



MINUTES OF A REGULAR MEETING OF
THE SANGER CITY COUNCIL

OCTOBER 15, 2015
6:00 P.M.
COUNCIL CHAMBER
1700 7th Street, Sanger, California 93657

A. CALL TO ORDER

The Regular Meeting was called to order at 6:07:21 PM.

B. OPENING CEREMONIES

The Invocation was offered by Mike Massey.
The Flag Salute was led by Council Member Tony Pacheco.

Roll Call

Council Members Present: Mayor Pro Tem Raul Cantu, Council Member Eli Ontiveros, Council Member Tony Pacheco, and Council Member Humberto Garza

Council Members Absent: None

C. PUBLIC FORUM PRIOR TO CLOSED SESSION 6:09:16 PM

City Attorney Scott Cross introduced the closed session items.

Fred Heisman asked to provide more information regarding the two federal lawsuits. City Attorney Cross stated that Item 1a is in regard to an alleged Fair Labor Standards Act violation with a number of current and former Sanger police officers, Item 1b includes both the cities of Clovis and Sanger with allegations from Ms. Martinez regarding a police investigation and prosecution of an alleged assailant.

D. CLOSED SESSION

The City Council adjourned to closed session at 6:13 P.M.

1. Pursuant to Government Code Section 54956.9(d)(1)
Conference with Legal Counsel – Existing Litigation
 - a. Kevin Callahan, et al. v. City of Sanger
U.S. District Court Case No. 1:14-cv-00600-BAM
 - b. Desiree Martinez v. City of Sanger, et al.
U.S. District Court Case No. 1:15-cv-00683-MJS

2. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency designated representatives: City Attorney, Interim City Manager
Employee Organization: I.U.O.E. Stationary Engineers Local 39

The City Council reconvened the regular Council meeting at [6:54:44 PM](#).

E. CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Cross announced the following:

1a. No reportable action taken in closed session.

1b. The Council by motion of Council Member Ontiveros, authorized and directed that the defense of this case be handled by joint representation with the City of Clovis as recommended by AIMS. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

2. No reportable action taken in closed session.

F. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS [6:56:37 PM](#)

The Council by motion of Council Member Pacheco approved the agenda as presented. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

G. CEREMONIAL MATTERS

1. The Council recognized former Mayor Joshua Mitchell for his service to the community of Sanger. Mr. Mitchell had previously notified staff that he would not be in attendance to receive the plaque.

Mayor Pro Tem Cantu offered appreciation to former Mayor Mitchell for all he has done for the community and directed staff to ensure Mr. Mitchell receives the plaque.

2. Representatives, Cam Malloy of PG& E and Derrick Rubello with Quest, presented the Council with a check in the amount of \$37,976.48 which represents a rebate in kWh savings from replacing an old piece of equipment at the Waste Water Treatment Plant.

Cam Malloy commended the city's commitment to energy efficiency and mentioned Sanger was one of the first cities to convert Streetlights to LED. She further

recognized Sanger leaders for their commitment to update the 30 year old piece of equipment which will cut energy usage by 20-25%. She stated that this one time incentive check presentation is in addition to the annual energy savings which is estimated to be about \$76,000 per year.

Mayor Pro Tem Cantu thanked PG&E and Director Mulligan for all of his hard work with the energy efficiency project.

H. WORKSHOP/PRESENTATION 7:04:49 PM

Mayor Pro Tem Cantu introduced Chamber Board President, Steve Story who then introduced the new CEO & President of the Sanger Chamber of Commerce, Tammy Wolfe. Tammy proceeded to give the Sanger Chamber of Commerce quarterly report.

Councilmember Pacheco asked Mrs. Wolfe to share her vision for attracting larger manufacturing companies to the City of Sanger. Mrs. Wolfe replied that she does not have a plan in place, as today is her first day as the new CEO & President.

Mayor Pro Tem Cantu requested that Mrs. Wolfe put together a strategic plan for the next 6-months for the Council to review. He reminded her that during the City's Budget discussions that the Chamber was to develop a plan to become self-sustaining.

Councilmember Ontiveros recognized that the change in leadership at the Chamber was sudden and that he felt the Council worked well with David Phillips and that the Council continues to support the Chamber.

