

MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING OF

JUNE 21, 2012

A REGULAR MEETING OF THE SANGER CITY COUNCIL WAS HELD ON THURSDAY, JUNE 21, 2012 AT 6:07 PM IN THE COUNCIL CHAMBERS.

COUNCILMEMBERS PRESENT: MITCHELL, ONTIVEROS, RUIZ, CASTELLANO, NIELSON
COUNCILMEMBERS ABSENT: NONE

REGULAR MEETING THE REGULAR MEETING CONVENED AT 6:07 PM.

PUBLIC FORUM PRIOR TO CLOSED SESSION NONE

CLOSED SESSION COUNCIL WENT INTO CLOSED SESSION TO: 1) CONFERENCE WITH LABOR NEGOTIATORS (AGENCY REPRESENTATIVES: CITY MANAGER HADDIX, ASSISTANT CITY ATTORNEY VAN BINDSBERGEN, EXECUTIVE SECRETARY TO THE CITY MANAGER HERNANDEZ) EMPLOYEE ORGANIZATION: ALL BARGAINING GROUPS; AND 2) CONFERENCE WITH LEGAL COUNSEL REGARDING EUGENE L. DRINKHOUSE V. CITY OF SANGER, FRESNO COUNTY SUPERIOR COURT CASE NO. 12CECG0078.

RECONVENED THE MEETING RECONVENED AT 7:05 PM.

INVOCATION THE INVOCATION WAS GIVEN BY PASTOR SAM ESTES OF THE GRACE COMMUNITY CHURCH.

FLAG SALUTE THE FLAG SALUTE WAS LED BY MAYOR MITCHELL.

AGENDA APPROVAL THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED THE AGENDA AS PRESENTED. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

CLOSED SESSION ACTIONS CITY ATTORNEY KUHN ANNOUNCED NO REPORTABLE ACTION TAKEN IN CLOSED SESSION.

PRESENTATIONS MAYOR MITCHELL PROCLAIMED JUNE 21, 2012 AS "AMERICAN CANCER SOCIETY RELAY FOR LIFE®" DAY.

THE COUNCIL RECOGNIZED PAT AND MERRY HENRY OF KINGS RIVER CASTING, INC. FOR OUTSTANDING BUSINESS ACHIEVEMENT.

PUBLIC FORUM PUBLIC COMMENT WAS RECEIVED FROM: OSVALDO VERA, TONI PACINI, SHARRI GUMBER CARTER, MOE SAY, FRED HEISMAN.

CONSENT CALENDAR THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED THE FOLLOWING ITEMS ON THE CONSENT CALENDAR: 1) APPROVED PAYROLL CHECKS NO. 52666 THROUGH NO. 52772, DIRECT DEPOSIT NO. 27712 THROUGH

NO. 28117, BENEFIT CHECKS NO. 750 THROUGH 765; REVIEWED WARRANTS NO. 57546 THROUGH NO. 57838; 3) APPROVED THE MINUTES FOR THE MEETINGS OF MAY 17, 2012, JUNE 5, 2012 AND JUNE 12, 2012; AND 4) ACCEPTED THE TREASURER'S REPORT AS OF APRIL 30, 2012. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTELLANO AND UNANIMOUSLY APPROVED.

PUBLIC HEARING
FISCAL YEAR 2012/2013 BUDGET

THE COUNCIL HELD A PUBLIC HEARING TO DISCUSS THE FISCAL YEAR 2012/2013 BUDGET. PUBLIC COMMENT WAS RECEIVED FROM ED CUADROS, JULIAN CHAPA, HENRY PROVOST. THE PUBLIC HEARING WAS CLOSED.

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4347 ESTABLISHING THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2012/2013. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTELLANO AND UNANIMOUSLY APPROVED.

