



MINUTES OF THE REGULAR MEETING
OF THE SANGER CITY COUNCIL

July 3, 2014
6:00 P.M.
Council Chamber

A regular meeting of the Sanger City Council was held on Thursday, July 3, 2014 at 6:00 p.m. in the Council Chamber.

The regular meeting was called to order at [6:04:27 PM](#).

Councilmembers present: MITCHELL, NIELSON, CANTU, PACHECO
Councilmembers absent: ONTIVEROS

A. PUBLIC FORUM

None.

B. CLOSED SESSION

The Council went into closed session to:

1. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency Representatives: City Manager Brian Haddix, City Attorney Jenell Van Bindsbergen, Labor Negotiator Shelline Bennett, Finance Director Debby Sultan, City Clerk Becky Hernandez
Employee Organizations: All Bargaining Groups
2. Pursuant to Government Code Section 54956.9 (d) (1)
Conference with Legal Counsel – Existing Litigation
U.S. and the State of California, et al. v. J-M Manufacturing Company, Inc., et al.
US District Court, CD Cal, Case No. ED CV-06-00055
3. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel - Anticipated Litigation
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9
1 Potential Case
4. Pursuant to Government Code Section 54956.9 (d) (1)
Conference with Legal Counsel – Existing Litigation
Guadalupe Gutierrez v. City of Sanger
Fresno Superior Court Case No. 13CECL03187

5. Pursuant to Government Code Section 54956.9 (d) (1)
Conference with Legal Counsel – Existing Litigation
City of Sanger v. OHC Pinehurst Group, LLC, et al.
Fresno Superior Court Case No. 10CECG01985
6. Pursuant to Government Code Section 54956.9 (d) (1)
Conference with Legal Counsel – Existing Litigation
Kevin Callahan, et al. v. City of Sanger
U.S. District Court Case No. 1:14-cv-00600-BAM

Councilmember Ontiveros arrived during closed session.

The Council reconvened their meeting at [7:11:22 PM](#).

C. OPENING CEREMONIES

The invocation was given by Pastor Gary Duran.
The flag salute was led by Councilmember Pacheco.

Roll Call

Present: MITCHELL, NIELSON, ONTIVEROS, CANTU, PACHECO
Absent: NONE

D. CITY ATTORNEY REPORT FROM CLOSED SESSION [7:13:05 PM](#)

City Attorney Jenell Van Bindsbergen announced there was nothing to report; no action taken.

E. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Councilmember Pacheco approved the agenda as amended: pulled item J-1 Appointment to Citizen’s Oversight Committee-Measure S. The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

F. CEREMONIAL MATTERS

1. The Council recognized 2014 Youth of the Year Jazmin Herrera and Nubia Luna of the Boys & Girls Club-Sanger Unit.
2. The Council recognized Rick Bubenik for being inducted into the Fresno Advertising Federation “Hall of Fame”.

G. PUBLIC FORUM [7:27:09 PM](#)

Public comment was received from Joseph Villalobos, Sherry Carter, Osvaldo Vera, Doris Knowlton, and Mark Morales.

H. CONSENT CALENDAR 7:36:35 PM

Councilmember Cantu left the dais.

The Council by motion of Councilmember Ontiveros removed Item H-7 Consolidating the Elections for Mayor and Councilmembers representing District 2 and 4 with the November 4, 2014 Statewide General Election and approved the following items on the consent calendar:

1. SUBJECT: REVIEWED - Monthly Warrants including Check Nos. 63976 through 64158.
2. SUBJECT: APPROVED - Approval of Payroll including Payroll Check Nos. 51283 through 54191; Direct Deposit Nos. 33379 through 33597; and Benefit Check Nos. 970 through 977.
3. SUBJECT: APPROVED - Minutes of the Joint Meeting of the Sanger City Council, Sanger Public Financing Authority, Sanger Financing Authority, Sanger Housing Authority and Successor Agency to the Sanger Redevelopment Agency held on June 19, 2014.
4. SUBJECT: ACCEPTED - Treasurer's Report – May 31, 2014.
5. SUBJECT: INFO ITEM - Financial Reports including General Fund, Enterprise Funds and Measure S – May 31, 2014.
6. SUBJECT: APPROVED - Adoption of Annual Investment Policy.
The Council approved Resolution No. 4498 adopting the City of Sanger's Investment Policy for fiscal year 2014/2015.
8. SUBJECT: APPROVED - Grant Acceptance from Wal-Mart.
The Council retroactively approved that the Fire Department receive a public safety grant offered by the Wal-Mart Corporation for the use of public safety educational materials in the amount of \$2500.00 and authorized the City Manager to sign the appropriate documents on behalf of the City.

The motion was seconded by Councilmember Pacheco and approved by the following vote:

AYES: MITCHELL, NIELSON, ONTIVEROS, PACHECO
NOES: NONE
ABSTAIN: NONE
ABSENT: CANTU

Councilmember Cantu returned to the dais.

