



MINUTES OF A REGULAR MEETING OF  
THE SANGER CITY COUNCIL

November 17, 2016  
6:00 P.M.  
Council Chamber  
1700 7<sup>th</sup> Street  
Sanger, CA 93657

A. CALL TO ORDER

The Council called their meeting to order at [6:13:47 PM](#).

B. OPENING CEREMONIES

The invocation was offered by Pastor Forsythe.

The flag salute was led by Mayor Pro Tem Raul Cantu.

Roll Call

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

Absent: None

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Council Member Ontiveros pulled Items E-2 Presentation of the City's Sewer System and H-3 Consulting Agreement for CDBG Project Services and approved the agenda as amended. 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

Agenda Items E-2 and H-3 will be brought back at the next regular meeting when Public Works Director John Mulligan is available.

D. CEREMONIAL MATTERS [6:16:34 PM](#)

1. The Council recognized Deli Delicious as a new business in town.
2. The Council presented a Proclamation recognizing the Sikh Genocide of 1984.

3. The Council recognized Michelle and Saul Serrano for their contributions to the Sanger community including coordinating the Farmer's Market Califas Fest.
4. The Council recognized Firefighter Paramedic Levi Howlett for completing paramedic training.
5. Police Chief Silver Rodriguez introduced newly appointed Police Officer Joel Banda-Tovar.

E. WORKSHOP/PRESENTATION

1. Sarah Higginbotham of Acquisition Partners of America (APA) presented a quarterly report to the Council.

Public comment on E-1:

Fred Heisman suggested the City needs to be assertive in ascertaining federal monies while they are available.

Ed Cuadros suggested the City look for a grant to remove old trees in Sanger and replace them with trees and a grant that can be used to further develop a nature study within the 65 acres by Kings River.

Kevin Carter asked how APA decides what grants to apply for and asked if the City can get grants to update internet service in Sanger.

In response to public comments, City Manager Tim Chapa indicated that staff works closely with APA to focus on grants that are applicable to Sanger and that APA looks at the City's demographics to provide a focused list of grants that the City is likely eligible for.

2. PULLED - Presentation on the City's sewer system.

The Council called for a recess at [6:44:17 PM](#).

The Council reconvened their meeting at [6:53:45 PM](#).

F. PUBLIC FORUM

Ed Cuadros asked for an updated on an item he brought up at the last meeting regarding a project on "O" street between 5<sup>th</sup> and 9<sup>th</sup> Streets and the expense possibly taken on by the property owners.

An unidentified gentleman suggested the City install a traffic light at Bethel Avenue and 5<sup>th</sup> Street because it is a very busy area and his wife, who is in a wheelchair, was almost was run over by a car at that location.

In response to public forum comments, City Manager Chapa indicated that tree removal does have limitations based on state law and that local code places responsibility for tree removal on the property owner. He indicated the City sent notices to the property owners that provided an alternative that if they signed a waiver the City would remove the tree roots.

In response to public forum comments, City Engineer Josh Rogers indicated the City conducted a warrant study at Bethel and 5<sup>th</sup> Street six months ago and the study showed the volume was not there to warrant a traffic light and he further indicated the intersection could be checked again a year later.

As a follow up to two items brought up at the last meeting, City Manager Chapa announced the following:

1. There may be a grant to replace trees in the downtown area.
2. Staff looked into two alternatives for the park restrooms issue and determined they are not practical. First, is to assign a police officer to lock restrooms each evening but that is not how we want to utilize officer's time. Second is to do a callback of Public Works Staff on a daily basis, but callback is a minimum of 2 hours pay. While staff continues to look at alternatives, the Police Department will conduct frequent checks for vandalism.

Oswaldo Vera said the restrooms need to stay open for the kids.

G. [CONSENT CALENDAR 7:05:56 PM](#)

Council Member Ontiveros recused himself from Item G-5 on the Consent Calendar because he owns property at 1241 Olive Avenue, which is within 500 feet of the agenda action item. Additionally, he recused himself from the agenda item for conflicts, because his mother owns property at the southwest corner of Academy and Almond Avenues.

