



MINUTES OF A REGULAR MEETING OF
THE SANGER CITY COUNCIL

December 17, 2015
6:00 P.M.
Council Chamber
1700 7th Street
Sanger, CA 93657

A. CALL TO ORDER

The meeting was called to order at [6:03:16 PM](#).

B. OPENING CEREMONIES

The invocation was offered by Pastor Don Hamilton.

The flag salute was led by Council Member Humberto Garza.

Roll Call

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

Absent: None

C. CEREMONIAL MATTERS

1. The Council recognized Gloria Trevino-Jasso on her 40 years of service to the City of Sanger.
2. The Council recognized the 2015 Sanger High School Varsity Football Team for winning the County Metro Athletics Conference and Coach Chuck Shidan for his 26 years of service to the Sanger High Apache Football Program.
3. Representatives of the Sanger Chamber of Commerce and the Sanger Downtown Association signed a Memorandum of Understanding.

D. PUBLIC COMMENT PRIOR TO CLOSED SESSION [6:44:47 PM](#)

Fred Heisman asked why the draft employment agreement for the City Manager position was not available 72 hours in advance. City Attorney Scott Cross stated that the item had been placed on the agenda and the draft agreement was made available to the public at the same time it was made available to the Council.

E. CLOSED SESSION

1. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: Interim City Manager
2. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
 - a. Agency designated representatives: City Attorney, Interim City Manager, City Clerk/Deputy Personnel Officer, Police Chief
Employee Organization: Sanger Police Officers Association
 - b. Agency designated representative: City Attorney
Unrepresented employee: City Manager
3. Pursuant to Government Code Section 54957
Public Employee Appointment/Employment
Title: City Manager

The Council went into Closed Session at [6:47:01 PM](#).

The Council reconvened their meeting at [8:04:11 PM](#).

F. CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Scott Cross announced that no action was taken in Closed Session; direction was given to Staff.

G. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Mayor Pro Tem Cantu moved Item J-7 to be presented before Item J-1 and added a subsequent need item to be presented after item J-2. The subsequent need item came to the attention of Staff on Wednesday, December 16, 2015 from United Health Center about an opportunity to gain new market tax credit financing and involves the need to transfer ownership and responsibility of the project property by Wednesday, December 23, 2015. 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

H. PUBLIC FORUM

Frank Valles announced that a food, blood and coat drive will be held on Saturday, December 19, 2015 from 10 a.m. to 3 p.m. at the Sanger Woman's Club.

I. CONSENT CALENDAR 8:10:28 PM

The Council by motion of Council Member Ontiveros pulled Item I-4 and Item I-6 and approved the following items on the Consent Calendar:

1. SUBJECT: APPROVED - Minutes of a City Council special meeting held on November 16, 2015, a regular meeting held on November 19, 2015 and a special meeting held on November 30, 2015.
2. SUBJECT: REVIEWED - Monthly Warrants including Check Nos. 68418 through 68609.
3. SUBJECT: APPROVED – Payroll including Payroll Check Nos. 55105 through 55155; Direct Deposit Nos. 37057 through 37338 and Benefit Check Nos. 1118 through 1129.
5. SUBJECT: APPROVED – RESOLUTION NO. 4587 - Budget Amendment for Kings River Non-Motorized Boat Launching Facility.
The City Council adopted Resolution No. 4587 approving a budget amendment for the 15/16 fiscal year recognizing the grant revenue and authorizing the expenditure of California State Parks Boating and Waterways grant fund in the amount of \$425,000.

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

4. SUBJECT: APPROVED – RESOLUTION NO. 4586 - Budget Amendment for Rotary Basin Drainage Study.

After further discussion, the City Council by motion of Council Member Pacheco adopted Resolution No. 4586 approving a budget amendment for the 15/16 fiscal year authorizing the expenditure of Article 8 funding in the amount of \$16,000 to conduct a study of the Rotary Basin storm drain system. 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

6. SUBJECT: APPROVED – RESOLUTION NO. 4588 - Budget Amendment for Reagan School Sidewalk Project.

Fred Heisman commented that Staff did a great job in closing the gap but the gap should not have been there. He said that it was the school's and developer's responsibility and the City should not participate but in this case the City had to and the City should live and learn.

After further discussion, the City Council by motion of Council Member Pacheco adopted Resolution No. 4588 approving a budget amendment in the amount of \$12,000 to pay for the City's share of the Reagan School sidewalk 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

J. DEPARTMENT REPORTS

7. SUBJECT: APPROVED - Approval of City Manager Employment Agreement and Appointment of New City Manager.

Tim Chapa stated that he is incredibly honored to be considered for the appointment of City Manager. He said that the process was long and arduous but he understood that it was necessary. He said he appreciates and is honored by the Council's confidence and he is humbled at the opportunity to come back and work in the community that has done so much for him and his family.

Oswaldo Vera congratulated the Council on their decision and said they did the right thing.

