



MINUTES OF A REGULAR MEETING OF  
THE SANGER CITY COUNCIL

April 21, 2016  
6:00 P.M.  
Council Chamber  
1700 7<sup>th</sup> Street  
Sanger, CA 93657

A. CALL TO ORDER

The Regular Meeting was called to order at 6:04 P.M.

B. OPENING CEREMONIES

The invocation was offered by Pastor Paul Bergquam.

The flag salute was led by Mayor Pro Tem Cantu.

Roll Call

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

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Council Member Ontiveros deleted Agenda Items E-1 and E-2 and approved the agenda as amended. 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

D. CEREMONIAL MATTERS

1. The Council recognized Cristal Bakery for their 30 years of business in Sanger.

E. WORKSHOP/PRESENTATION

1. Chamber of Commerce quarterly report. DELETED
2. Bryson Barnella of Johnson Controls, Inc. will present an update regarding the performance contract. DELETED

F. PUBLIC FORUM

Oswaldo Vera commented on his concern about the recent suicide.

G. CONSENT CALENDAR

The Council by motion of Council Member Pacheco pulled Item G-10 and approved the following items on the Consent Calendar:

1. SUBJECT: APPROVED - Minutes of the City Council special meeting held on April 2, 2016 and the special and regular meetings held on April 7, 2016.
2. SUBJECT: REVIEWED - Warrants including Check Nos. 69555 through 69667.
3. SUBJECT: APPROVED – Payroll including Payroll Check Nos. 55306 through 55369; Direct Deposit Nos. 37908 through 38199; and Benefit Check Nos. 1154 through 1165.
4. SUBJECT: APPROVED – RESOLUTION NO. 4614 - Tract 5490 – Sanger Ranch Phase III.  
The City Council adopted Resolution No. 4614 approving a budget amendment for the 15/16 fiscal year to appropriate \$115,363.00 from the Traffic Facility Impact Fee account for reimbursement to D.R. Horton Bay, Inc. (DR Horton) for eligible improvement costs associated with Tract 5490 – Sanger Ranch Phase III in accordance with City Municipal Code Section 50-29.
5. SUBJECT: APPROVED - Budget Amendments – Clean-Up FY 15/16.  
The City Council approved the budget amendments.
6. SUBJECT: APPROVED - Claim for Damage – Raymond Bracknell.  
The City Council provided settlement authority in the amount of \$85.00 for the claim filed by Raymond Bracknell.
7. SUBJECT: APPROVED - Award of Contract – Circle Drive Reconstruction Project.  
The City Council: 1) awarded the contract for the Circle Drive Reconstruction Project to AJ Excavation, Inc., 9662 W. Kearney Blvd., Fresno, CA 93706, in the amount of \$181,770.00; 2) approved a construction contingency for change orders in the amount of \$18,177.00 (10%) for this project; and 3) authorized the City Manager to execute the contract on behalf of the City.

8. SUBJECT: APPROVED - Budget Amendment for Attorney Fees – Kevin Callahan, et al. v. City of Sanger.  
The City Council approved a budget amendment in the amount of \$48,565 for plaintiff's attorney fees in the case of Kevin Callahan, et al. v. City of Sanger as awarded by the Court.
9. SUBJECT: APPROVED - Purchase of Self-Contained Breathing Apparatus Masks from L.N. Curtis & Sons.  
The City Council approved the purchase of thirty-two (32) self-contained breathing apparatus (SCBA) masks from L.N. Curtis & Sons in the amount of \$28,551.45.
11. SUBJECT: INFO ITEM - Status of Implementation of Ordinance No. 1170.

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

Mayor Pro Tem Cantu thanked Scott Cross and Lozano Smith for their City Attorney services to the City.

10. SUBJECT: APPROVED - Amend Agreement with Current City Attorney – Lozano Smith.

The Council by motion of Council Member Ontiveros authorized an amendment to the Professional Services Agreement with Lozano Smith to terminate the City Attorney legal services, but retain for general legal services at the current rates. 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

The Council called for a recess at [6:18:39 PM](#).

The Council reconvened their meeting at [6:31:25 PM](#).

