



MINUTES OF A REGULAR MEETING OF  
THE SANGER CITY COUNCIL

August 4, 2016

6:00 P.M.

COUNCIL CHAMBER

1700 7<sup>th</sup> Street, Sanger, California 93657

A. CALL TO ORDER

The regular meeting was called to order at [6:00:29 PM](#).

B. OPENING CEREMONIES

The invocation was offered by Pastor Paul Canaday.

The flag salute was led by Mayor Pro Tem Cantu.

Roll Call

Present: Mayor Pro Tem Cantu, Council Member Pacheco, Council Member Ontiveros,  
Council Member Garza.

Absent: None

CEREMONIAL MATTERS

1. The Council recognized Mike Hartman for his service to the City of Sanger as Interim Administrative Services Director.

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS [6:04:49 PM](#)

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

AYES: CANTU, ONTIVEROS, GARZA, PACHECO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

D. PUBLIC FORUM [6:06:35 PM](#)

Cheryl Senn commended both the Police and Fire Departments and the staff members who provided assistance to her daughter with being locked out of her car.

Doris Knowlton addressed the Council to provide an update on her request to honor Ada Fisher. Doris mentioned that she contacted Ada to inform her of the intent to recognize her service to which Ada responded that she is very honored but too weak and unable to attend a City Council meeting to receive the recognition.

Doris also asked the Council to make note of t-shirt she was wearing – commemorative 2016 Olympics – and reminded the Council that many of the Olympian athletes started out in programs like those offered from Parks & Recreation.

Kathryn Pacheco addressed the Council inquiring about the status of the Monument sign.

Fred Heisman inquired as to the report from JCI and reminded the Council that they were asked to come back to provide a formal update – they still haven't seen/heard from them. Fred also suggested that an emergency meeting be set to discuss the water system – he stated he is tired of seeing restrooms/restaurants closed due to water pressure issues.

Mayor Pro Tem Cantu asked City Manager Chapa for updates on the inquiries made by the public. City Manager Chapa stated the City Engineer is serving as the project manager for the monument sign and is currently on vacation and that an update will be given at the 8/18 Council meeting. Manager Chapa stated that staff will look to schedule JCI to provide a report at one of the September Council meetings.

Mayor Pro Tem questioned which restaurants and/or restrooms have had to be closed due to water issues. Director Mulligan stated that he has not been made aware of any closures and will reach out to DiCiccio's, Jack in the Box, and Walmart to confirm whether they are experiencing any issues as mentioned by Mr. Heisman. Director Mulligan confirmed that there are low pressure issues at various locations throughout the City and that staff has changed the watering schedules to help address those issues. (Residents East of Academy have had their watering days changed to Monday and Thursday; all other residents have been asked to refrain from watering between 7pm and 10pm).

Mayor Pro Tem asked for an estimated timeframe for well repairs, etc. Director Mulligan stated that he does not have set timeframes and in particular to the new water tower, the City is awaiting confirmation of funding through the EDA; once confirmed, staff will move forward seeking Council approval. Once approved, the new water tower could be under construction as early as this same time next year.

E. CONSENT CALENDAR

The Council by motion of Council Member Garza moved to approve the items on the Consent Calendar:

1. SUBJECT: APPROVED - Minutes of the City Council special meeting and regular meeting held on July 21, 2016.
2. SUBJECT: REVIEWED - Warrants.

The City Council reviewed warrants which included Check Nos. 70478 through 70570.

3. **SUBJECT:** APPROVED - Risk Management Fund Budget Amendments.  
The City Council approved budget amendments related to the Risk Management Fund.
4. **SUBJECT:** APPROVED - Grant Funding for Smoke Alarm Program.  
The City Council approved the request to apply for a non-matching grant for the purpose of acquiring smoke alarms to be distributed to residents that are in need of this equipment.
5. **SUBJECT:** ADOPTED - Second Reading of Ordinances Relating to 2013 California Fire Code.  
The City Council 1) waived full reading and adopted Ordinance No. 1174 repealing Article 3 of Chapter 30, and Adding Article III to Chapter 30 of the Sanger City Code Relating to Adoption of Fire Prevention Code and Adopting by Reference and Amending Provisions of the 2013 Edition of the California Fire Code and 2) waived full reading and adopted Ordinance No. 1175 adding Article IV into Chapter 30 of the Sanger City Code relating to the adoption of Fireworks Ordinance.

