



MINUTES OF A REGULAR MEETING OF THE SANGER CITY COUNCIL

March 16, 2017
6:00 P.M.
Council Chamber
1700 7th Street
Sanger, CA 93657

A. CALL TO ORDER

The Council called their meeting to order at [6:18:46 PM](#).

B. OPENING CEREMONIES

The invocation was offered by Pastor Kim.

The flag salute was led by Mayor Gonzalez.

Roll Call

Present: Mayor Frank Gonzalez, Mayor Pro Tem Eli Ontiveros, Council Member Humberto Garza, Council Member Melissa Hurtado, Council Member Daniel Martinez

Absent: None

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Mayor Pro Tem Eli Ontiveros moved Item H-3 Public Hearing regarding the Initiative Foods Incentive Agreement to be heard prior to Item H-1. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

D. CEREMONIAL MATTERS

1. The Council recognized the Sanger High Varsity Girls Golf Team for winning its first Valley Championship.
2. The Council proclaimed the month of March “National Women’s History Month” and recognized the Sanger Woman’s Club for their service to the community.

E. WORKSHOP/PRESENTATION

1. Kristi Johnson and Yvette Quiroga of Fresno County provided an update on community development and affordable housing.
2. City Manager Tim Chapa reviewed the City Council Goals & Objectives as identified in the City's strategic plan conducted in 2016.

The Council provided consensus giving staff direction to provide outreach alternatives at the next meeting in an effort to obtain community input regarding the Council's budget goals and objectives.

Public comment:

Oswaldo Vera said the priority should be the future of the kids.

Jeanne Adams said she attended several town hall meetings a few years ago and even with the publicity the attendance was not good and there were not enough people to get feedback. She said if there is a way to organize informal meetings with the Council and people within their districts to talk to people informally, we will get more information than at one large meeting.

James Miser said it is important to find out what the people want and that points one and two were not priorities of the people but of the Council.

F. PUBLIC FORUM

Johnny Perez, 2737 Holt, said there is an imbalance because council members are elected for four years and the mayor is elected for two years. He said he would volunteer to spear head a project to make the mayor term a four-year term.

Oswaldo Vera asked if we can put a few benches in the community so pedestrians can rest.

Donna Bailey said she was concerned about the truss company. She also said the City should stand up for what is right when they consider the marijuana regulation ordinance.

Fred Heisman asked about the City Attorney's memo regarding a "me-too" clause in the city manager's contract. He suggested the Council conduct a Special Meeting to discuss the California TrusFrame issue.

Joseph Villalobos said the definition of supplant and supplement does not support the police and fire raises be paid from Measure S. He said the City has spent less than three percent of Measure S funds on gang and drug prevention.

Doris Knowlton, District 3, said words of appreciation for the Police Department and the Animal Control Officer for his assistance to her when her puppy was attacked by a pit bull.

Kevin Carter said that when it was voted in July to put Measure S on the ballot, several people wanted to rewrite it to make it better and for more clear understanding regarding supplement and supplant but it did not happen and it was disclosed at the time that salaries would be paid from Measure S.

Julian Chapa said he was grateful for the agreements with the Police and Fire Associations because the City depends on public services. He said Measure S was supported favorably and that the City now needs to create more economic development and more jobs.

Tony Gonzales, District 3, said he agrees that Measure S was passed favorably he said he did a little survey in his neighborhood of twelve people asking if they agreed Measure S should be used for raises. He said twelve of thirteen people said that if they knew the money would be used for raises they would not have voted for it.

G. CONSENT CALENDAR 7:30:19 PM

The Council by motion of Mayor Pro Tem Ontiveros pulled Item G-4 for further discussion and approved the following items on the Consent Calendar:

1. SUBJECT: APPROVED - Minutes of the Special and Regular meetings of the City Council held on March 2, 2017.
2. SUBJECT: REVIEWED - Warrants including Check Nos. 72240 through 72350.
3. SUBJECT: APPROVED - Payroll including Direct Deposit Nos. 40406 through 40627; Payroll Check Nos. 55902 through 55936; and Benefit Check Nos. 1250 through 1257.
5. SUBJECT: APPROVED – RESOLUTION NO. 017-10 - Tract 5490 – Sanger Ranch Phase III Deed of Easement Acceptance.
The City Council adopted Resolution No. 2017-10 accepting the Deed of Easement for public street and utility purposes as part of the public improvement requirements of Tract 5490, Sanger Ranch Phase III.
6. SUBJECT: APPROVED - Motorola Solutions Maintenance & Support Agreement Extension.

The City Council authorized the City Manager to extend an on-going agreement with Motorola Solutions for maintenance and technical support of Police Department computers in the cars and approved payment to Motorola Solutions in the amount of \$4,961.00 for annual maintenance and support services, for the period of July 1, 2017 to June 30, 2018.