After separate discussion, the Council by motion of Councilmember Ontiveros approved the following item:

7. SUBJECT: APPROVED - Consolidating the Elections for Mayor and Councilmembers representing Districts 2 and 4 with the November 4, 2014 Statewide General Election.
The Council adopted Resolution No. 4499 calling and giving notice of the holding of a General Municipal Election on Tuesday, November 4, 2014, for the election of Mayor and Councilmembers for Districts 2 and 4; and requesting the Fresno County Board of Supervisors to consolidate and canvass the election with the Statewide General Election to be held on the same date, and to permit the Fresno County Clerk to provide specified services, and appropriating funds to pay for such services.

The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

I. PUBLIC HEARING 7:40:16 PM

1. SUBJECT: CONTINUED – ORDINANCE NO. 1146 - Amendment to Sidewalk Maintenance and Repair Ordinance.

Public comment was received from Jeanne Adams, Osvaldo Vera, Mr. Adams, Doris Knowlton, Henry Provost, Mike Montelongo, and Marci Licon.

The Council by motion of Councilmember Ontiveros continued Item I-1 to the second regular meeting in August. The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

J. DEPARTMENT REPORTS

1. SUBJECT: PULLED - Appointment to the Citizen's Oversight Committee – Measure S.
2. SUBJECT: APPROVED - Commencement of Proceedings to Refund the Outstanding Sanger Public Financing Authority Lease Revenue Refunding Bonds (Wastewater Treatment Facilities) Series 2006A. 8:07:23 PM

The Council by motion of Mayor Pro Tem Nielson approved Resolution No. 4500 authorizing the commencement of proceedings in connection with the issuance by the Sanger Financing Authority of revenue bonds to refinance improvements to the City's municipal wastewater system and therefore, to refund the outstanding Sanger Public Financing Authority Lease Revenue Refunding Bonds (Wastewater Treatment Facilities) Series 2006A, and appointing underwriters, bond counsel, disclosure counsel and a special financing consultant in connection therewith. The motion was seconded by Councilmember Pacheco and approved by the following vote:

AYES: MITCHELL, NIELSON, CANTU, PACHECO
NOES: ONTIVEROS
ABSTAIN: NONE
ABSENT: NONE

3. SUBJECT: APPROVED - Naming of Williams Family Park.

Public comment was received from Doris Knowlton.

The Council by motion of Councilmember Cantu approved the naming of Williams Family Park. The motion was seconded by Councilmember Pacheco and unanimously approved.

4. SUBJECT: TABLED - Consider waiving Attorney-Client Privilege to Disclose Written Opinion Memo from City Attorney Regarding Interpretation of Measure S.

Public comment was received from Jeanne Adams and Henry Provost.

Mayor Mitchell made a motion to waive attorney-client privilege as to the written opinion memo drafted by the City Attorney's Office regarding the meaning of the terms "supplant" v. "supplement" as used in Sanger Municipal Code Section 66-214. The motion failed for lack of a second.

Councilmember Cantu made a motion to table Item J-4 until further research of the audio. The motion was seconded by Councilmember Ontiveros and failed by the following vote:

AYES: ONTIVEROS, CANTU
NOES: MITCHELL, NIELSON, PACHECO
ABSTAIN: NONE
ABSENT: NONE

Mayor Mitchell made a motion to waive attorney-client privilege as to the written opinion memo drafted by the City Attorney's Office regarding the meaning of the terms "supplant" v. "supplement" as used in Sanger Municipal Code Section 66-214. The motion failed for lack of a second.

Councilmember Ontiveros made a motion to waive attorney-client privilege as to the written opinion memo drafted by the City Attorney's Office regarding the meaning of the terms "supplant" v. "supplement" as used in Sanger Municipal Code Section 66-214. The motion was seconded by Mayor Mitchell and failed by the following vote:

AYES: MITCHELL, ONTIVEROS
NOES: NIELSON, CANTU, PACHECO
ABSTAIN: NONE
ABSENT: NONE

Councilmember Cantu made a motion to table Item J-4 to the second meeting in July. The motion was seconded by Councilmember Ontiveros and approved by the following vote:

AYES: MITCHELL, ONTIVEROS, CANTU, PACHECO
NOES: NIELSON
ABSTAIN: NONE
ABSENT: NONE

5. SUBJECT: INFO ITEM - Skate Park Landscaping Update.

Public Works Director John Mulligan presented an information item to the Council regarding the Skate Park.

Public comment was received from two young men who frequent the Skate Park.

K. CITY MANAGER/STAFF COMMUNICATION

City Manager Brian Haddix wished everyone a Happy 4th of July.

L. MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Pacheco asked that the performance evaluation of the City Manager be placed on the agenda.

Councilmember Cantu indicated that he is glad to have the performance evaluation of the City Manager placed on the agenda.

Councilmember Ontiveros had nothing to report.

Mayor Pro Tem Nielson indicated that he put time into the process for the City Manager's evaluation. It is a great mechanism and will be good for everyone.

Mayor Mitchell asked that the City Manager's performance evaluation be placed on the agenda of the Special Meeting being scheduled for the week of July 7 to discuss the FY 2014/15 Budget.

M. ADJOURNMENT

Being no further business the Council adjourned their meeting [8:58:04 PM](#).