

MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING

December 20, 2012

6:00 P.M.

Council Chamber

The regular meeting convened at 6:09 P.M.

Councilmembers Present: MITCHELL, ONTIVEROS, NIELSON, CANTU, PACHECO

PUBLIC FORUM PRIOR TO CLOSED SESSION

None

CLOSED SESSION

Council went into Closed Session to:

1. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency Representatives: City Manager Brian Haddix, City Attorney Jenell Van Bindsbergen, Finance Director Debby Sultan, City Clerk/Deputy Personnel Officer Becky Hernandez
Employee Organizations: All Bargaining Groups
2. Pursuant to Government Code Section 54956.9(b)
Conference with Legal Counsel – Anticipated Litigation
Signification Exposure to Litigation: 2 cases
3. Pursuant to Government Code Section 54956.95
Liability Claims
Claimant: Guadalupe Gutierrez
Agency Claimed Against: City of Sanger
4. Pursuant to Government Code Section 54956.9(a)
Conference with Legal Counsel – Existing Litigation
 1. City of Sanger v. Sanger II
Fresno Superior Court Case No. 10CECG02913
 2. Sipple v. City of Alameda
Los Angeles Superior Court Case No. BC432270
 3. City of Sanger v. Estate Financial
Fresno Superior Court Case No. 07CECG02420

4. Builder's Capital, et al. v. City of Sanger
Fresno Superior Court Case No. 08CECG04323
5. City of Sanger v. OHC Pinehurst Group
Fresno Superior Court Case No. 10CECG01985
6. Eugene Drinkhouse v. City of Sanger
Fresno Superior Court Case No. 12CECG00078
AAA Binding Arbitrator Case No. 74-116-00401-12
7. City of Sanger, et al, v. County of Fresno
Fresno Superior Court Case No. 08CECG03535
5th District Appellate Case No. F060148

The Council reconvened their meeting at 7:22 P.M.

OPENING CEREMONIES

The invocation was given by Pastor Sam Estes.
The Flag Salute was led by Mayor Mitchell.

ROLL CALL

Present: MITCHELL, ONTIVEROS, NIELSON, CANTU, PACHECO
Absent: NONE

CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Jenell Van Bindsbergen announced the following:

Closed Session Item B-1 – no reportable action taken

Closed Session Item B-2 – no reportable action taken

Closed Session Item B-3 – the Council by motion of Mayor Mitchell rejected the Liability Claim by Guadalupe Gutierrez. The motion was seconded by Councilmember Pacheco and unanimously approved

Closed Session Item B-4 – no reportable action taken

CITY COUNCIL REORGANIZATION

Mayor Mitchell opened the Public Forum to receive public comment on the City Council Reorganization agenda item. No public comment was received.

Mayor Mitchell entertained nominations for the Mayor Pro Tem position. Councilmember Pacheco nominated Councilmember Rodney Nielson. No other nomination was made. The nomination was seconded by Councilmember Cantu and unanimously approved.

AGENDA APPROVAL

APPROVED – The Council by motion of Mayor Pro Tem Nielson approved the agenda as presented. The motion was seconded by Councilmember Ontiveros and unanimously approved.

CEREMONIAL MATTERS

The Sanger Kiwanis Club presented a check in the amount of \$1,500 to the City of Sanger in sponsorship of the City’s Kiwanis Youth Basketball Program.

The City recognized the following:

Richard Luce for receiving Walmart’s national “Volunteer of the Year” Award

Dean Nicholson for his service on the City of Sanger Citizen’s Oversight Committee (Measure S)

Vincent Torrez, Jr. for his service in the U.S. Army in support of Operation Iraqi Freedom

PUBLIC FORUM

Public comment was received from Doris Knowlton and Ed Cuadros.