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4348 AUTHORIZING REGULAR FULL TIME AND REGULAR PART-TIME POSITIONS IN THE CITY SERVICE EFFECTIVE JULY 1, 2012, IN ACCORDANCE WITH THE OPERATING BUDGET FOR THE FISCAL YEAR 2012/2013. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTELLANO AND APPROVED BY THE FOLLOWING VOTE:

AYES: MITCHELL, ONTIVEROS, CASTELLANO,
NIELSON
NOES: RUIZ
ABSTAIN: NONE
ABSENT: NONE

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4349 MAKING A DETERMINATION OF THE NECESSITY OF CONTINUING THE UTILITY USER'S TAX. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4346 APPROVING THE CITY OPERATING BUDGET AND CITY CAPITAL IMPROVEMENT BUDGET FOR THE FISCAL YEAR 2012/2013. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTELLANO AND UNANIMOUSLY APPROVED.

ADJOURNED TO PUBLIC
FINANCE AUTHORITY MEETING
AND SANGER HOUSING AUTHORITY
MEETING

THE COUNCIL ADJOURNED THEIR MEETING AT 8:27 PM FOR A PUBLIC FINANCE AUTHORITY MEETING AND SANGER HOUSING AUTHORITY MEETING.

RECONVENED

THE COUNCIL RECONVENED THEIR MEETING AT 8:29 PM.

COUNCIL SERVING AS
SUCCESSOR AGENCY

THE COUNCIL (AS THE SUCCESSOR AGENCY TO THE RDA) BY MOTION OF MAYOR PRO TEM ONTIVEROS

APPROVED RESOLUTION NO. 12-10 ADOPTING THE CITY OF SANGER SUCCESSOR AGENCY/REDEVELOPMENT AGENCY BUDGET FOR FISCAL YEAR 2012/2013. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

RECESS

THE COUNCIL CALLED FOR A RECESS AT 8:31 PM.

RECONVENED

THE COUNCIL RECONVENED THEIR MEETING AT 8:47 PM.

PUBLIC HEARING
REDISTRICTING OF COUNCIL
DISTRICT BOUNDARIES

THE COUNCIL HELD A PUBLIC HEARING TO DISCUSS ORDINANCE NO. 1134 AMENDING SECTION 2-29 OF ARTICLE II OF CHAPTER 2 OF THE SANGER CITY CODE, REGARDING ELECTION OF COUNCILMEMBERS BY DISTRICT. PUBLIC COMMENT WAS RECEIVED FROM TONI PACINI, DAN LUNA, DORIS KNOWLTON, WALT BACHAROWSKI, MARY BURNETT, ENRIQUE VALDEZ, JAIME GARZA, KAREN STEINHAUER, FRED HEISMAN, HENRY PROVOST, ED CUADROS. THE PUBLIC HEARING WAS CLOSED.

COUNCILMEMBER NIELSON MOVED TO BRING MAP D2 BACK TO COUNCIL FOR FIRST READING TO BE HELD NEXT THURSDAY (6/28/12) EVENING. MAYOR MITCHELL SECONDED THE MOTION. THE MOTION FAILED BY THE FOLLOWING VOTE:

AYES: MITCHELL, NIELSON
NOES: ONTIVEROS, RUIZ, CASTELLANO
ABSTAIN: NONE
ABSENT: NONE

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED THE PUBLIC RENUMBERED MAP SOLELY BASED ON ITS MERIT. THE MOTION WAS SECONDED AND APPROVED BY THE FOLLOWING VOTE:

AYES: ONTIVEROS, RUIZ, CASTELLANO
NOES: MITCHELL, NIELSON
ABSTAIN: NONE
ABSENT: NONE

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS WAIVED FURTHER READING AND ADOPTED ORDINANCE NO. 1134, AMENDING SECTION 2-29 OF ARTICLE II OF CHAPTER 2 OF THE SANGER CITY CODE, REGARDING ELECTION OF COUNCILMEMBERS BY DISTRICT (PUBLIC RENUMBERED MAP). THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND APPROVED BY THE FOLLOWING VOTE:

AYES: ONTIVEROS, RUIZ, CASTELLANO
NOES: MITCHELL, NIELSON
ABSTAIN: NONE
ABSENT: NONE

PUBLIC HEARING
ORDINANCE NO. 1133
RELATING TO PURCHASING

THE COUNCIL HELD A PUBLIC HEARING TO DISCUSS ADOPTION OF ORDINANCE NO. 1133 AMENDING CHAPTER 2 ARTICLE V OF THE SANGER MUNICIPAL CODE PERTAINING TO PURCHASING. THE PUBLIC HEARING WAS CLOSED.