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

AYES: CANTU, ONTIVEROS, GARZA, PACHECO  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

F. **DEPARTMENT REPORTS 6:14:40 PM**

1. **SUBJECT:** ADOPTED - Second Reading of Ordinance Regarding Placement of a No Tax Rate Increase, Public Safety Continuation Measure on Ballot Extending Special Tax for Public Safety to City of Sanger voters.

City Manager Chapa introduced the staff report item and informed the Council and public that there will be a correction on the Ordinance as to the title of Raul Cantu, it will be corrected to read Mayor Pro Tem and not Mayor. Manager Chapa also highlighted the change from public input and direction from Council taken at the previous reading relating to the term. Instead of reading “until ended by voters”, it will read “for 10 years”.

City Manager also commented that discussion at the previous public hearing regarding allocation, explicit definitions, and accountability can be addressed administratively and not included in the Ordinance or Resolution. The City Attorney affirmed that those issues can be addressed administratively and reminded Council and public that the Council has already engaged in that type of activity, providing Resolution regarding the Gang/Drug intervention/prevention as an example as well as highlighting that the Oversight Committee provided recommendations to Council that were approved for strengthening the accountability in

some of the allocation in funding for grants. Staff recommends using those same administrative processes for further clarity.

Manager Chapa stated that the item before the Council has a specific focus to determine placement of the measure on the November ballot and reminded the Council and public, due to County deadlines, tonight is the last chance Council will have the opportunity to make the determination; by separating the two items, allows action tonight.

[6:20:16 PM](#)

City Attorney Cantú Montoy noted that Resolution 4640 included in the Council packet was approved at last meeting and has been included for reference only and to show the changes regarding the sunset clause. She affirmed that tonight presents the last opportunity to take action as adoption of Ordinances must take place at a regular meeting, not special meeting; therefore today is the final opportunity to choose to place on ballot. Attorney Cantu Montoy also affirmed that specific requirements can occur any time per Section 66-214, which is the meat of the ordinance and within the guidelines set forth in this Section, the Council can administratively strengthen or better define, criteria, etc.

Public Comment included: [6:23:05 PM](#)

Oswaldo Vera responded to concerns with accountability and performance measures – he stated there are millions of dollars going to police and fire – we don't need accountability – the question is how much is going to be spent on the youth on prevention. He stressed the need to invest in Sanger's kids. He stated that there is a need to survey the people because they don't come to these meetings because they don't feel the Council listens to them.

Kevin Carter questioned if money will be spent on a new dispatch. He stated after he thought about the renewal and if it passes, it will be considered a new Ordinance and therefore the dispatch can be funded. He stated that is his perception/assumption what the renewal means.

Henry Provost cited Section 4 – “shall take effect immediately”. His question and point was that there is still a 1 ½ year overlap from when the original tax was put into place and questioned if that means they will be taxed twice. He stated if that is the case, he was going to work [hard] to make sure the measure does not pass. He then stated Measure S should be called a slush fund and reminded that it took nine months to get an Attorney opinion on questions raised before, he stated that the language needs to be cleaned up.

[6:29:14 PM](#)

James L Miser, CPA provided the Council Members with a letter in which he read regarding his concerns with oversight responsibilities of the Citizens Oversight Committee and in particular with concerns about the stated accountability that is currently in place. His basic message is that, in his opinion, the COC has no authority over the expenditures or Measure S fund in general.

Kathryn Pacheco addressed the Council in response to comments made by Mr. Vera about how many children have be saved. Her question in response was asking how many kids are saved by Project Purple and the Police efforts. She stated that everything paid from Measure S is asked for first.

Donna Bailey stated that if it is true that the COC really do not have oversight that perhaps we

should hold off a year and make sure they have oversight. She stated the way it looks now, she doesn't think she will vote for it.

Fred Heisman stated that there is nothing that keeps a compliance audit from taking place and that we need to pass it now to ensure funding continues.

[6:36:28 PM](#)

Mayor Pro Tem requested the City Manager address the concerns raised regarding dispatch. City Manager Chapa stated that the absence of information does not make it true and that the Ordinance does not speak to the level of details as the 10-year plan does or will. Manager Chapa provided the illustration on how the process is followed, which included clarifying that any expenditure in the 10-year plan goes before the COC (requested or recommended by either Chief) and ultimately is forwarded to City Council for formal approval. He further stated items included in the 10-year plan is not developed into specificity for inclusion in the Ordinance. Manager Chapa also stated that the Council has considered dispatch and Council decided not to do dispatch at this time.