Councilmember Garza commended Mrs. Wolfe on her good attitude. Mayor Pro Tem Cantu praised Mrs. Wolfe for the great ideas she presented and for her charisma, recognizing the importance of both for her new position.

7:08:51 PM

The HSM Team representatives presented Sanger's goal-setting/strategic planning process to Council. Interim City Manager Keller stated that The HSM Team met with each of the Council Members earlier in the day and asked that the team provide self-introductions.

Ken Hampian provided an overview of The HSM Team members and Bill Statler provided an overview of the strategic planning process.

Council Member Pacheco inquired if the Consultants are scheduled to come back after the plan has been in place for a couple of years. Mr. Statler stated it was not part of their contract but that they certainly could. Mr. Statler reminded the Council that The HSM Team strongly recommends incorporating regular update reports and to have a poster or other visual in the Council Chambers to serve as a reminder of the identified priorities. Mr. Statler reiterated that structured reports is the best way to provide regular updates and to ensure that priorities stay on track. He did offer that perhaps the City could ask the team to come back at year 2 in conjunction with one of the City Staff's regular quarterly reports.

7:48:18 PM Public Comment was received as follows:

Doris Knowlton stated that the process seems very involved and inquired about the cost associated with the plan. HSM stated that their contract with the City is \$44,000.

James Miser stated that Sanger is not San Luis Obispo and mentioned Sanger renters don't get utility bills, many residents have no internet, and many don't trust city leadership. He inquired as to how we are going to reach people that the planned approach(es) does not address. He stressed that outreach needs to include the poor and needy.

HSM clarified that they will be hosting a planning session with staff tomorrow morning and one of the key elements is identifying the best ways to engage the public. Some of the methods will include making personal contacts, sending out notices and flyers, asking the schools and churches to help spread the word, etc.

Mr. Statler also stated that the process itself really does transcend all communities and demographics.

David Phillips requested that consideration be made to reach out and include the School District and Chamber of Commerce.

David Phillips also addressed the Council in regards to the changes in personnel at the Sanger Chamber. He stated that while he is no longer with the Chamber he looks forward to continuing working with Sanger. He commented about how great the Department Heads are and voiced his appreciation of working together with the council. Mayor Pro Tem Cantu reciprocated the sentiment and stated he looks forward to working with David.

Ralph Mesas (11707 Avenue East) voiced his concerns regarding speed along Academy Avenue, coming in from Hwy 180. He also voiced frustrations with calling in to dispatch with regard to response time. He voiced his personal concern and for kids walking in that area and stated that no one is policing that area. He also mentioned that with the increase/addition of businesses in that area, it makes it even more difficult to cross the street. There are no crosswalks or lights and there is a bump crossing the railroad tracks, etc.

Mayor Pro Tem Cantu responded by stating that the City Manager is aware of the problem and that it should be addressed.

I. PUBLIC FORUM

Public Comments were received from the following:

Sheila and Rayan Warren challenged the Council Members to participate in the "Socktober Challenge" and challenged the Council to collect socks and underwear for the needy. Ryan is collecting and he challenged each of the Council to see if they can beat him. Mayor Pro Tem stated that he accepted the challenge and will participate.

Dr. Valadez with the SAM Academy (750 N Street) introduced the idea of sponsoring the Cub and Boy Scouts and is seeking and needing help in finding adult supporters and volunteers.

Oswaldo Vera addressed the Council with concerns relating to drug problems in Sanger. He also inquired if the community will be engaged in hiring the next City Manager and also commented

that he has heard that some City supervisors are harassing employees which is unacceptable and stated that there needs to be answers if that is the case.

Mayor Pro Tem Cantu stated that there will be an opportunity for the community to be involved with the selection of the next Sanger City Manager.

Doris Knowlton reported that a building in the downtown area near 7th and N Street has two U.S. flags hanging from a window that are faded and frayed which is a disgrace. She is asking for the City to contact the owners. Mayor Pro Tem Cantu stated that it will be addressed and asked Interim City Manager Keller to inform Code Enforcement to take action.