H. DEPARTMENT REPORTS

1. SUBJECT: APPROVED - Professional Service Agreement – City Attorney Services.

The City Council by motion of Council Member Garza approved the Professional Services Agreement with Montoy Law Corporation for City Attorney services and authorized the City Manager to execute the Agreement. 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

City Attorney Hilda Cantú Montoy took a seat at the dais.

2. SUBJECT: Measure “S” Prevention/Intervention Grant Applications.

Public comment:

Kathryn Pacheco, District 3, suggested that the Council require better and more detailed reports from the organizations receiving grant funding because they are receiving taxpayer dollars. She also suggested that the two organizations providing services at Unity Estates should both be funded by taking a portion from one organization to share with the other. She expressed her concern about Project Purple providing services to kids that are not from Sanger.

Ali Valencia of Community Resident Services (CRS) asked the Council to consider funding CRS because it is a successful program with a lot of youth participation.

Doris Knowlton commented that it sounds like Ali is doing a great job and that SAM Academy does a wonderful job. She indicated that one of best things here in Sanger is the City’s Parks & Recreation programs such as Summer Fun and that it should be funded to include more kids and be less expensive.

Jim Miser, Citizen’s Oversight Committee Member, indicated that he was the sole vote against the recommendations and that he has concern about the accountability of the funds. He suggested that the Council table the approval of the recommendations until they have the proper accountability.

Henry Provost suggested that the City provide soccer fields and basketball courts with lights because when the kids are done with programs they need a place to go and something to do.

Jeanne Adams, Citizens Oversight Committee Chairperson, indicated that the Committee labored over the recommendations and that the Council has hard decisions to make regarding the grant funding.

Oswaldo Vera suggested that kids are “falling through the cracks” because they have nothing to do after school.

Joe Villalobos asked the Council to approve the recommendations brought forth by the Citizens Oversight Committee.

Julian Chapa, 2268 5<sup>th</sup> street, commented that maybe the Council needs to change the standards but the program development still needs to occur.

Tony Gonzalez, Citizen’s Oversight Committee Member, commented that history has shown that these organizations have provided a service of gang prevention and they are doing a good thing. The COC subcommittee that did the initial screening took a lot of pain and effort to make sure that the organizations are eligible. He suggested that it would not be fair to hold back the funding and that revision and improvements can be made to the process going forward.

Mayor Pro Tem Cantu motioned to approve the funding as recommended and require SAM Academy to provide mobile unit visits one time a month at Cesar Chavez Park, Community Center and JFK Park and that the remaining \$6,562 remain in the Measure S fund until next year’s funding. The motion was seconded by Council Member Garza and failed by the following vote:

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

The City Council by motion of Council Member Garza approved the granting of funds to non-profit groups in the amount of \$118,438 from the Measure “S” Account, for implementation of gang prevention/intervention programs as recommended by the Citizens Oversight Committee and required that SAM Academy provide three mobile unit visits to Cesar Chavez Park, Community Center and JFK Park. The motion was seconded by Mayor Pro Tem Cantu and approved by the following vote:

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

3. SUBJECT: Review, Discussion and Direction regarding City of Sanger Medical Marijuana Regulations pertaining to Dispensaries, Cultivation, Distribution and Sale.

Planner Keith Woodcock presented the staff report and asked that the Council provide direction from the following options:

- a. Allow or do not allow transportation and distribution
- b. Allow or do not allow commercial cultivation
- c. Allow or do not allow personal cultivation
- d. Allow or do not allow dispensaries

Public comment:

Oswaldo Vera commented that there are thousands of kids that are addicted to drugs and that it would be foolish to allow marijuana in the City.

Julian Chapa, 2268 5<sup>th</sup> Street, commended Planner Keith Woodcock for his staff report and suggested that the Council wait until after the adoption of the budget to make these decisions.

David Phillips, 1874 Church, asked the Council to not choose the low road in morality and ethics for money.

Kathryn Pacheco, District 3, indicated that she understood the vote was not whether to allow marijuana in the City but to set regulations and suggested that it is better that the City choose control rather than the state.

Doris Knowlton asked that the Council not vote yes.

Henry Provost commented that some marijuana products provide sleep and relieve pain.

Council Member Ontiveros suggested that the Council table the item and provide a workshop on medical marijuana.