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS WAIVED FURTHER READING AND ADOPTED ORDINANCE NO. 1133 AMENDING CHAPTER 2 ARTICLE V OF THE SANGER MUNICIPAL CODE PERTAINING TO PURCHASING. THE MOTION WAS SECONDED BY COUNCILMEMBER NIELSON AND APPROVED BY THE FOLLOWING VOTE:

AYES: MITCHELL, ONTIVEROS, CASTELLANO,
NIELSON
NOES: RUIZ
ABSTAIN: NONE
ABSENT: NONE

CONTRACT FOR PREPARATION
OF SPECIAL TAX ADMINISTRATION
FOR COMMUNITY FACILITIES
DISTRICT 2005-1 (PUBLIC SERVICES)

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4350 AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE AN AGREEMENT WITH COMMUNITY ECONOMIC SOLUTIONS FOR PREPARATION OF THE SPECIAL TAX ADMINISTRATION FOR COMMUNITY FACILITIES DISTRICT 2005-1. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

RESOLUTION NO. 4351
ALTERNATIVE METHOD OF
PROPERTY TAX APPORTIONMENT
"TEETER PLAN"

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4351 AGREEING THAT THE ALTERNATIVE METHOD OF DISTRIBUTION OF PROPERTY TAX LEVIES BE APPLICABLE IN ORDER FOR THE COUNTY OF FRESNO TO TAX LEVIES ON BEHALF OF THE CITY OF SANGER. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

MEASURE C EXTENSION LOCAL
TRANSPORTATION PROGRAM
FUNDS

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED RESOLUTION NO. 4352 CERTIFYING ELIGIBILITY AND CLAIMING MEASURE C EXTENSION LOCAL TRANSPORTATION FUNDS FOR FISCAL YEAR 2012/2013 AND AUTHORIZED THE FINANCE DIRECTOR TO SIGN AND SUBMIT THE FISCAL YEAR 2012/2013 CLAIMS. THE MOTION WAS SECONDED BY COUNCILMEMBER NIELSON AND UNANIMOUSLY APPROVED.

RESOLUTION NO. 4353
ESTABLISHING PURCHASING
POLICIES, PROCEDURES AND
GUIDELINES

THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS ADOPTED RESOLUTION NO. 4353 ESTABLISHING PURCHASING POLICIES, PROCEDURES AND GUIDELINES AND DIRECTED STAFF TO MAKE CORRECTIONS TO "TYPOS" IN THE DOCUMENT. THE MOTION WAS SECONDED BY COUNCILMEMBER NIELSON AND APPROVED BY THE FOLLOWING VOTE:

AYES: MITCHELL, ONTIVEROS, NIELSON
NOES: RUIZ, CASTELLANO
ABSTAIN: NONE
ABSENT: NONE

GRAND JURY REPORT ON
MEASURE L

PUBLIC COMMENT WAS RECEIVED FROM JAIME GARZA, KAREN STEINHAEUER. THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS 1) APPROVED THE REVISED DRAFT OF RESPONSES TO THE GRAND JURY'S FINDINGS AND RECOMMENDATIONS REGARDING MEASURE L WITH THE FOLLOWING AMENDMENTS TO FINDINGS 111 AND 113:

FINDING 111 SHOULD BE AMENDED TO: 1) STATE THE EXACT AMOUNT PAID TO THE DEMOGRAPHER; 2) ADD LANGUAGE STATING "THAT WHILE A DEMOGRAPHER WAS RETAINED FOR THIS AMOUNT, THE COUNCIL CHOSE TO USE THE DEMOGRAPHER TO VERIFY A MAP THAT WAS PUT FORTH BY THE PUBLIC, BUT THAT THE CITY DID NOT USE THE DEMOGRAPHER'S MAP; AND 3) STATE THAT THE DEMOGRAPHER WAS A CONSULTING FIRM AND

