



MINUTES OF A REGULAR MEETING OF THE SANGER CITY COUNCIL

April 6, 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 [6:02:24 PM](#).

B. OPENING CEREMONIES

The invocation was offered by Reza Nekumanesh, Executive Director of the Islamic Cultural Center.

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 Daniel Martinez

Absent: Council Member Melissa Hurtado

Mayor Gonzalez announced that Council Member Hurtado was absent due to a work conflict.

C. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Council by motion of Mayor Pro Tem Ontiveros approved the agenda as presented. The motion was seconded by Council Member Garza and approved by the following vote:

AYES: GONZALEZ, ONTIVEROS, GARZA, MARTINEZ

NOES: NONE

ABSTAIN: NONE

ABSENT: HURTADO

D. WORKSHOP/PRESENTATION

1. Mike Dozier, Fresno State Office of Community and Economic Development Executive Director and Eduardo Gonzalez, Fresno State Small Business Development Center (SDBC) Director, announced the SDBC Workshop to be held on April 11, 2017 at the Sanger Community Center.
2. Kacey Auston, Mid Valley Disposal Government & Public Relations introduced herself and Bella Lopez then presented the Mid Valley Disposal's Quarterly Report.

3. Community Development Director Tom Navarro presented the Department's Quarterly Report.
4. Dr. Douglas Kerr, Andrew Chavez and Luis Valencia presented the Purple Hearts Alternative Therapy Project.

E. PUBLIC FORUM 6:56:57 PM

Oswaldo Vera commented on his disapproval of the sale of marijuana in the City.

Shelly Dickinson commented that she was unable to purchase a military banner for her son because she did not have access to his military ID because her son is currently stationed in the Arabian Gulf.

Fred Heisman commented that the City needs more business.

F. CONSENT CALENDAR 7:07:36 PM

The Council by motion of Council Member Garza pulled Item F-4 and approved the following items from the Consent Calendar:

Mayor Pro Tem Ontiveros recused himself from Item F-5 due to a conflict of interest with ownership of the property.

1. SUBJECT: APPROVED - Minutes of the Special and Regular meetings of the City Council held on March 16, 2017 and the Special Meeting held on March 21, 2017.

AYES: GONZALEZ, ONTIVEROS, GARZA, MARTINEZ
NOES: NONE
ABSTAIN: NONE
ABSENT: HURTADO
2. SUBJECT: REVIEWED - Warrants including Check Nos. 72352 through 72460.
3. SUBJECT: APPROVED - Agreement with Collins and Schoettler – Amendment No. 1.
The City Council approved Amendment No. 1 to the Consultant Services Agreement with Collins & Schoettler to incorporate the Safety Element and Environmental Justice Element and to conduct the Housing Element Rezone Analysis.

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

5. **SUBJECT:** APPROVED - Right of Way Acquisition – Academy Avenue Reconstruction Project.

The City Council adopted Resolution No. 2017-14 which: 1) approves the Right of Way Agreement for this property located at 1407 Academy Avenue; 2) authorizes the City Manager to sign the Agreement on behalf of the City and open escrow for the sale; and 3) accepts the right-of-way dedication for public street and utility purposes at the same property.

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

The Council continued discussion on Consent Calendar Item F-4:

4. **SUBJECT:** APPROVED - Agreement with Collins and Schoettler – Amendment No. 2.

Public Comment:

Henry Provost commented that the annexation has been going on for a long time.

James Miser commented that annexing and building will bring in more money.

The City Council by motion of Council Member Martinez approved Amendment No. 2 to Consultant Services Agreement with Collins & Schoettler to prepare a Master Plan for future annexation to the north of the city limit line as part of the existing environmental impact report for the General Plan update. The motion was seconded by Mayor Pro Tem Ontiveros and approved by the following vote:

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

G. **PUBLIC HEARING**

1. **SUBJECT:** Ordinance amending Chapter 14 of the Sanger City Code to Conform to the California Building Standards Code.
CONTINUED TO APRIL 20, 2017

2. SUBJECT: APPROVED – ORDINANCE NO. 2017-01 - Marijuana Regulations Ordinance.

The Council conducted a Public Hearing to discuss an Ordinance related to Marijuana Regulations.

Public comment:

Donna Bailey commented that the Council was going in the right direction with the Ordinance.

Oswaldo Vera commented that there is scientific evidence that marijuana is a toxic drug.