The Council by motion of Council Member Pacheco approved the items on the Consent Calendar. The motion was seconded by Council Member Garza and approved by the following votes:

1.     **SUBJECT:**    APPROVED - Minutes of the City Council special and regular meetings held on November 3, 2016.  
          **AYES:**        CANTU, ONTIVEROS, PACHECO, GARZA  
          **NOES:**        NONE  
          **ABSTAIN:**    NONE  
          **ABSENT:**    NONE
  
2.     **SUBJECT:**    REVIEWED - Warrants including Check Nos. 71216 through 71366.
  
3.     **SUBJECT:**    APPROVED - Payroll including Check Nos. 55764 through 55796; Direct Deposit Nos. 39575 through 39777; and Benefit Check Nos. 1218 through 1225.  
          **AYES:**        CANTU, ONTIVEROS, PACHECO, GARZA  
          **NOES:**        NONE  
          **ABSTAIN:**    NONE  
          **ABSENT:**    NONE
  
4.     **SUBJECT:**    APPROVED - Fresno Madera Area Agency on Aging (FMAAA) Contract Amendment.  
          the City Council approved the contract amendment for increased funds between the City of Sanger and the FMAAA which encompass the entire FY 2016-17 and authorized the City Manager to sign the contract amendments on behalf of the City.  
          **AYES:**        CANTU, ONTIVEROS, PACHECO, GARZA  
          **NOES:**        NONE  
          **ABSTAIN:**    NONE  
          **ABSENT:**    NONE
  
5.     **SUBJECT:**    APPROVED - Right of Way Acquisitions for the Academy Avenue Reconstruction Project – North Avenue to 11<sup>th</sup> Street.  
          The City Council adopted Resolution No. 4656 which: 1) approves the Right of Way Agreements for properties located at 1643 Academy, 1129 Academy, 1219 Academy, 1211 Academy, 1119-1121 Academy, 1215 Academy, and 1723 Academy Avenue; 2) authorizes the City Manager to sign the Agreements on behalf of the City and open escrow for the sales; and 3) accepts the right-of-way dedications for public street, utility and temporary construction purposes at the same properties.

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

6. SUBJECT: APPROVED - Police Overtime Budget Adjustment in the Measure S Budget.

The City Council approved the police overtime budget adjustment in the amount of \$75,000 from the Measure S budget.

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

#### H. DEPARTMENT REPORTS

1. SUBJECT: Consideration of Ordinance Relating to Marijuana Regulations and Resolution Initiating Amendment to Zoning Ordinance Relating to Marijuana Regulations. [7:08:08 PM](#)

Public comment on Item H-1:

Oswaldo Vera suggested the City Council show California that we are against it.

Doris Knowlton said the City Attorney did a fine job of presenting the facts. She said the information is overwhelming and she doesn't understand it all. She asked if zoning means that someone wanting to grow it in their home will need to get a permit from the Planning Commission, if smoking is allowed in public and if we will not be having any selling in Sanger.

Kathryn Pacheco, District 3, said there are some things that can't be regulated such as smoking in back yards, and that marijuana is not worse than alcohol.

Jim Miser suggested the Council add to the regulation that no smoking is allowed in back yards.

An unidentified gentleman asked if tenants can grow plants in property owned by landlords and suggested the City ban all sales and dispensaries.

Fred Heisman suggested allowing commercial sales could create jobs.

Henry Provost suggested the City present this item a few more times and allow the incoming Council to make the decision because they will live with the results.

An unidentified woman said Sanger needs to take a stand. She said Police does not need more problems on the streets and the City should prohibit as much as possible.

In response to the public comments on Item H-2, City Attorney Cantú Montoy indicated the following:

1. Staff can take a look at Planning Commission permitting if the resolution is adopted.
2. Clarified that the City will not allow all commercial activity.
3. Section 32-253 of the proposed ordinance indicates that rental property lessees wanting to cultivate recreational marijuana shall obtain written authorization from property owners and file the authorization with the Police Department and post it in a conspicuous area.

City Manager Chapa said staff is asking Council to consider the most conservative approach and when the new council members are seated or anytime in the future, Council may consider relaxing the regulations. The proposed ordinance is not limiting future Council's ability to modify it.

Council Member Ontiveros said he would like to deliberate this with his new colleagues and the City should wait for final results on Proposition 64 to see what Sanger decides as a majority.