The Council by motion of Council Member Garza approved an Employment Agreement for City Manager with Tim Chapa and appointed him City Manager. 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 [8:36:34 PM](#).

The Council reconvened their meeting at [8:51:39 PM](#).

1. **SUBJECT:** Planning Commission Appointment.

John Perez thanked the council for their consideration of appointing him to the Planning Commission.

The City Council by motion of Council Member Ontiveros approved Mayor Pro Tem Cantu's recommendation to appoint Ken Garcia and John Perez-Arcuri to fill the upcoming vacancies (due to term expirations) on the Planning Commission. 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

2. **SUBJECT:** Appointment to Consolidated Mosquito Abatement District Board of Trustees.

Karen Steinhauer thanked the council for their consideration and said she was happy to continue serving the City and the Consolidated Mosquito Abatement District.

The City Council by motion of Council Member Ontiveros reappointed Karen Steinhauer to a four year term on the Consolidated Mosquito Abatement District Board of Trustees. 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

SUBSEQUENT NEED ITEM

SUBJECT: APPROVED - Assignment of Disposition and Development Agreement between the City of Sanger and Legacy Realty & Development to United Health Centers of the San Joaquin Valley.

Kevin Carter commented that business deals make him nervous and that this item sounds like the City is being blackmailed into doing something that has to be done by a certain date. He said the City should do an investigation as to whether United Health Centers is able to build this project.

James Miser commented that it is not unusual for a contract to transfer rights from one party to another and he does not think that they (United Health Centers) are trying to pull something over on us. He said that he does not feel there would be any fiscal impact to the City.

Kathryn Pacheco asked if there would be a cost to the City. Dan Spears answered that there would be no fiscal impact to the City.

Fred Heisman commented that United Health Centers is financially sound and that it would be a good thing to approve this and get the project built.

The City Council by motion of Council Member Garza approved the Assignment of the Disposition and Development Agreement dated December 5, 2013 with Legacy Realty & Development to United Health Centers, and authorized the Interim City Manager or Designee to execute the documents related to the Assignment. 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

3. SUBJECT: APPROVED – RESOLUTION NO. 4589 - 2014-2015 Annual Report of Development Impact Fees.

The City Council by motion of Council Member Ontiveros adopted Resolution No. 4589 pursuant to Government Code section 66001(d) for fees collected for public facilities related to development and remaining unexpended after five years. 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

4. SUBJECT: Americans with Disabilities Act (ADA) Draft Self Evaluation and Transition Plan for the Public Right of Way.

No public comment was offered.

The City Council provided comment and/or direction on the draft ADA Self Evaluation and Transition Plan for the Public Right of Way (Plan) prior to the Plan being finalized by Staff and the architectural consultant.

5. SUBJECT: APPROVED – RESOLUTION NO. 4590 - Extend the Industrial Incentives Program.

Fred Heisman thanked Dan Spears for a great job and recommended that the Council approve the extension.

The City Council by motion of Council Member Pacheco adopted Resolution No. 4590 revising and extending the Industrial Incentives Program designed to reduce the start up cost of industrial businesses that construct new facilities on land within the City that is zoned CM, M-L or M-H. 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

6. SUBJECT: APPROVED – RESOLUTION NO. 4591 - Extend the Downtown Building Permit Fee Waiver Program.

The City Council by motion of Council Member Ontiveros adopted Resolution No. 4591 extending the Downtown Building Permit Fee Waiver Program for an additional 12 months. 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

K. CITY MANAGER/STAFF COMMUNICATION

Interim City Manager Dayle Keller wished everyone a happy and safe holiday.

L. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Ontiveros wished everyone a Merry Christmas and Happy New Year.

Council Member Garza thanked everyone on the Council for the selection of the new City Manager. He said that the new City Manager will give us a good beginning, move us in the right direction and make some improvements. He wished everyone a Feliz Navidad y Prospero Año Nuevo.

Council Member Pacheco announced that he was absent from the Employee Luncheon because he was out of town and was sorry that he missed the event because employees are very special. He wished everyone a Merry Christmas and Happy New Year including Dick Sheppard, Cheryl Senn, the Interim City Manager and the City Attorney.

Mayor Pro Tem Cantu commented that it has been five years since the employees have had a Christmas luncheon. He commented that the event was hosted by City Hall Staff who cooked, decorated and served. He thanked Kristina for coordinating the event. He said he hopes that the City will budget funds in the upcoming fiscal year for another event next year. He attended the ribbon cuttings and announced that there is a new business downtown called Little Black Dress and the Big Kahuna at the Walmart Shopping Center. He reminded everyone of the Coats for Kids event at the Woman's Club on Saturday from 10 a.m. to 3 p.m. He commented that there will be a one-day ICSC event in January Los Angeles and that it is important for the Council to attend these events. He asked the Council if they would like to attend and the Council gave a consensus that he and Council Members Pacheco and Ontiveros would attend. He wished everyone a Merry Christmas.

M. ADJOURNMENT

Being no further business the Council adjourned their meeting at [9:38:16 PM.](#)