7. **SUBJECT:** APPROVED - CRT Grant/Video Police Program.
The City Council: 1) accepted the CRT Grant in the amount of \$30,000 and authorized the City Manager to execute the grant documents; 2) approved the expenditure of \$23,865.57 from the Measure S fund to purchase additional hardware to increase internal video storage and expand video system infrastructure; and 3) approved a budget adjustment in the amount of \$23,865.57 from the Measure S fund in the current 2017-2018 fiscal year budget and revise the 10-year expenditure plan.
8. **SUBJECT:** APPROVED - Replacement of Granular Activated Carbon at Well No. 25.
The City Council awarded a bid to Calgon Carbon in the amount not to exceed \$112,218.00 to replace granular activated carbon at Well No. 25.

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

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

4. **SUBJECT:** APPROVED - Measure S Compliance Audit. [7:32:26 PM](#)

Public comment:

James Miser said the staff should not be involved in issuing the RFQ.

Kevin Carter said the COC should have an opportunity to provide their input.

Tony Gonzales said the COC is capable of selecting who they need to do the audit without influence from staff.

Henry Provost said he would like to know what timeline should be expected.

Jeanne Adams recommended that it first should be determined what is supposed to be complied with and should look at quantitative and qualitative process and supplant and supplement definitions before hiring a firm to do the compliance audit.

James Miser said a compliance audit needs to be independent and we need to let them do their job without interference.

Oswaldo Vera said the Council is doing a beautiful job and should move forward.

Fred Heisman said this is happens when you bypass protocol.

The City Council by motion of Mayor Pro Tem Ontiveros authorized a compliance audit be conducted on Measure S expenditures beginning in 2009 and that COC members be allowed to submit names to be included in the RFQ process. The motion was seconded by Mayor Gonzalez and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

H. PUBLIC HEARING

3. SUBJECT: Initiative Foods Incentive Agreement. [7:53:12 PM](#)

Public comment:

Joseph Villalobos said this is a great company and asked if the company reclaims the water they use.

The City Council by motion of Council Member Garza approved the agreement between the City of Sanger and Initiative Foods, LLC to waive \$10,000 in permit fees and enact a \$250,000 incentive agreement for Initiative Foods, LLC and the development of a new facility and authorized the City Manager to sign the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Ontiveros and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

1. SUBJECT: CONTINUED - Ordinance amending Chapter 14 of the Sanger City Code to Conform to the California Building Standards Code.
THE PUBLIC HEARING WAS CONTINUED TO APRIL 6, 2017.
2. SUBJECT: APPROVED – RESOLUTION NOS. 2017-11 AND 2017-12 - Adoption of Resolution of Necessity – Academy Avenue Reconstruction Project.

Mayor Pro Tem Ontiveros recused himself from Item H-2 because he owns property within five hundred feet of the project and his mother owns property on Academy Avenue. Mayor Pro Tem Ontiveros left the dais.

The Council conducted a public hearing to discuss resolutions of necessity regarding the Academy Avenue Reconstruction Project.

Public comment:

Justin Harris of Harris Law Firm, attorney representing Fermin Sanchez and F.S. Sanchez, LLC, suggested the Council continue the public hearing to the next meeting to provide their engineers time to review the plans. He said the current plans destroy the business. If the Council would not continue the public hearing, he asked that the Council not adopt Resolution No. 2017-11.

The Council closed the public hearing.

The Council by motion of Council Member Garza adopted the Resolution of Necessity, Resolution No. 2017-11, authorizing the commencement of eminent domain actions to acquire portions of APN 317-204-05, also known as 1308 12th Street, Sanger, CA 93657, consisting of an automobile smog shop and towing yard with the stipulation that the City not file litigation within the next forty-five (45) days. The motion was seconded by Council Member Martinez and approved by the following vote:

AYES:	GONZALEZ, GARZA, HURTADO, MARTINEZ
NOES:	NONE
ABSTAIN (RECUSAL):	ONTIVEROS
ABSENT:	NONE

The Council by motion of Council Member Garza adopted the Resolution of Necessity, Resolution No. 2017-12 authorizing the commencement of eminent domain actions to acquire portions of APN 320-062-08, also known as 1223 Academy Avenue, Sanger, CA 93657, consisting of vacant land with the stipulation that the City not file litigation within the next forty-five (45) days. The motion was seconded by Council Member Martinez and approved by the following vote:

AYES:	GONZALEZ, GARZA, HURTADO, MARTINEZ
NOES:	NONE
ABSTAIN (RECUSAL):	ONTIVEROS
ABSENT:	NONE

Mayor Pro Tem Ontiveros returned to the dais at [8:45:54 PM](#).

I. DEPARTMENT REPORTS

1. SUBJECT: APPROVED – RESOLUTION NO. 2017-13 - Integrated Waste Management Local Task Force.

Council Member Hurtado left the dais at [8:48:29 PM](#).