Council Member Pacheco said he concurs with Council Member Ontiveros. The City needs to get the temperature from residents.

Council Member Garza said he is ready to make a decision on this. He likes what counsel has recommended. He said the new council can change it later but he does not want to push off this decision.

Mayor Pro Tem Cantu said he understands both sides but he is in support of the proposed ordinance.

Mayor Pro Tem Cantu made a motion to waive the full reading and introduce the Proposed Ordinance No. 1177 Relating to Marijuana Regulations and adopt Resolution No. 4658 Initiating Amendments to the Zoning Ordinance of the Sanger City Code Relating to Marijuana Regulations. The motion was seconded by Council Member Garza and failed by the following vote:

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

The Council by motion of Mayor Pro Tem Cantu adopted Resolution No. 4658 Initiating Amendments to the Zoning Ordinance of the Sanger City Code Relating to Marijuana. The motion was seconded by Council Member Garza and was approved by the following vote:

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

2. SUBJECT: APPROVED - Purchase of Marked Police Vehicles. [7:44:57 PM](#)

The City Council by motion of Council Member Pacheco authorized the purchase of two (2) new police patrol vehicles for the Police Department from Folsom Lake Ford and at a total cost of \$64,138, and approved the expenditure of funds in the amount of \$31,744 to Cook's Communication of Fresno to equip the vehicles with all necessary emergency equipment. 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

3. SUBJECT: PULLED - Award of Consulting Engineer Agreement – CDBG Projects Services.  
RECOMMENDATION: That the City Council award a Consulting Engineer Agreement for Community Development Block Grant Project Services to Yamabe & Horn Engineering, Inc., and authorize the City Manager to sign the agreement on behalf of the City.

4. SUBJECT: APPROVED - Fixed Asset Capitalization Policy. [7:51:47 PM](#)

Public comment on Item H-4:

Ralph (no last name provided) said inventory is vital because there is no recourse if property is stolen and asked why this had not been done before.

The City Council by motion of Council Member Ontiveros adopted Resolution No. 4657 approving the Fixed Asset Capitalization Policy. 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

I. CITY MANAGER/STAFF COMMUNICATION

Interim Community Development Director Kristina Chamberlin announced that the City has been working with Evergreen on the Royal Woods development project punch list for the past two years and continue to do so. Staff has temporarily halted permitting until they complete a couple of items with deadlines and hoping to have them completed by the end of the month.

City Manager Chapa announced the following:

1. The City Council Special Meeting will be held on Monday for the purpose of presenting the military banners to the families.
2. Staff is working with Pitman Farms, one of biggest employers in town, on the expansion construction of their facility. Staff is bringing them back to a clear understanding of what they are doing because it appears they are going beyond what is approved. Staff will help them do what they were approved to do and/or assist them in getting the appropriate approval.
3. State law says the City is required to join a groundwater management agency. The City is part of a basin. The City currently has an agreement with Consolidated Irrigation district and they want Sanger to join their efforts but the City wants to make clear that we are fully represented, will maintain full rights to use water, and make sure there are no land use implications.
4. Staff is in an aggressive phase of providing all the information needed by Tract 5460, located on the other side of Jefferson School, to determine if it is feasible to move forward. The decision hinges on a 3<sup>rd</sup> party, which is the property owner. The company is a national builder who wishes to remain anonymous.

J. MATTERS INITIATED BY CITY COUNCIL MEMBERS

Council Member Garza congratulated Chief Rodriguez for using the injunction to arrest gang members.

Council Member Ontiveros had nothing to report.

Council Member Pacheco had nothing to report.

Mayor Pro Tem Cantu reminded the Council about the following events:

1. The tree lighting will be held on November 30<sup>th</sup>.
2. The Employee Banquet will be held on December 2<sup>nd</sup>.
3. The Toyland Parade will be held on December 3<sup>rd</sup>.
4. The Trek to the Tree will be held on December 11<sup>th</sup>.

Council Member Ontiveros announced that Deli Delicious is holding their grand opening tomorrow and will be giving away sandwiches. Former Fresno State football coach Pat Hill is scheduled to be there.

K. ADJOURNMENT

Being no further business, the Council adjourned their meeting at [8:13:42 PM](#).