An unidentified gentleman commented that he is a Veteran and is in support of medical marijuana but not recreational use of marijuana.

Johnny Perez commented that the Council is basically voting on something that's known as the compassion use act.

Victor Ruiz asked how enforcement of the Ordinance regulations would be handled.

Henry Provost commented that there should be a separation between medical and recreational use of marijuana.

James Miser commented on the economic and social impacts of marijuana dispensaries.

Luis Valencia spoke on the history of cannabis and the use of hemp.

Reyes Carrillo, Sanger Police Officers Association President, commented that allowing dispensaries will be additional burden on the Police Department.

Andrew Chavez commented that he appreciated for listening to all arguments for and against the Ordinance.

Mary Reyes, teacher at Sanger Academy, commented that allowing the sale of marijuana will send the wrong message to children.

The Council closed the Public Hearing.

The City Council by motion of Mayor Pro Tem Ontiveros introduced Ordinance No. 2017-01 adding Section 90-94 to Chapter 90, Article II, of the Sanger City Code Relating to Marijuana Regulations in all Zoning Districts and Adding Article XXVII to Chapter 90 of the Sanger City Code Relating to Regulation of Medical and Recreational Marijuana within the City of Sanger. The motion was seconded by Council Member Garza and approved by the following vote:

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

The Council called for a recess at [8:01:18 PM](#).

The Council reconvened their meeting at [8:10:29 PM](#).

H. DEPARTMENT REPORTS

1. SUBJECT: RECEIVED AND FILED - Fiscal Year 2015/2016 Annual Audit Financial Report & Single Audit.

Public comment:

James Miser commented on a job well done.

Fred Heisman commented that you get what you pay for.

The City Council by motion of Council Member Garza received and filed the Annual Audit Financial Reports and Single Audit for the fiscal year 2015/2016 as prepared by Mann, Urrutia, Nelson, CPAs & Associates, LLP, with a change in the management response and directing a 90-day follow up report to Council. The motion was seconded by Mayor Pro Tem Ontiveros and approved by the following vote:

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

2. SUBJECT: APPROVED – ORDINANCE NO. 2017-02 - Consideration of Ordinance Relating to Powers and Duties of Measure S Citizens Oversight Committee.

Public comment:

Jeanne Adams, Chair of the Measure S Committee, said the Committee should have at 30 days to provide recommendation rather than 15 days.

Tony Gonzales commented that the Committee does not have clear direction on how to use supplement versus supplant.

James Miser commented that the 15 day period is unnecessary and should be deleted.

Tony Gonzales said he agrees with Mr. Miser that the 15 day period should be removed.

The City Council by motion of Council Member Martinez approved the introduction of Ordinance No. 2017-02 Amending Section 66-218 of Article VI of Chapter 66 of the Sanger City Code Relating to Powers and Duties of the Citizens Oversight Committee deleting “within 15 days of receipt” from the ordinance. The motion was seconded by Mayor Gonzalez and approved by the following vote:

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

3. SUBJECT: APPROVED - Agreement with D.R. Horton for Donation of Abandoned Homes.

The City Council by motion of Mayor Pro Tem Ontiveros approved the contract between the City of Sanger Fire Department and D.R. Horton Homes for the purposes of donating two abandoned homes for a live fire training opportunity to the Fire Department and authorized the City Manager to execute the contract on behalf of the City. The motion was seconded by Council Member Garza and approved by the following vote:

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

4. SUBJECT: APPROVED - Budget Amendment for Purchase of a Fire Engine.

The City Council by motion of Mayor Pro Tem Ontiveros approved a budget amendment to the 2016/2017 FY Budget in the amount of \$45,000 for the purchase of a new fire engine from Smeal Fire Apparatus Company. 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

5. SUBJECT: APPROVED - Sidewalk Gap Closure Project.

The City Council by motion of Mayor Pro Tem Ontiveros approved a Budget Amendment for the 16/17 fiscal year appropriating federal funding in the amount of \$20,000 and a local match of \$5,000 from local transportation revenues for the Preliminary Engineering phase of the Sidewalk Gap Closure Project. The motion was seconded by Council Member Garza and approved by the following vote:

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

6. SUBJECT: APPROVED - Apache Slide Resurfacing and Renovation Project.

The City Council by motion of Mayor Pro Tem Ontiveros awarded the contract for the renovation of the Sanger Apache Slide located at the Sanger Aquatic Complex to Slide Renu – Slide Care LLC, 2961 Pin Oak Parkway-Unit #4, Avon Lake, Ohio, 44012, in the amount of \$36,511 and authorized the City Manager to execute the contract on behalf of the City. The motion was seconded by Council Member Garza and approved by the following vote:

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

7. SUBJECT: APPROVED – RESOLUTION NO. 2017-15 - Initiating Proceedings to Levy the Annual Assessment for Sanger Landscaping and Lighting Maintenance District No. 1.