J. CONSENT CALENDAR 8:09:19 PM

The Council by motion of Council Member Pacheco removed Item J-11 and approved the following items on the consent calendar:

1. SUBJECT: APPROVED - Minutes of a regular meeting of the City Council held on September 17, 2015.
2. SUBJECT: APPROVED - Monthly Warrants including check No. 67879 through 68110.
3. SUBJECT: APPROVED – approval of Payroll including Payroll Checks No. 55012 through 55061; Direct Deposits No. 36671 through 36864; and Benefit Checks No. 1102 through 1109.
4. SUBJECT: APPROVED - Amend Chapter 90 of the Sanger Municipal Code Related to Subdivision Signs.
The City Council adopted Ordinance No. 1164 amending Chapter 90 of the Sanger Municipal Code by amending Section 90-891 (6) (b) related to Subdivision Signs for Subdivisions under Active Construction to Consider the Use of Banners.
5. SUBJECT: APPROVED - Rejection of Claim for Damage.
The City Council rejected a claim filed on September 8, 2015 by Rosemarie Villalobos.
6. SUBJECT: APPROVED - Rejection of Claim for Damage.
The City Council rejected a claim filed on September 14, 2015 by Lola Henry.
7. SUBJECT: APPROVED - Agreement with Fresno Housing Authority – Crime Reporting Services.
The City Council approved an agreement and authorize the Interim City Manager to execute the agreement with the Fresno Housing Authority to provide Criminal Activity Reporting and authorized the Police Department to charge the Fresno Housing Authority for the preparation of such reports.
8. SUBJECT: APPROVED - City of Sanger Revised Appropriation Limit.

The City Council adopted Resolution No. 4580 establishing the Appropriation Limit for Fiscal Year 2015-16.

9. **SUBJECT:** REVIEWED - Monthly Financial Review.
The City Council reviewed financial reports including General Fund, Enterprise Funds, and Measure S for the year to date ending July 31, 2015.
10. **SUBJECT:** APPROVED - Response to Grand Jury Report.
The City Council approved the attached final response to the Grand Jury Report.

The motion was seconded by Council Member Garza and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

After further discussion, the Council by motion of Council Member Garza approved the following item on the consent calendar:

11. **SUBJECT:** APPROVED - Out of State Travel Request.
The City Council approved the out of state travel and training for the Fire Chief to attend the National Fire Academy in Emmitsburg, Maryland from January 3 – 15, 2016.

The motion was seconded by Mayor Pro Tem Cantu and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

Public comment was received by the following:

Oswaldo Vera requested clarification of per diem. Mayor Pro Tem Cantu responded that per diem is for meals.

K. DEPARTMENT REPORTS

1. **SUBJECT:** APPROVED - Memorandum of Understanding between the City of Sanger and I.U.O.E. Stationary Local 39.

The City Council by motion of Council Member Garza approved the Memorandum of Understanding (MOU) between the City of Sanger and I.U.O.E. Stationary Local 39 for the period of July 1, 2015 through June 30, 2018 and authorized the Interim City Manager to execute the MOU. The motion was seconded by Council Member Pacheco and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

Council Member Ontiveros thanked staff and Local 39 for coming together and reaching an agreement.

Mayor Pro Tem Cantu offered his appreciation and recognition of the hard work from Public Works and stated the MOU is well deserved.

2. SUBJECT: TABLED - Additional Firefighter I/Paramedic Position in the Fire Department.

Public Comment was received as follows:

Paul Lynch stated that adding the Firefighter I/Paramedic Positions should be done now.

Kathryn Pacheco respectfully disagrees with waiting on hiring the position, she stated the position should be hired now and not wait for the permanent City Manager.

James Miser asked for clarification if this was a new position. Interim City Manager Keller confirmed that the request is for a new (additional) position and that funding the position would be offset by potential savings from a reduction in overtime costs and that the position would be funded through General Fund. She further stated that the City is expecting additional revenue funds from IGT reimbursements which would be additional General Fund revenues.