CONSENT CALENDAR

The Council by motion of Councilmember Cantu pulled Item I-1 Monthly Warrants for separate discussion and approved the following items on the Consent Calendar:

APPROVED – Payroll Checks No. 53097 through No. 53140; Direct Deposit No. 29309 through No. 29516; and Benefit Checks No. 810 through No. 817

APPROVED – Minutes for the regular meeting of December 6, 2012

ACCEPTED – Treasurer’s Report as of October 31, 2012

The motion was seconded by Councilmember Pacheco and unanimously approved.

The Council by motion of Mayor Pro Tem Nielson approved Item I-1 Monthly Warrants of the Consent Calendar. The motion was seconded by Councilmember Ontiveros and unanimously

approved.

PUBLIC HEARING

ITEM J-1 – TABELD – ORDINANCE NO. 1138 ~ ESTABLISHING LIMITS FOR COLLECTOR AND ARTERIAL STREETS

Public comment was received from Mary Burnett, Henry Provost and Karen Steinhauer.

The Council by motion of Councilmember Ontiveros tabled Ordinance No. 1138 to the January 3, 2013 City Council meeting. The motion was seconded by Councilmember Cantu and unanimously approved.

DEPARTMENT REPORTS

ITEM K-1 – ASSIGNMENT OF SANGER’S ELECTED OFFICIALS TO SERVE AS REPRESENTATIVES/DESIGNEES ON MEMBER BOARDS/COMMITTEES/COMMISSIONS AND COUNCIL SUBCOMMITTEES

The Council by motion of Mayor Pro Tem Nielson made the following assignments:

- Fresno County Council of Governments
 - Primary – Mayor Mitchell
 - Alternate – Councilmember Ontiveros

- Fresno County Rural Transit Agency Board of Directors
 - Primary – Mayor Mitchell
 - Alternate – Councilmember Ontiveros

- Five Cities Economic Development Authority
 - Primary – Mayor Mitchell
 - Alternate – Councilmember Pacheco

- San Joaquin Valley Air Pollution Control District
 - Primary – Mayor Pro Tem Nielson
 - Alternate – Councilmember Cantu

- Southeast Regional Solid Waste Commission
 - Primary – Councilmember Pacheco
 - Alternate – Councilmember Cantu

- Sanger Environmental Fund
 - Primary – Councilmember Pacheco
 - Alternate – Mayor Mitchell

- Upper Kings Basin Integrated Regional Water Management Authority
 - Primary – Councilmember Ontiveros
 - Alternate – Mayor Mitchell

- Economic Development Subcommittee (2 members)
 - Councilmember Cantu
 - Councilmember Pacheco

- Public Safety Subcommittee (2 members)
 - Mayor Pro Tem Nielson
 - Councilmember Cantu

- Finance Subcommittee (2 members)
 - Mayor Pro Tem Nielson
 - Councilmember Cantu

The motion was seconded by Councilmember Ontiveros and unanimously approved.

ITEM K-2 – COMMITTEE/COMMISSION REORGANIZATION

Public comment was received by Ed Cuadros.

The Council by motion of Mayor Pro Tem Nielson directed staff to bring back new and/or modified ordinances to: 1) eliminate the Tree and Landscape Commission and the Municipal Services Advisory Commission; 2) create an Economic Development Committee; and 3) modify the mission and title of the Parks and Recreation Commission to become the Parks and Community Facilities Commission. The Council also directed staff to bring back to Council the consideration of a Council representative to attend the Sanger Unified School District Board meetings. The motion was seconded by Councilmember Ontiveros and unanimously approved.

The Council called for a recess at 8:48 P.M.

The Council reconvened their meeting at 9:01 P.M.

ITEM K-3 – CLOSURE OF CITY HALL ON CHRISTMAS EVE AND NEW YEAR’S EVE

Public comment was received Kathryn Pacheco.

Mayor Pro Tem Nielson made a motion to approve the closure of City Hall on Christmas Eve and New Year’s Eve. The motion was not seconded and died.