The City Council by motion of Mayor Pro Tem Ontiveros adopted Resolution No. 2017-13 restructuring the current Integrated Waste Management Local Task Force and authorizing the designation of the Assembly Bill 939 Memorandum of Understanding Committee to serve in the capacity and perform the functions of the Fresno County Integrated Waste Management Local

Task Force and authorized the Public Works Director or his designee to coordinate the process with the County of Fresno and the 15 incorporated cities. The motion was seconded by Council Member Martinez and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: HURTADO

Council Member Hurtado returned to the dais at [8:51:13 PM](#).

2. **SUBJECT:** APPROVED - City of Sanger's Annual Bond Disclosure Requirement.

The City Council by motion of Mayor Pro Tem Ontiveros approved the agreement with Interstate Gas Inc., a California Corporation, to provide consulting services for the City of Sanger's annual bond disclosure requirements for the amount of \$7,500 for the period of March 17, 2017 to June 30, 2017. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

J. **CITY MANAGER/STAFF COMMUNICATION**

City Manager Chapa said that in dealing with Initiative Foods on the incentive agreement, Staff found them to be ready to work with any and all issues. They took a while to articulate what incentive was needed to keep them in town, but did eventually clearly articulate that and within negotiations they acknowledged that they will meet the development requirements and addressed all critical issues. He said in contrast, California TrusFrame's approach is to attend the Council meetings indicating that they are readily available to discuss negotiations but do not respond to emails and requests for meetings. They do not necessarily indicate that they will comply with development and zoning requirements, which is necessary to be a good partner with the City. California TrusFrame is looking for a different kind of incentive, deferral or outright waiver of impact fees. He said it is easier to work with companies like Initiative Foods who can see both sides and are looking for a win-win situation. City Manager Chapa said the California TrusFrame item is tentatively scheduled for the April 6, 2017 meeting but is predicated on the ability to sit and negotiate with them. He asked Mayor Gonzalez to make himself available for the next few weeks to participate in the meetings with California TrusFrame.

City Manager Chapa said the City Attorney's letter in response to the "me-too" language in his contract was provided to Council last week and is a publicly disclosable document. He said that at the end of the thirteen page analysis there is somewhat of a disclaimer that the City Attorney's opinion is not binding, only FPPC opinions are. He said any public official could request an

opinion and advisement from the FPPC. He said he has already submitted a request on his behalf as an individual asking the FPPC for a review and the FPPC will provide a written response within twenty-one days.

K. MATTERS INITIATED BY CITY COUNCIL MEMBERS

1. Council's direction regarding Mayor Gonzalez's request for amending the Sanger Police, Fire, Paramedic 9-1-1 Emergency Response and Gang Prevention Special Transaction and Use Tax Ordinance (Measure S) to require that all proposed expenditures be submitted to the Citizen's Oversight Committee prior to submission to Council.

Public comment:

Joe Villalobos said everything should go to Measure S and the recommendation should be written on the staff report.

Jeanne Adams asked the Council to clean up the ordinance and get it right.

James Miser said that at this point supplement supplant is overage in expenditures and that current the COC has no authority for supplement versus supplant.

The Council by motion of Mayor Pro Tem Ontiveros provided direction to amend the Sanger Police, Fire, Paramedic 9-1-1 Emergency Response and Gang Prevention Special Transaction and Use Tax Ordinance (Measure S) to require that all proposed expenditures be submitted to the Citizen's Oversight Committee prior to submission to the Council. The motion was seconded by Council Member Martinez and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, HURTADO, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Mayor Pro Tem Ontiveros said it would be prudent to get what the CalPERS contributions were in the past ten years and now with the new lower discounts what they will be for the next five years starting with 2018. He said he thought the California TrusFrame proposal was fair and equitable. He thanked City Manager Chapa for commenting on the City Attorney letter.

Council Member Hurtado announced that local artists are displaying their art at City Hall until the end of March encouraged everyone to visit and view the art. She said she is working on organizing a small business workshop on April 11, 2017 at the Sanger Community Center between 6 and 8 p.m. She announced that a reception will be held from 4 to 6 p.m. on March 23rd in celebration of National Women's History Month and thanked the Council Members for contributing to the reception.

Council Member Garza said he received two complaints from companies located in the Industrial Park about the dust created by California TrusFrame and asked if we could get a street sweeper there more often.

Council Member Martinez asked when Indianola Avenue will be opened.

City Engineer Josh Rogers said the developer has identified the remaining areas that need to be pumped. He said it is supposed to rain Monday and Tuesday of next week so the developer will start at the end of next week and should take twelve days to complete.

Mayor Gonzalez said he will be available to help negotiate with California TrusFrame.

L. ADJOURNMENT

Being no further business the Council adjourned their meeting at [9:24:51 PM](#).