In response to the question as to whether or not renewal now will result in a double-tax, Attorney Cantú Montoy clarified the language in the Ordinance section that states the authority to levy shall continue in effect through 2028 and clarified that the language "effective immediately" simply means that it will go into effect if 2/3 of the Sanger voters approve the continuation. She also mentioned that FAQ's will be developed to help clarify all the aspects relating to the renewal and assured the people that they are not going to be taxed twice.

[6:40:04 PM](#)

In response to the Citizens Oversight Committee's authority, Council Member Garza commented, as he reads it, the COC is an advisory committee who's responsible to affirm and oversee expenditures and requests are consistent with what the Ordinance allows to be funded – if it does, then their recommendation comes before the Council. He stated he is not sure what they mean by having or not having authority.

Attorney Cantú Montoy referenced the Ordinance that stipulates the COC is to monitor expenditures only and that the City needs to ensure that they are given tools in which to review and monitor the funds. She indicated that the Expenditure Plan is put together during a regular Council Meeting and the COC and all the public can provide input. She confirmed that the committee has input power not veto power.

Council Member Garza stated that the City is currently paying for dispatch in the form of a contract with Fresno Co. Sherriff's Office, and stated and asked for clarification that we would not bring this back because it would be supplanting.

City Attorney Cantú Montoy stated that she would need to look into the overall matter, but basically we look at how much expenditures were in place at the time Measure S was implemented and what they were used for to determine if and what can be included in the plan. She also stated that it was her understanding that Council chose not to include dispatch as an expenditure.

[6:43:41 PM](#)

Council Member Ontiveros voiced concern with the comment that the Ordinance/Resolution is a

boiler plate and wants to ensure it is done right the first time. He stated that when he reads that this becomes “effective immediately” that he interprets that to mean that we will be taxed twice. He stated that he holds the input of the COC in high regard and if they are stating they need accountability it is important that we need to give it to them.

[6:45:07 PM](#)

Council Member Pacheco addressed his comments/questions to the City Attorney, stating that he has concerns about Resolution 4640, as he feels it outlines something new and not merely continuing what is in place. He stated it is an addition to the Measure S that wasn't there initially when first passed. He also stated now we are going to change it and if approved, we are going to take away the authority away from COC, and we need to have the checks and balances. He emphasized the need to keep it as it was initially passed with no changes. In reading the measure, he feels that we are on the verge of not being quite transparent and would hate to see the COC not having the accountability measures and resources to do their job.

[6:50:00 PM](#)

Attorney Cantú Montoy reminded the Council and public that at the last meeting, the Council held a lengthy public hearing with thorough deliberation and that the attachment is exactly the same as Council approved, other than the language regarding the term – the only changes were those made on the floor at the last meeting. She also clarified it is the Ordinance that “rules” and acts like our constitution, and that it must be abided by. The language that was read is the “question” that the city’s consultant with staff and attorney input created as a means to explain what the measure does within 75 words as dictated by the County for placement on the ballot. She also responded to the comment to “doing it right” and confirmed the expressed date of June 30, 2028 was used as the expressed termination rather than stating “in 10 years” is the only thing being changed and reiterated it would go into effect only after Nov. 8<sup>th</sup> and only if voters approve it; again, then it simply extends the Measure for an additional 10 years.

Council Member Pacheco asked for confirmation as to whether or not the Council can go back after it is approved to administer changes, whether through an Ordinance or Resolution. Attorney Cantú Montoy reminded all that as stated earlier, the Council has the ability to create limitations, requirements including a compliance audit at any time. Council Member Pacheco reiterated that he still had concerns with Resolution 4640.

[6:55:32 PM](#)

Mayor Pro Tem Cantu commented that he expressed concerns at the July meeting and understands the importance of continuing the Measure. He also stated that he feels more confident with our Administration then we had a year ago to address the remaining concerns. He stated that he wants to move it forward because we need it and stated that we need to leave it up to the voters to decide. He also affirmed that there are checks and balances in place, the COC is thorough – they vote for or against items and bring it forward to Council. He stated that he wants to do what’s in the best interest for the community.

[6:57:11 PM](#)

Council Member Ontiveros commented that he wants to make the point that it will cost money to get this on the ballot and perhaps we should hold it off until we get it right and also asked if we really want to launch something that will fail, are we launching this prematurely.

