



MINUTES OF A REGULAR MEETING OF
THE SANGER CITY COUNCIL

November 3, 2016
6:00 P.M.
Council Chamber
1700 7th Street
Sanger, CA 93657

A. CALL TO ORDER

The Council called their meeting to order at 6:00 P.M.

B. OPENING CEREMONIES

The invocation was offered by Pastor Paul Canaday.

The flag salute was led by Council Member Tony Pacheco.

Roll Call:

Present: Mayor Pro Tem Raul Cantu, Council Member Tony Pacheco, Council Member Humberto Garza

Absent: Council Member Eli Ontiveros

Mayor Pro Tem Cantu announced that Council Member Ontiveros was in a meeting and would be arriving late.

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Council Member Pacheco deleted Item D-2 and approved the agenda as amended. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: CANTU, PACHECO, GARZA

NOES: NONE

ABSTAIN: NONE

ABSENT: ONTIVEROS

CEREMONIAL MATTERS

1. The Council recognized the following for their support to the City of Sanger Fire Department and Initiative Foods during the recent fire:
7-Eleven
CVS
Grace Community Church

Jack in the Box
Motion Matters Physical Therapy
Sequoia Chevrolet
Starbucks
State Foods Supermarket
Walmart Supercenter

2. DELETED - Introduction of newly appointed Police Officers Joel Banda-Tovar and Victor Ibal.

E. PUBLIC FORUM 6:10:20 PM

Donna Bailey asked why the marijuana regulation item was not on the agenda and asked who sets the agenda.

Oswaldo Vera provided a photograph of a park sign and asked why the restrooms at parks are closed by 3 or 4 p.m. yet the sign says the parks are closed at 10 p.m.

Ed Cuadros inquired about the following: if the grant recently received for the JFK Park included the walking path; an update on the reconstruction of North Avenue between Bethel and Academy; why have the property owners on O Street between 5th and 9th been asked to remove trees at their own expense.

Council Member Eli Ontiveros arrived at 6:19:51 PM.

Fred Heisman asked if the contract with the Sanger Chamber of Commerce disclosed the rent value for their use of the office at the City Annex.

City Manager Tim Chapa reported the following in response to the Public Forum comments:

As announced at the last meeting, the marijuana regulation agenda item will be brought to Council after the election so staff can determine if there will be any overlap with the marijuana related ballot measure; the agenda is set by an administrative process of identifying what needs to be considered and additionally, by direction from the Council for any other items.

The City struggles with regular vandalism to facilities and fixtures in the parks and park restrooms and monitoring of the parks is unavailable when the Public Works staff work day ends.

Public Works Director John Mulligan reported that the walking path is not included in the recent grant for the JFK Park but that staff will assess the park for needed repairs.

City Engineer Josh Rogers reported that staff is currently advertising for bids for the North Avenue project and contractors have begun to pick up specs. The award recommendation should be presented sometime in January with construction to begin in March.

City Manger Chapa reported that the tree issue will be looked at and brought back at the next meeting and APA is scheduled to present their quarterly report at the next meeting at which time they can discuss grants for the project.

City Attorney Hilda Cantú Montoy reported that she reviewed the Chamber contract and added some modifications resulting from discussion at the last meeting. The contract lists many obligations and benefits that the City provides including the use of City facilities; however, the word “rent” is not used in the contract.

Mayor Pro Ten Cantu commented that the City has not yet made a decision regarding marijuana regulations. He asked if the City could assign personnel to lock and unlock restrooms. City Manager Chapa said staff will look into that and report back at the next meeting.

F. CONSENT CALENDAR 6:29:17 PM

The Council by motion of Council Member Pacheco removed Item F-4 Transfer of Surplus Property – Golf Carts to Sanger Unified School District and approved the following items on the Consent Calendar:

1. SUBJECT: APPROVED - Minutes of the City Council special and regular meetings held on October 20, 2016.
2. SUBJECT: REVIEWED - Warrants including Check Nos. 71123 through 71215.
3. SUBJECT: APPROVED – ORDINANCE NO. 1176 Amendment to the City’s Conflict of Interest Code.
The City Council adopted Ordinance No. 1176 repealing Chapter 2, Article III, Division 2 of the Sanger City Code amending the City’s Conflict of Interest Code.
5. SUBJECT: APPROVED - Sole Source Purchase of Cardiac Monitor/Defibrillator.
The City Council approved the sole source purchase of a Physio-Control LifePak 15 cardiac monitor/defibrillator in the amount of \$30,298.31 and authorized the Purchasing Agent to process the necessary documentation and paperwork.

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

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

4. SUBJECT: APPROVED – RESOLUTION NO. 4652 - Transfer of Surplus Property – Golf Carts to Sanger Unified School District.

Public comment:

Fred Heisman asked where golf carts are and what their dollar value is.

Police Chief Silver Rodriguez said the golf carts are parked in the Police Department parking lot.

City Attorney Cantú Montoy reported that it is not required to determine the dollar value of property that is used for public purpose.

Ed Cuadros commented that in the spirit of transparency rather than state the property is too costly to repair, state what the cost is.