The City Council by motion of Mayor Pro Tem Ontiveros approved Resolution No. 2017-15 initiating proceedings to levy the annual assessment for Sanger Landscaping and Lighting Maintenance District No. 1. The motion was seconded by Council Member Garza and approved by the following vote:

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

8. SUBJECT: APPROVED – RESOLUTION NO. 2017-16 - Initiating Proceedings to Levy the Annual Assessment for Sanger Landscaping and Lighting Maintenance District No. 2.

The City Council by motion of Mayor Pro Tem Ontiveros approved Resolution No. 2017-16 initiating proceedings to levy the annual assessment for Sanger Landscaping and Lighting Maintenance District No. 2. The motion was seconded by Council Member Garza and approved by the following vote:

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

9. SUBJECT: Consider Revising Budget Schedule in Order to Provide for Community Input through Community Meetings.

The City Council by motion of Mayor Pro Tem Ontiveros revised the Budget Calendar to provide for input from two (2) Community Meetings. 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

I. CITY MANAGER/STAFF COMMUNICATION

Fire Chief Greg Tarascou thanked the Council for their approval of the contract with D.R. Horton, thanked Council Member Martinez for his help at the San Joaquin Valley Air Pollution Control District and invited the Council to the live training that will be held on April 15, 2017 at 10 a.m.

City Manager Tim Chapa introduced newly appointed Interim Administrative Services Director Gary Watahira.

Interim Administrative Services Director Gary Watahira addressed the Council indicating his more than 25 years of experience with the City of Fresno, including an appointment to Deputy City Manager and his recent position as Administrative Services Director with the City of Reedley.

City Manager Chapa provided an update regarding Comcast's service to the Tech Park. Comcast has put together a program to send fiber optic to the Park. Council has previously authorized an expenditure of \$92,000 to assist in getting communications to the Park. Comcast's proposal looks like it will be within the \$92,000 approved amount. Comcast anticipates starting the project within 90 days. Staff will work out the fine tune details.

City Manager Chapa provided an update regarding negotiations with California Trusframe. The Mayor has joined Staff in meetings with California TrusFrame to facilitate the negotiations. A follow-up meeting is scheduled on Monday. The ball is currently in their court to supply financial information as a result of asking for incentives.

City Manager Chapa commented that he has received no formal response to his request from the FPPC.

City Attorney Hilda Cantú Montoy reminded the Council of the AB1234 Ethics training to be held on Wednesday, April 12th from 3 to 5 p.m. She also indicated that she will not attend the first Council meeting in May because she will be attending the League of California Cities City Attorney Conference. Roy Santos, an associate with Aleshire & Wynder LLP, will attend the Council meeting in her place.

J. MATTERS INITIATED BY CITY COUNCIL MEMBERS

1. Council's direction regarding Council Member Hurtado's request to consider approval of a resolution in support of SB687 at a future regular meeting.

The Council by motion of Council Member Garza tabled Item J-1 to a future meeting when Council Member Hurtado is present. 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

Mayor Pro Tem Ontiveros asked when the flashing crosswalk project at Cherry and Bethel Avenues will begin. He asked if the Police Department considered hostage training before the Fire Department conducts the live fire training. He inquired about the City's ability to become a non-entitled city. He requested a copy of the contract with Acquisition Partners of America and the numbers related to the CalPERS Discount Rate change.

Council Member Martinez asked how many officers are being sworn in on Monday. He said he was invited by Matt Rogers, a representative of Senator Kamala Harris's office, to participate in a legislative roundtable to discuss immigration, healthcare and infrastructure.

Council Member Garza said he met with Assemblymember Joaquin Arambula last week where he was informed that the State will have \$2 million available for parks and recreation projects. Availability of the funds will target low income cities.

Mayor Gonzalez said it is good news that Comcast is finally moving forward with providing service to the Tech Park and asked for an update on smoke free parks ordinance.

K. ADJOURNMENT

Being no further business the Council adjourned their meeting at [9:46:33 PM](#).