After further discussion and deliberation, Mayor Pro Tem Cantu moved to table the request to authorize one (1) additional Firefighter I/Paramedic position in the Sanger Fire Department until the permanent City Manager is hired. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: Cantu, Garza, Ontiveros
NOES: Pacheco
ABSTAIN: None
ABSENT: None

3. SUBJECT: APPROVED - Reassignment of Council Members to serve as Representatives/Designees on Commissions/Committees previously represented by Former Mayor Joshua Mitchell.

After discussion, the City Council by motion of Council Member Pacheco assigned Mayor Pro Tem Cantu to serve as the representative on the San Joaquin Valley Air Pollution Control District City Selection Committee, Council Member Garza will serve as the alternate representative on the Southeast Regional Solid Waste Commission and Council Member

Pacheco will serve as the alternate representative on the Sanger Environmental Fund Solid Waste Commission. The motion was seconded by Council Member Ontiveros and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

8:37:03 PM

4. SUBJECT: APPROVED - Collection of Local Charge Revenue on Prepaid Mobile Telephony Services.

The City Council by motion of Council Member Ontiveros approved to adopt Resolution No. 4581 authorizing the agreement with the Board of Equalization for collection of the local charge revenue imposed on consumers of prepaid Mobile Telephony Services and authorized the Interim City Manager to execute the agreement. The motion was seconded by Council Member Pacheco and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

5. SUBJECT: APPROVED - Agreement for Development of Royal Woods Subdivision with Lennar Fresno, Inc.

The City Council by motion of Council Member Pacheco approved to adopt Resolution No. 4582 approving the Agreement for Development of Phase 3 of the Royal Woods Subdivision with Lennar Fresno, Inc., and authorizing the Interim City Manager to execute the Agreement. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: Cantu, Garza, Ontiveros, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

Public comments were received as follows: 8:48:25 PM

Mike Statler thanked Dan Spears, Scott Cross and Josh Rogers for working together to get this agreement finalized and promised that they would build a very nice project.

Council Member Garza inquired if waivers were applied to this project. Community Development Director Spears stated that fee credits were applied but no fee waivers.

L. CITY MANAGER/STAFF COMMUNICATION 8:53:04 PM

Interim City Manager introduced Patty Hartman who is serving as the Interim Finance Director.

Director Mulligan provided an update to the City Council, informing them that the city received a 90 day notice from the Boys & Girls Club terminating their lease at the Sanger Youth Center. He further stated that he will be meeting with their representatives to review alternative site locations and options.

Director Mulligan also provided an update regarding the Sanger Youth Center flooring project which was originally estimated at \$64,000. Since the original plan was discussed, Sanger Unified School District has indicated they are interested in a collaborative partnership with refurbishing and/or replacing the flooring. Director Mulligan is scheduled to meet with School District Staff next week to begin planning the joint project.

M. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Pacheco suggested that staff contact Reedley Community College to see if they may be interested in using the Sanger Youth Center facility for programs.

Council Member Ontiveros had nothing to report.

Council Member Garza followed up on a request he made about six months ago – wanting an update on the City Attorney RFP's. He stated that the City Council needs to finish the process. Council Member Garza also thanked Director Mulligan for the City's energy savings.

The question was raised whether City Attorney evaluation should be conducted in a Closed Session or Open Session. It was confirmed that the RFP's can be brought forth and action taken in Open Session.

Council Member Pacheco offered his opinion that there is no need to change law firms.

Mayor Pro Tem Cantu stated that the City needs to follow the protocol.

Interim City Manager proposed to have staff prepare a formal update of where we are in the process, providing background and recommendations for next steps in finalizing the process.

Mayor Pro Tem Cantu reported that he attended the League of California Cities and attended really good breakout sessions/classes. He also mentioned the City receiving the Helen Putnam Award. The Mayor Pro Tem stated that the Job Fair was a tremendous success and thanked Kristina Chamberlin for her efforts. He also mentioned this will continue as an Annual event in October. He also attended the COG meeting yesterday with Director Mulligan regarding Measure C funds, attended the Fresno Fair Winners Circle, and participated in the Police and Fire Open House Event. He concluded by thanking both Chiefs for their efforts with the Open House Event.

N. ADJOURNMENT

Being no further City business, the meeting was adjourned at [9:08:20 PM](#).