The Council by motion of Councilmember Cantu approved the closure of City Hall for half day on Christmas Eve and half day on New Year’s Eve. The motion was seconded by Mayor Mitchell and approved by the following vote:

AYES: MITCHELL, ONTIVEROS, CANTU
NOES: NIELSON, PACHECO
ABSENT: NONE
ABSTAIN: NONE

ITEM K-4 – RESCHEDULE OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 17, 2013.

The Council by motion of Mayor Pro Tem Nielson approved the reschedule of the January 17, 2013 regular meeting to January 31, 2013. The motion was seconded by Councilmember Pacheco and unanimously approved.

ITEM K-5 – INFO ITEM-EXPANSION OF BUILDING INSPECTION HOURS

Economic and Redevelopment Manager Dan Spears informed the Council that the working hours of the contract building inspector have been increased from part-time to full-time.

ITEM K-6 – ACCEPTED – GRANT ACCEPTANCE FROM WALMART

The Council by motion of Councilmember Ontiveros accepted the grant award from WalMart in the amount of \$1,500 for the use of fire safety and educational materials and authorized the City Manager to sign the appropriate documents for acceptance. The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

ITEM K-7 – APPROVED – PETSMART CHARITIES’ HIGH IMPACT SPAY/NEUTER GRANT

The Council by motion of Councilmember Ontiveros: 1) approved the acceptance of PetSmart Charities’ High Impact Spay/Neuter Grant offer of \$70,190 for the City of Sanger to offer low cost spay/neuter services in the community; and 2) authorized the City Manager to sign the grant agreement and all other pertinent documents as approved by the City Attorney. The motion was seconded by Councilmember Cantu and unanimously approved.

ITEM K-8 – ACCEPTED – SOBRIETY CHECKPOINT GRANT PROGRAM FOR 2012/2013

The Council by motion of Councilmember Cantu accepted the Sobriety Checkpoint Grant Program for 2012/2013 and authorized the signing of the contract by City Manager Brian Haddix, Finance Director Debby Sultana and Senior Accountant Maggie Moreno. The motion was seconded by Councilmember Pacheco and unanimously approved.

CITY MANAGER/STAFF COMMUNICATIONS

City Manager Brian Haddix commented on: meeting with community business members to

discuss ways to become better partners; recent dialogue with POM Wonderful regarding the Sanger Job Training Center; meeting with LAFCO regarding the City's annexation to the north; meeting with the city managers and Chief Larkin regarding the Fire Transition Agreement; meeting with Selma-Kingsburg-Fowler County Sanitation District regarding regional wastewater operations; and meeting with each leadership staff member to discuss current projects.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Pacheco commended Councilmember Ontiveros for his service as Mayor Pro Tem; expressed his confidence in the appointment of Mayor Pro Tem Nielson; and wished everyone a Merry Christmas.

Councilmember Ontiveros announced that the Planning Commission meeting was cancelled and wished everyone a Merry Christmas and Happy New Year.

Councilmember Cantu reiterated the comments by Councilmember Pacheco regarding Councilmember Ontiveros and Mayor Pro Tem Nielson; expressed his confidence in all Councilmembers with the new assignments; thanked City Manager Brian Haddix, Interim Public Works Director John Mulligan and staff for the diligent work with the concerns regarding the Warming Center; asked the City Manager to address the speeding during school hours at Kings River School; and wished everyone a Merry Christmas.

Mayor Pro Tem Nielson thanked staff for the work done and to be done with the Christmas Fest in downtown; asked that staff address the sign on Jensen Avenue directing motorists to the courthouse which is no longer located in Sanger; and wished everyone a Merry Christmas and Happy New Year.

Mayor Mitchell encouraged everyone to call Assembly Member Perea and Senator Rubio to ask them to support legislation regarding court session teleconferencing in Sanger; indicated that the December COG meeting was cancelled; indicated that the Tree & Landscape Commission meeting was cancelled; and announced that an additional 20 bins of snow have been allocated and that amount could potentially double the next day.

ADJOURNMENT

Being no further business, the Council adjourned their meeting at 9:43 P.M.