FINDING 113 SHOULD BE CORRECTED TO STATE THE CITY COUNCIL DID NOT MEET THE NOVEMBER 1, 2011 DEADLINE;

AND 2) AUTHORIZED THE CITY MANAGER TO TRANSMIT THEM TO THE PRESIDING JUDGE OF THE FRESNO SUPERIOR COURT ON BEHALF OF THE CITY. THE MOTION WAS SECONDED BY COUNCILMEMBER NIELSON AND APPROVED BY THE FOLLOWING VOTE:

AYES: MITCHELL, ONTIVEROS, NIELSON
NOES: RUIZ, CASTELLANO
ABSTAIN: NONE
ABSENT: NONE

EXTENSION OF ACQUISITION
PARTNERS CONSULTING
AGREEMENT

PUBLIC COMMENT WAS RECEIVED FROM JOHN QUIRING OF ACQUISITION PARTNERS, ED CUADROS, KAREN STEINHAEUER. THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS EXTENDED THE GRANT CONSULTING AGREEMENT WITH ACQUISITION PARTNERS OF AMERICA (APA) FOR A PERIOD OF ONE YEAR, FROM JULY 1, 2012 TO JUNE 30, 2013 AND DIRECTED APA TO MEET WITH THE CHAIRS OF ALL CITY COMMISSIONS. THE MOTION WAS SECONDED BY COUNCILMEMBER NIELSON AND APPROVED BY THE FOLLOWING VOTE:

AYES: MITCHELL, ONTIVEROS, NIELSON
NOES: RUIZ, CASTELLANO
ABSTAIN: NONE
ABSENT: NONE

COUNCILMEMBER LEFT DAIS
AND RETURNED

COUNCILMEMBER CASTELLANO LEFT THE DAIS AT 10:27 PM AND RETURNED AT 10:30 PM.

LETTER OF OPPOSITION TO
SANGER COURT CLOSURE

PUBLIC COMMENT WAS RECEIVED FROM JAIME GARZA. THE COUNCIL BY MOTION OF MAYOR PRO TEM ONTIVEROS APPROVED SENDING A LETTER OF OPPOSITION TO THE CLOSURE OF THE SANGER COURTHOUSE TO THE HONORABLE JUDGE HOFF, PRESIDING JUDGE OF FRESNO COUNTY. THE MOTION WAS SECONDED BY COUNCILMEMBER RUIZ AND UNANIMOUSLY APPROVED.

AWARD OF CONTRACT -
RECONSTRUCTION OF SANGER
AVENUE BETWEEN 12TH STREET
AND NORTH AVENUE – CDBG
PROJECT NO. 11611

THE COUNCIL BY MOTION OF COUNCILMEMBER RUIZ: 1)
AWARDED THE CONTRACT FOR RECONSTRUCTION OF
SANGER AVENUE BETWEEN 12TH STREET AND NORTH
AVENUE TO RC GENERAL ENGINEERING, INC., 6600 W.
HARTER, VISALIA, CA 93277, IN THE AMOUNT OF
\$235,416.31; 2) AUTHORIZED THE CITY MANAGER TO
SIGN CONTRACT DOCUMENTS ON BEHALF OF THE CITY;
AND 3) APPROVED A CONSTRUCTION CONTINGENCY
FOR CHANGE ORDERS IN THE AMOUNT OF \$23,500.00
(10%) FOR THIS PROJECT. MAYOR PRO TEM ONTIVEROS
DECLARED A CONFLICT OF INTEREST AND LEFT THE
DAIS. THE MOTION WAS SECONDED BY
COUNCILMEMBER NIELSON AND APPROVED BY THE
FOLLOWING VOTE:

AYES:	MITCHELL, RUIZ, CASTELLANO, NIELSON
NOES:	NONE
ABSTAIN:	ONTIVEROS
ABSENT:	NONE

ADJOURNMENT

BEING NO FURTHER BUSINESS, THE COUNCIL ADJOURNED
THEIR MEETING AT 10:44 PM.