Mayor Pro Tem Cantu motioned to not allow transportation and distribution, commercial cultivation, personal cultivation and dispensaries. The motion was seconded by Council Member Garza and failed by the following vote:

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

Council Member Ontiveros made a motion to postpone the item. The motion was seconded by Council Member Pacheco and failed by the following vote:

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

City Attorney Montoy indicated that since the Council made no decisions, staff can bring the item back at a later date or Council can ask that the item be brought back.

4. SUBJECT: APPROVED – RESOLUTION NO. 4615 - Land Purchase for Water Tank.

Public comment:

Fred Heisman suggested that the City should expand the water system because we will need it when we get the bond to extend to 180 and asked that this be a long term solution.

The City Council by motion of Council Member Garza approved Resolution No. 4615 to approve a budget amendment to the FY 15/16 budget in the amount of \$41,500 for the purchase of property for a future water tank. 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

5. SUBJECT: APPROVED – RESOLUTION NOS. 4616 AND 4617 - Sanger Landscaping and Lighting Maintenance District No. 1.

Council Member Pacheco left the dais.

The City Council by motion of Council Member Garza approved Resolution No. 4616 accepting the Engineer's Report, approved Resolution No. 4617 of Intention to levy and collect assessments for the maintenance within the Sanger Landscaping and Lighting Maintenance District No. 1 and set a Public Hearing for June 2, 2016. The motion was seconded by Mayor Pro Tem Cantu and approved by the following vote:

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

6. SUBJECT: APPROVED – RESOLUTION NOS. 4618 AND 4619 - Sanger Landscaping and Lighting Maintenance District No. 2.

Council Member Pacheco returned to the dais.

The City Council by motion of Mayor Pro Tem Cantu approved Resolution No. 4618 accepting the Engineer's Report, approved Resolution No. 4619 of Intention to levy and collect assessments for the maintenance within the Sanger Landscaping and Lighting Maintenance District No. 2 and set a Public Hearing for June 2, 2016. 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

7. SUBJECT: APPROVED - Out of State Travel.

The City Council by motion of Council Member Pacheco approved out of state travel for Captain David Santos and Fire Engineer Dean Williams to attend a pre-construction meeting for the new fire engine at the Smeal Fire Apparatus Plant in Snyder, Nebraska. 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

#### I. CITY MANAGER/STAFF COMMUNICATION

Public Works Director John Mulligan reported that staff is evaluating the security system of the water towers and looking at suggestions from Homeland Security to evaluate public assets. Staff is obtaining quotes for installation of higher fences and federal signage at the Greenwood water tower and will be assessing well sites for public safety and water system safety.

City Engineer Josh Rogers reported that the RSTP and CMAC allocation process has been completed by the scoring committee and that Sanger scored 2<sup>nd</sup> out of 50 applications. If the City receives final approval, RSTP funds will be used for the Bethel Avenue Overlay and widening and Church Avenue overlay projects. CMAQ funds will be used for Bethel Avenue sidewalk and bike lanes project. City Engineer Rogers announced that the raised crosswalk project on Faller Avenue will start construction on Monday and Faller Avenue will be closed with a detour during the project construction that is estimated to last about thirty days.



City Manager Chapa announced that the South San Joaquin Valley Division is holding a golf tournament on May 20<sup>th</sup> and they are looking for four representatives from Sanger. City Manager Chapa reported that he will be out of the office next Wednesday with a couple of Council Members to attend the League's Legislative Action Days in Sacramento.

J. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Garza indicated that he would like to see Ms. Valencia's grant application submitted through the process again and that it should be brought back to the attention of the Council.

Council Member Ontiveros had nothing to report.

Council Member Pacheco volunteered for the SSJVD golf tournament and announced that he will be attending Legislative Action Days next Wednesday.

Mayor Pro Tem Cantu reported the following: attended the Chamber Mixer at Jitters where City Manager Chapa was the special guest and he provided a brief synopsis on how he came back to Sanger; the Downtown Association is concerned about the parking availability; attended the Real Estate Forecast event in Fresno and it was very intriguing; attended the Chamber Annual Banquet and said he hopes there will be more Council attendance next time.

K. ADJOURNMENT

Being no further business the Council adjourned their meeting at [8:26:09 PM](#).