice of Completion** –This is the notice of completion for the work under contract with AJ Excavation for the E. Sherwood Ave, between Industrial Rd and Wiley Street.

The City Council awarded the contract to AJ Excavation on January 22, 2015 and construction was completion on July 17, 2015 and the completed work substantially conforms to the plans and specifications.

**Attachment(s):** Staff Report, Notice of Completion

**Recommended Action(s):** Staff recommends the City Council accept the completed work by the contractor, AJ Excavation, 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.

4. **Munoz Park Drainage Improvements – Notice of Completion** - This is the notice of completion for the work under contract with Todd Companies for the Munoz Park Drainage Improvements.

The City Council awarded the contract to Todd Companies on April 23, 2015 and construction was completion on August 16, 2015 and the completed work substantially conforms to the plans and specifications.

**Attachment(s):** Staff Report, Notice of Completion

**Recommended Action(s):** Staff recommends the City Council accept the completed work by the contractor, Todd Companies, 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. **Headworks Upgrade –Wastewater Treatment Plant-Notice of Completion** - This is a Notice of Completion for the work under contract with Nicholas Construction, Inc. for the Headworks Upgrade at the Wastewater Treatment Plant. City Council approved this project and contract on September 11, 2014 city council meeting in the amount of \$1,636,000.

Construction was completed on September 1, 2015, and the completed work substantially conforms to the plans and specifications and was inspected by City Engineer sand Public Works Staff and is being recommended for Council acceptance.

**Attachment(s):** Staff Report, Notice of Completion

**Recommended Action(s):** Staff recommends that the City Council accept the completed work by the contractor, Nicholas Construction Inc., and authorize 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.

6. **T & T Pavement Marking Proposal for Stop Sign Equipment on E. Sherwood Avenue** – Due to the traffic that circulate on E. Sherwood Ave and with the future completion of Discovery Park, staff is anticipating heavier traffic flow as well as pedestrian crossing to the park at any given time. Staff is recommending installing blinking stop signs as well as other traffic control installations which will slow down the traffic considerably and for the safety of the pedestrians.

Staff has seek a proposal from T & T Pavement Markings & Products for the following work to install on E. Sherwood Ave.

- 4 – 30” Blinker stops w/ poles
- 4 – 36” Stop Ahead Signs w/ post and anchors.
- 1 – 8” Gore Island (thermo)
- 2 – Directional Arrows (thermo)
- 1 – Stop legend (thermo)

**Attachment(s):** Staff Report, Proposal from T & T Pavement Marking.

**Recommendation(s):** Staff recommends the City of McFarland City Council approve the proposal from T & T Pavement Markings & Products in the amount of \$9,541.00.

7. **Sublease Billboard** – J.A.P. International has approached the city regarding subleasing the billboard that is located on the east side of Hwy 99 traveling north as you are approaching the city. The city utilizing this billboard. The agreement subleases the billboard to J.A.P. International for the same rent amount that the city pay to the railroad.

**Attachment(s):** Staff Report, Agreement

**Recommendation(s):** Staff recommends City Council approve the agreement with J.A.P. International to sublease the billboard and approve Mayor Cantu to execute the agreement.

8. **Ebell Sump Dirt Removal** – Patterson Builders has approached staff to construct a new sump on the corner of Ebell Street and Woodruff Ave got the exchange of the removal of the excess dirt. Patterson Builders would be using the City Engineer specifications as well as performing soil samples and provide the city will soil reports.

**Attachment(s):** Staff Report, Agreement

**Recommendation(s):** Staff recommends City Council approve the agreement with Patterson Builders to construct the new sump and removal of excess dirt at no cost to the city.

9. **Operational Agreement with Alliance for Family Violence and Sexual Assault** – Alliance for Family Violence and Sexual Assault wishes to establish an Operational Agreement to work with the McFarland Police Department as partners in family violence and sexual assault cases within our city limits. The Operational Agreement establishes a partnership with both agencies to work together towards the mutual goal of providing maximum available assistance for crime victims.

**Attachment:** Staff Report, Agreement

**Recommendation(s)**: Staff recommends City Council approve the Operational Agreement MOU with Alliance for Family Violence and Sexual Assault and approve Mayor Cantu to execute the agreement for a working relationship to serve victims.

10. **Concealed Weapons (CCW) Permit-Applicant Information** – Under California Penal Code 26150 and 26155, all California Sheriffs and Police Chiefs have the authority to issue CCW permits to qualified individuals. In the past, the permits for the City of McFarland residents, employees, or business owners have been issued by Kern County Sheriff. Staff is asking for approval of the CCW permits to be handled by the Chief of Police.

**Attachment**: Staff Report, CCW Policy Statement

**Recommendation(s)**: Staff recommends the approval by City Council for the process of the Chief of Police to issue concealed weapons permits to qualified individuals and take the following action.

