

MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING

March 21, 2013
6:00 P.M.
Council Chamber

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

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

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 54956.95
Liability Claims
 1. Claimant: City of Sanger
Agency Claimed Against: Infinity Insurance Company
3. Pursuant to Government Code Section 54956.9(d)(1)
Conference with Legal Counsel - Existing Litigation
 1. City of Sanger v. Sanger II
Fresno Superior Court Case No. 10CECG02913
 2. City of Sanger v. Estate Financial, et al.
Fresno Superior Court Case No. 07CECG02420
 3. Builders Capital, et al. v. City of Sanger
Fresno Superior Court Case No. 08CECG04323
 4. City of Sanger v. OHC Pinehurst Group
Fresno Superior Court Case No. 10CECG01985

5. Eugene Drinkhouse v. City of Sanger
Fresno Superior Court Case No. 12CECG00078
6. City of Sanger, et al. v. County of Fresno
Fresno Superior Court Case No. 08CECG03535
4. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
City Manager

OPENING CEREMONIES

The invocation was given by Pastor Gary Duran.
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 B-2 – The Council by motion of Mayor Pro Tem Nielson voted to accept the settlement offer from Infinity Insurance in the amount of \$7,894 and direct the City Manager to execute the documents. The motion was seconded by Mayor Mitchell and approved by the following vote:

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

Closed Session Item B-4 – The Council by motion of Mayor Mitchell voted to create a subcommittee to include Mayor Pro Tem Nielson and Councilmember Pacheco for the purpose of developing procedures for performance evaluation of the City Manager and to present the procedures to the City Council for approval. The motion was seconded by Councilmember Pacheco and unanimously approved.

AGENDA APPROVAL

APPROVED AS AMENDED – The Council by motion of Councilmember Ontiveros approved the agenda with the deletion of Item H - Emergency Operations Plan Workshop. The motion was seconded by Councilmember Pacheco and unanimously approved.

CEREMONIAL MATTERS

Interim Fire Chief Greg Tarascou introduced newly appointed Firefighter Specialist/Paramedic Kyle Young.

The City Council recognized the following:

- Recreation Specialist Sean Fitzgerald for his years of service to the City and the Sanger community
- Sanger Unified School District Athletic Fields Crew members Kelli Gipson, Pablo Mora, Martin Collins and Chris Lozano for receiving the Fields of Excellence Award

PUBLIC FORUM

None

CONSENT CALENDAR

The Council by motion of Mayor Pro Tem Nielson approved the following item on the Consent Calendar:

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

The motion was seconded by Councilmember Cantu and unanimously approved.

DEPARTMENT REPORTS

ITEM J-1 – Gang Prevention/Intervention Boys & Girls Club/Project Purple Grant Application

Public comment was received from David Mendez, Osvaldo Vera, Doris Knowlton, Cheryl Senn, and Ed Cuadros.

The Council by motion of Councilmember Ontiveros approved the application of the Boys & Girls Club/Project Purple to use Measure S dollars to fund the “Phoenix and Project Purple” Gang Prevention and Resiliency program with the request that the group report to Council and the Citizen’s Oversight Committee on a quarterly basis. The motion was seconded by Councilmember Cantu and unanimously approved.

ITEM J-2 – Chamber of Commerce Contract

Public comment was received from Doris Knowlton, David Mendez, Cheryl Senn, and Ed Cuadros.

The Council by motion of Mayor Pro Tem Nielson voted to bring the item back to Council at the April 4, 2013 City Council meeting with the following modifications to the Contract:

- Determination of a budget adjustment for the additional \$40,000 indicating where the funds will be drawn from
- Addition of performance measures
- Enhanced marketing efforts
- Condition that members of the Chamber Board not participate in political issues

The motion was seconded by Councilmember Ontiveros and unanimously approved.

The Council called for a recess at 8:27 p.m.

The Council reconvened their meeting at 8:36 p.m.

ITEM J-3 – TABLED – Local Government Strategic Plan

The Council by motion of Councilmember Pacheco tabled the information item to another meeting. The motion was seconded by Councilmember Ontiveros and unanimously approved.

ITEM J-4 – APPROVED RESOLUTION NO. 4382 – Compensation Ranges for Executive Management Positions

Public comment was received by Kathryn Pacheco and Dick Sheppard.

The Council by motion of Mayor Pro Tem Nielson approved Resolution No. 4382 establishing compensation ranges for unclassified executive management positions of employment and directed the City Manager to present a workshop at the April 4, 2013 council meeting describing the benefits package of Sanger's executive management positions and councilmembers. The motion was seconded by Councilmember Cantu and unanimously approved.

