

## MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING

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February 21, 2013

6:00 P.M.

Council Chamber

The regular meeting convened at 6:04 P.M.

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

Councilmembers Absent: NONE

### 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 Becky Hernandez  
Employee Organizations: All Bargaining Groups
2. Pursuant to Government Code Section 54956.9 (d) (2)  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation: 1 case
3. Pursuant to Government Code Section 54956.9(d) (1)  
Conference with Legal Counsel – Existing Litigation  
Guadalupe Gutierrez v. City of Sanger  
Fresno Superior Court Case No. 13CECG00111
4. Pursuant to Government Code Section 54957  
Public Employee Performance Evaluation  
City Attorney
5. Pursuant to Government Code Section 54956.95  
Liability Claims  
Claimant: Larry Sellers  
Agency Claimed Against: City of Sanger

The Council reconvened their meeting at 7:08 P.M.

OPENING CEREMONIES

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

ROLL CALL

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

CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Jenell Van Bindsbergen reported the following:

Closed Session Item #4 – The Council by motion of Councilmember Ontiveros changed appointment of City Attorney from Jeff Kuhn to Jenell Van Bindsbergen. The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

Closed Session Item #5 – The Council by motion of Mayor Mitchell rejected the claim submitted by Larry Sellers. The motion was seconded by Councilmember Ontiveros and unanimously approved.

AGENDA APPROVAL

APPROVED AS AMENDED –The Workshop was moved to precede Item G Public Forum, and Item J4 Automatic Aid Agreement was removed from the agenda. The Council by motion of Councilmember Ontiveros approved the agenda as amended. The motion was seconded by Councilmember Cantu and unanimously approved.

CEREMONIAL MATTERS

The City recognized teachers and students of the Sanger High Fine Art Class and Industrial Technology Class for their work in refurbishing the City entry signs.

WORKSHOP

City Attorney Jenell Van Bindsbergen made a presentation of the recent changes to the Ralph M. Brown Act.

PUBLIC FORUM

Public comment was received from Doris Knowlton, Pastor Sam Estes, Lee Delap, Dan Pizzaro, Sam and Christina Renteria, Henry Provost, Osvaldo Vera, and Fred Heisman.

## CONSENT CALENDAR

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

APPROVED – Minutes for the regular meeting of January 7, 2013

The motion was seconded by Councilmember Pacheco and unanimously approved.

After separate discussion of Item I-1 of the Consent Calendar, the Council by motion of Councilmember Ontiveros approved Item I-1 Monthly Warrants. The motion was seconded by Councilmember Cantu and unanimously approved.

## DEPARTMENT REPORTS

ITEM J-1 – APPROVED RESOLUTION NO. 4378 – Midyear Budget Review

The Council by motion of Councilmember Cantu approved Resolution No. 4378 amending the Fiscal Year 2012-2013 Budget Revenues and Appropriations. The motion was seconded by Mayor Pro Tem Nielson and unanimously approved.

ITEM J-2 – APPROVED RESOLUTION NO. 4379 – Command Structure of the Police Department

The Council by motion of Mayor Pro Tem Nielson: 1) adopted the job description for the position of Police Captain, designating it as subject to the competitive selection process; and 2) adopted Resolution No. 4379 which eliminates the Deputy Chief of Police position. The motion was seconded by Councilmember Pacheco and unanimously approved.

ITEM J-3 – Assignment of Sanger elected official to serve as a liaison at the Sanger Unified School District Board meetings

The Council by motion of Councilmember Cantu determined councilmember assignment to serve as a liaison at the Sanger Unified School District Board meetings on a rotation basis. The motion was seconded by Councilmember Ontiveros and unanimously approved.

ITEM J-5 – APPROVED RESOLUTION NO. 4380 – Business License Tax Certificate Application Fee for Disability Access

The Council by motion of Councilmember Ontiveros approved Resolution No. 4380 imposing the SB1186 State Mandated Fee of \$1.00 on any applicant for a business license or renewal for purposes of increasing disability access. The motion was seconded by Councilmember Cantu

and approved by the following vote:

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

ITEM J-6 – APPROVED RESOLUTION NO. 4381– Award of Contract-Offsite Improvements for 1533 7<sup>th</sup> Street

The Council by motion of Councilmember Pacheco: 1) awarded the contract for the Offsite Improvements for 1533 7<sup>th</sup> Street to Halopoff & Sons, Inc., 140 E. Morton Ave., Porterville, CA 93257, in the amount of \$53,359.04; 2) approved a construction contingency for change orders in the amount of \$5,333.00 (10%) for this project; 3) authorized Resolution No. 4381 approving a Budget Amendment authorizing the expenditure of Measure C ADA and Flexible Fund monies in the amounts of \$7,408 and \$4,592, respectively, to supplement the previously authorized Article 3 funds; and 4) authorized the City Manager to sign contract documents on behalf of the City. The motion was seconded by Mayor Mitchell and approved by the following vote:

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

ITEM J-7 – One Voice Trip to Washington DC

Public comment was received from Ed Cuadros.

The Council by motion of Mayor Pro Tem Nielson voted to cancel the City's participation in this year's One Voice Trip to Washington DC coordinated by Fresno COG. The motion was seconded by Councilmember Cantu and unanimously approved.

CITY MANAGER/STAFF COMMUNICATIONS

City Manager Brian Haddix commented on: the street vendor policy; upcoming meeting with Tony Boren and Supervisor Judy Case to discuss the Academy widening project; groundwater recharge; air district grants; working with Debby on bond rating progress; meeting with Chief Rodriguez, Interim Chief Tarascou and SUSD representatives to collaborate on an emergency operations plan; interviews conducted for SUSD Superintendent; meeting with Chief Larkin regarding the Fire Transition Agreement; 2013-2014 Fiscal Year budget; working with John, Debby and Becky on the reorganization of the Public Works Department; Town Hall budget meeting on March 12, 2013 at 6 p.m.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Pacheco commented on the City's entry signs that were refurbished by Sanger High students. He reported on his participation in a Charette conducted by Reedley College to revise their mission and vision statements, address workforce employment within the college, administrative duties of instructors and the strategic plan for the next four years.

Councilmember Cantu announced the Blossom Trail Run to be held on March 2 and asked for a consensus from Council to authorize landscaping placed at the race finish line. City Attorney Jenell Van Bindsbergen announced that the City Council cannot ratify decisions or authorize use of funds on an item not listed on the agenda. Mayor Mitchell suggested contacting Belmont Nursery to ask if they would be willing to donate the use of landscape. Councilmember Cantu announced the Rotary street cleanup of Jensen Avenue on Saturday. He also asked if there is a policy on agenda review by councilmembers and commented that it would be fair if all councilmembers receive a draft agenda.

Councilmember Ontiveros commended Councilmember Cantu for suggesting the landscaping at the Blossom Trail Run finish line. He announced the Cal Odyssey has chosen a site for their soccer league. He asked that the City Attorney review the documents submitted by the owners of Sanger Fence Company during Public Forum.

#### ADJOURNMENT

Being no further business, the Council adjourned their meeting at 11:43 p.m.