## END OF CONSENT CALENDER

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## PUBLIC HEARING

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

11. **Abatement, Document Execution** - It has been determined that the City's ordinance code does not have an emergency abatement provision allowing Code Enforcement to abate a nuisance that is creating a health and safety hazard. The attached ordinance allows for Code Enforcement to enter the property without notice to the property owner to abate such a nuisance. The matter must then be brought to the City Council at the next regular meeting to determine the reasonableness of the action. It has also been determined that there is no provision in the ordinance code for execution of documents in the Mayor's absence. This ordinance will allow for the Mayor Pro Tem to sign in the absence of the Mayor or the City Manager in the absence of both.

**Attachment(s)**: Ordinance No. 045-2015

**Recommendation(s)**: Staff recommends City Council adopt the **second reading** of Ordinance 045-2015 amending Ordinance No. 018-2012 and adding sections

1.14.130 and Chapter 2.10 to the McFarland Municipal Code regarding signing documents and emergency abatement procedures.

12. **Peddler Ordinance**-The City received a complaint about its ordinance regulating door-to-door solicitations. The letter was sent on behalf of Vivint, Inc. and was from its attorney. Vivint has solicited in the City in the past to sell alarm systems. The matter was referred to Richards Watson Gershon who has assisted the City on its internal bond issues and other specialized areas. This area involved in part a constitutional challenge. They determined that the complaints were justified in some respects and drafted an ordinance to correct the City's ordinance. The new ordinance now references the state Alarm Company Act and brings the City's ordinance in compliance with it. The adoption of this ordinance will place the City's Municipal Code with regard to peddlers and solicitors in compliance with state statute and constitutional requirements.

**Attachment:** Ordinance 044-2015

**Recommendation(s):** Staff recommends City Council adopt the **second reading** of Ordinance 044-2015 Amending Chapter 5.32 of the McFarland Municipal Code Regarding Peddlers and Solicitors.

13. Monthly staff report to the City Council

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

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#### **ADMINISTRATIVE MATTERS:**

14. **Groundwater Sustainability Authority** – Twenty of the irrigation districts in the County of Kern previously formed a joint powers authority in an effort to monitor and regulate withdrawal of groundwater from the groundwater basin. As of January 1, 2016, state law requires the formation of Groundwater Sustainability Authorities (GSA) with authority to manage withdrawal of water from the groundwater basin. The twenty districts in the JPA have formed a GSA. The City's groundwater is within the jurisdiction of the South San Joaquin Municipal Utility District (SMUD) but SMUD, to the City's knowledge is not yet a member of the GSA. The City has conferred with other urban water retainers, one or two of which have significant knowledge and information with regard to the legislation relating to GSAs. The City Attorney has recommended hiring an attorney with knowledge relating to GSAs to advise the City how best to proceed.

**Attachments:** None.

**Recommendations:** Authorize City Manager to hire an attorney with knowledge on GSAs to advise the City on how best to proceed so as to protect the City's groundwater basin.

15. **Report, Discuss and Possible Approval of the Purchase of a Barracuda Backup Server and Exchange Server** - The city is in the process of improving its computer network and upgrading all of its software as funds and grants have become available. Currently the City is in the process of upgrading the utility billing, accounting, payroll and accounts payable software. The City has already upgraded its building permit, code enforcement and business license software. The city has also upgraded its spam software.

The city now needs to purchase two separate high end backup servers and the backup software for the police department and the city. The backup software and hardware would be classified as an emergency purchase, because currently the city cannot backup any of its data, without physically doing a manual download, which takes hours and interrupts the work day. It is also very costly, to maintain and finally is not reliable or compatible with the current software. Not having a reliable backup system is putting the city's data retention at risk.

The city has been experiencing email server issues. The current server is an older computer and the internal components are reaching capacity with combined current version of the exchange software, as-well-as, the volume of emails now being processed on a daily basis. Future demand on the exchange server will increase with the new paperless features with the new software. The city needs to purchase a new up to date exchange server with more storage, which will eliminate the server shutting down and meet the future needs of the city.

**Attachment:** Staff Report, Quotes from CDW-G and Code 3

**Recommendation(s):** Staff recommends that City Council approves the purchase of a Barracuda Backup Server and new Exchange Server in the amount of \$46,847.48.

16. **Memorandum of Understanding with CHP for Originated Drug Investigations** – California Highway Patrol (CHP) wishes to establish a MOU to work with us as partners in any drug investigations or seizures within our city limits. The MOU establishes a partnership with both agencies to receive equitable sharing for any cash seizures when we work together.

**Attachment:** Staff Report, MOU Agreement with CHP

**Recommendation(s)**: Staff recommends the approval of the Memorandum of Understanding with the California Highway Patrol and authorize Mayor Cantu to execute the MOU agreement.

**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

**Tri-Agency**: Mayor Cantu or Alternate Member Councilmember Santillano

**Kern Economics Development Corp. (KEDC)** – Mr. John Wooner, City Manager  
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**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 August 13, 2015 closed session minutes.

**ADJOURNMENT**