ITEM J-5 – APPROVED RESOLUTION NO. 4389 – 2011-2012 Annual Report of Development Impact Fees (AB1600 Report)

The Council by motion of Councilmember Ontiveros approved Resolution No. 4389 pursuant to Government Code Section 66001(d) for fees collected for public facilities related to development and remaining unexpended after 5 years. The motion was seconded by Councilmember Pacheco and unanimously approved.

ITEM J-6 – APPROVED – Contract for Engineering Services

Public comment was received from Ed Cuadros and Brandon Broussard.

The Council by motion of Mayor Pro Tem Nielson: approved a contract with the engineering firm of Yamabe and Horn, designating Josh Rogers as the City Engineer; authorized the City Manager to sign the contract; directed the City Attorney to make any necessary changes to the contract to legally protect the City; and asked that the contract be brought back to Council as a Consent Item at the April 4, 2013 City Council meeting. The motion was seconded by Councilmember Pacheco and unanimously approved.

ITEM J-7 – ACCEPTED – Grant Acceptance for \$4,068 from State Homeland Security Grant Program

Mayor Mitchell left the dais.

The Council by motion of Councilmember Ontiveros accepted the grant from the FY2010 State Homeland Security Grant program in the amount of \$4,068 and authorized the City Manager to complete the necessary paperwork for acceptance. The motion was seconded by Councilmember Cantu and approved by the following vote:

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

ITEM J-8 – APPROVED RESOLUTION NO. 4390 – Sanger Landscaping and Lighting Maintenance District No. 1

Public comment was received from Ed Cuadros.

Mayor Mitchell returned to the dais.

The Council by motion of Mayor Mitchell approved Resolution No. 4390 initiating the proceedings to levy annual assessment for Sanger Landscaping and Lighting Maintenance District No. 1 (pursuant to the Landscaping and Lighting Act of 1972). The motion was seconded by Councilmember Cantu and unanimously approved.

ITEM J-9 – APPROVED RESOLUTION NO. 4391 – Sanger Landscaping and Lighting Maintenance District No. 2

Councilmember Cantu left the dais.

The Council by motion of Mayor Pro Tem Nielson approved Resolution No. 4391 initiating the proceedings to levy annual assessment for Sanger Landscaping and Lighting Maintenance District No. 2 (pursuant to the Landscaping and Lighting Act of 1972). The motion was seconded by Councilmember Pacheco and approved by the following vote:

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

ITEM J-10 – APPROVED RESOLUTION NO. 4392 – Public Works Department Reorganizing Positions

Councilmember Cantu returned to the dais.

The Council by motion of Councilmember Cantu approved Resolution No. 4392 establishing the employment positions of Recreation Supervisor and Facility Maintenance Worker. The motion was seconded by Councilmember Ontiveros and unanimously approved.

ITEM J-11 – APPROVED RESOLUTION NO. 4393 – 2013 Transportation Planning Grant

The Council by motion of Councilmember Ontiveros approved Resolution No. 4393 authorizing the City Manager to execute agreements with the California Department of Transportation for the City of Sanger Accessibility Master Plan. The motion was seconded by Councilmember Pacheco and unanimously approved.

The City Council adjourned their meeting to convene the City of Sanger as Successor Agency to the Sanger Redevelopment Agency meeting at 10:05 p.m.

The Council reconvened their meeting at 10:15 p.m.

CITY MANAGER/STAFF COMMUNICATIONS

City Manager Brian Haddix commented on his meeting with Lozano Smith to discuss financing for working on the downtown and deferred the remainder of his update to his report which will be distributed to Council.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Pacheco commented on: the poor attendance of the Town Hall Meeting on March 14, 2013; his attendance at a forum to discuss how to grow the local economy; and asked that, out of personal and professional courtesy, councilmembers refer any resident's issues within District 3 be directed to him since he is the councilmember representing that district.

Councilmember Cantu thanked the City Manager for the weekly updates on progress and issues and indicated that he has not received updates regarding the development at Royal Woods which was purchased through foreclosure and has unresolved matters.

Mayor Pro Tem Nielson indicated that he would like the City Manager to continue providing his weekly reports at council meetings so that the community would be informed of what City staff is doing. He also commented that other events, such as school open houses and band recitals had been scheduled on the same day as the Town Hall meeting. He expressed his concern with the long list of items that are being asked of the City Manager which are taking time away from big projects. He reminded that Council's job is to provide policy and not to mitigate authority from the City Manager and that only items approved by 3 votes of the Council were authorized items to be worked on with the exception of items relating to public safety.

Mayor Mitchell echoed what was said by Mayor Pro Tem Nielson and indicated that the strategic plan should include the developing of priorities.

ADJOURNMENT

Being no further business, the Council adjourned their meeting at 10:36 p.m.