City Manager Chapa commented that staff is having a challenge understanding the basis for concerns that it won't pass as is and that perhaps the response is in light of one person's comments. He acknowledged that Measure S is imperfect and stated that we are all working on this to make it as stream-lined and sensible, to make it better. He also stated that failure to put it on the ballot, all else becomes moot and provided an example and encouragement that if you are 95% in support of it and 5% against it to ask yourself if the greater percentage outweighs the other. He confirmed that nearly all goes directly to fund Police and Fire which allows us to provide a tremendous benefit to the community. He also reminded all that the community taxed itself to get the best public safety. Again stating it is imperfect but we have identified processes to make it better, and asked all to please give us the opportunity to make it better as the alternative is disastrous - give us the chance by putting it on the ballot.

[7:01:10 PM](#)

Council Member Garza stated that he was not satisfied and had concern that not enough was allocated for gangs and drug, but, that he is hopeful that we can move forward to beat crime. He also stated that not any one will get exactly what they want, but that he is going to vote for it stating that he may not get exactly what he wants, but without any would be disastrous, and cannot imagine how it will be without it.

Council Member Pacheco stated that other than concerns with the Resolution he too is concerned for the safety of this community and won't be the single council member to vote against what is good for the community. He stated that he has learned a lot about how things are done over his years on the Council and he will continue to do what is best for the community, that's what keeps him moving forward and why he is going to vote to support it.

The Council by motion of Council Member Pacheco and seconded by Council Member Garza waived full reading and adopted Ordinance 1173 of the City of Sanger adding Section 66-219 to Article VI of Chapter 66 of the Sanger City Code relating to Sanger Police, Fire, Paramedic, 9 1 1 Emergency Response and Gang Prevention Special Transaction and Use Tax. The motion was approved by the following vote:

AYES: CANTU, ONTIVEROS, GARZA, PACHECO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

G. CITY MANAGER/STAFF COMMUNICATIONS [7:04:04 PM](#)

City Manager Chapa introduced newly appointed Administrative Services Director, Rudy Hernandez. He stated that the City went through an arduous recruitment process and ultimately used a professional service, to help bring us a very experienced member of our team. Manager Chapa commended Patty & Mike Hartman for their interim service and asked Rudy to introduce himself.

Director R. Hernandez stated that he is extremely happy to be here and that he has had a very positive first week. He believes it will be fantastic working here and stated his best friends live here and that he is looking forward to using his leadership to help Sanger meet challenges. He

provided a summary of his background and mentioned he has a Master's in Public Administration and a Bachelor's in Accounting.

Manager Chapa informed the Council that staff followed up with resident Kevin Carter and met with him directly to discuss his questions and concerns raised at previous Council meetings relating to the City's disposal fund.

Manager Chapa informed the Council that he will be meeting with John Ypma with Initiative Foods and while the fire was definitely traumatic to the organization but it resonated the character of our community, not only with our Police, Fire and Public Works Departments, but in how the community and company responded. He mentioned that Mr. Ypma has voiced a commitment to rebuild in Sanger and that the meeting will help to understand their immediate plans, he mentioned this will be the first of many meetings and will keep Council apprised accordingly.

[7:09:34 PM](#)

City Attorney Cantú Montoy indicated that with the approval of placing the renewal measure on the ballot, she will be sending the Council and staff members the "do's and don'ts" regarding communications relating to the renewal of the Measure.

#### H. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Garza stated residents in his district have indicated that they are pleased with the Police and Fire Department's response to the Initiative Foods fire.

Council Member Ontiveros asked for the consent of the Council to present Ada Fisher with a plaque, too present it to her directly rather than having her attend the Council; the Council concurred that would be appropriate and gave consent. Council Member Ontiveros also requested that a flow chart of the water system and issues be drafted for use in notifying the public of the City's plan and timelines and stated it would be a great way to hold ourselves accountable as well.

Council Member Pacheco commended the Police and Fire Chiefs for their efforts with National Night Out and stated that while it was kind of hot, it was well attended. He also mentioned that he will be out of town for the next City Council meeting.

Mayor Pro Tem Cantu commended the Fire and Police Chiefs for their actions regarding the Initiative Foods fire, in particular Fire Chief's response, setting up the command center and directing eleven agencies. He recognized that the Chief was out there, on scene all day, taking charge and recognized what a great job he did.

Mayor Pro Tem informed the Council that he attended the Fresno COG, and National Night Out, and commended the Police and Fire Department along with the Chamber for a great event.

Mayor Pro Tem addressed the audience and thanked them for attending and voiced his appreciation for all their input and comments.

I. ADJOURNMENT

Being no further business, the meeting was adjourned at 7:20pm.