The Council by motion of Council Member Pacheco approved Resolution No. 4652 approving the Transfer of Surplus Property consisting of two Sanger Police Department golf carts to the Sanger Unified School District. The motion was seconded by Council Member Garza and approved by the following vote:

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

G. DEPARTMENT REPORTS

1. SUBJECT: APPROVED – RESOLUTION NO. 4653 - Grant Application for the Sanger Futsal Project.

The City Council by motion of Council Member Garza approved Resolution No. 4653 approving the filing of a Grant Application with the California Department of Parks and Recreation, Youth Soccer and Recreation Development Program for the Sanger Futsal Project. The motion was seconded by Council Member Ontiveros and approved by the following vote:

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

The Council called for a recess at [6:38:00 PM](#).

The Council reconvened their meeting at [6:44:52 PM](#).

2. SUBJECT: APPROVED - Right of Way Acquisition – Academy Avenue Reconstruction Project. [6:45:00 PM](#)

Council Member Eli Ontiveros recused himself from Item G-2 because the item is part of a larger right-of-way project and he owns property located within 500 feet of the project area.

Council Member Ontiveros left the dais at [6:45:54 PM](#).

City Attorney Cantú Montoy announced that she advised Council Member Ontiveros that the common law doctrine also requires him to recuse himself from the agenda item because his mother owns property located within the project area but that Council Member Ontiveros replied that he felt his recusal was sufficient.

The City Council by motion of Council Member Garza approved Resolution No. 4654 to approve the Right of Way Agreements for property located at 1210 Academy Avenue, authorized the City Manager to execute the Agreement and open escrow for the sale, and accepted the right-of-way dedication for public street and utility purposes at the same property. The motion was seconded by Council Member Pacheco and approved by the following vote:

AYES: CANTU, PACHECO, GARZA
NOES: NONE
ABSTAIN (RECUSAL): ONTIVEROS
ABSENT: NONE

Council Member Ontiveros returned to the dais at [6:48:22 PM](#).

3. SUBJECT: APPROVED – RESOLUTION NO. 4655 - Human Resources Technician Position. [6:48:31 PM](#)

The City Council by motion of Council Member Garza approved Resolution No. 4655 re-establishing the classification and salary range for the position of Human Resources Technician. The motion was seconded by Council Member Pacheco and approved by the following vote:

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

4. SUBJECT: APPROVED - Payment for Police Vehicles and Upfitting. [6:53:16 PM](#)

Public comment:

Oswaldo Vera commented that the Measure S money being used to pay for the police vehicles should be used for gang suppression.

Joseph Villalobos said this was an example of supplanting versus supplementing and that Measure S monies are being used as a slush fund and asked why not purchase the police cars from the money made from the cars that were sold.

Henry Provost commended that the wording says anything paid for from the General Fund cannot be paid for from Measure S and that the only way to stop this was for someone to take the City to court.

Council Member Ontiveros asked for clarification from the City Attorney about the appropriate use of Measure S funds.

City Attorney Cantú Montoy said she would bring back an ordinance on implementation and use of Measure S and that Section 66-214, which is part of the codified Measure states that Measure S money will be used for public safety services.

Council Member Pacheco said the Measure S Committee and Planning Commission is established to provide recommendation to the Council and that the staff report indicates the Measure S Committee had previously determined this was an appropriate use of Measure S funds and he would follow their recommendation.

The City Council by motion of Council Member Pacheco approved the payment of \$62,570.88 to Sequoia Chevrolet for the purchase of two Chevrolet Caprice sedans for use as police vehicles, authorized the Police Department to initiate the upfitting of the two vehicles with Cook's Communication of Fresno at a cost of \$28,869.98 and approved payment, and approved the amendment to the 2016-2017 Fiscal Year Budget to reflect these expenditures from the Measure S fund. The motion was seconded by Council Member Garza and approved by the following vote:

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

H. INFORMATIONAL ITEM

1. Administrative Services Director Rudy Hernandez provided a Quarterly Financial Report to the Council. [7:05:20 PM](#)

I. CITY MANAGER/STAFF COMMUNICATION

1. City Attorney Cantú Montoy reported to the Council that generally the seating of newly elected or re-elected council members occurs during the first meeting in December. However, it is highly unlikely that the Fresno County Elections Office will have the final results and official canvass of the November 8, 2016 election prior to the first meeting in December, which is December 1. She stated that once the County Clerk provides the official canvas, the Council can declare the results at the next regular meeting or call a special meeting.

J. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Garza thanked City Manager Chapa for providing the financial report and asked for a hard copy of the Capital Projects Status Report presented at the last meeting.

Council Member Ontiveros asked how much money was raised from the sale of the surplus vehicles and where the money will go.

Public Works Director Mulligan said it will likely be between \$2,500 to \$5,000 and said the City has a miscellaneous revenue account and that Council can give direction in regards to where the money will go.

Council Member Pacheco reported that he attended the annual inspection of the NJROTC program at Sanger High.

Mayor Pro Tem Cantu reported that he attended several ribbon cutting events, the Halloween candy giveaway and the Arte Americas Dia de los Muertes event. He asked what it will cost to have the SR180 monument constructed double-sided.

City Manager Chapa said that direction was given by Council to staff to not do anything that will delay the project at this time.

City Engineer Rogers said that at the early stages of the project staff discussed a double-sided feature but because of how far it is from the road staff did not think the cost would be worth the low visibility. Discussion had also included placing a similar side on the other side of SR180 after construction is completed.

K. ADJOURNMENT

Being no further business the Council adjourned their meeting at [7:29:21 PM](#).