

## MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING

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September 20, 2012  
6:00 P.M.  
Council Chamber

The regular meeting convened at 6:11 P.M.

Councilmembers Present: MITCHELL, ONTIVEROS, CASTELLANO, NIELSON  
Councilmembers Absent: RUIZ

### PUBLIC FORUM PRIOR TO CLOSED SESSION

Public comment was received by Fred Heisman.

Councilmember Ruiz arrived at 6:13 P.M.

### JOINT MEETING CLOSED SESSION CITY OF SANGER AND SANGER PUBLIC FINANCING AUTHORITY

Council went into Closed Session to:

Pursuant to Government Code Section 54956.9 (c)  
Conference with Legal Counsel – Deciding Whether to Initiate Litigation:  
One Case

### CLOSED SESSION

Council went into Closed Session to:

Pursuant to Government Code Section 54957.6  
Conference with Labor Negotiators  
Agency Representatives: City Manager Haddix, Assistant City Attorney Jenell Van Bindsbergen,  
Finance Director Debby Sultan, Executive Assistant Becky Hernandez  
Employee Organizations: All Bargaining Groups

Pursuant to Government Code Section 54956.9 (b)  
Conference with Legal Counsel – Anticipated Litigation  
One Potential Case

Pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiators  
Property: Sanger Park  
Agency Negotiator: City Manager Brian Haddix  
Negotiating Parties: Motel Hotel Specialists, Inc.  
Under Negotiations: Terms

Pursuant to Government Code Section 54956.9 (a)  
Conference with Legal Counsel – Existing Litigation:  
In the Matter of the Calculation of Final Compensation of Carlos Sanchez and City of Sanger

The Council reconvened their meeting at 7:18 P.M.

#### CITY ATTORNEY REPORT FROM CLOSED SESSION

Assistant City Attorney Jenell Van Bindsbergen reported the following:

The Sanger Public Financing Authority by motion of Member Mitchell authorized and approved staff to take action necessary to accept offer of settlement from Wachovia Bank in the amount of \$68,591.58. The motion was seconded by Member Ontiveros and unanimously approved.

The City Council by motion of Mayor Mitchell authorized and approved staff to take action necessary to accept offer of settlement from Wachovia Bank in the amount of \$61,363.71. The motion was seconded by Mayor Pro Tem Ontiveros and unanimously approved.

#### OPENING CEREMONIES

The invocation was given by Pastor Gary Duran of Family Worship Center.  
The Flag Salute was led by Mayor Mitchell.

#### ROLL CALL

Present: MITCHELL, ONTIVEROS, RUIZ, CASTELLANO, NIELSON  
Absent: NONE

#### AGENDA APPROVAL

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

#### CEREMONIAL MATTERS

The Council recognized California TrusFrame Company for its outstanding achievement and commitment to the Sanger community.

#### PUBLIC FORUM

Public comment was received from Doris Knowlton.

#### CONSENT CALENDAR

The Council by motion of Mayor Pro Tem Ontiveros approved the following items on the Consent Calendar:

REVIEWED – Warrants No. 58453 through 58596

APPROVED – Payroll Checks No. 52939 through No. 53005; Direct Deposit No. 28565 through No. 28788; and Benefit Checks No. 782 through No. 789

APPROVED – Minutes for the meeting of September 6, 2012

APPROVED – Treasurer’s Report as of June 30, 2012

The motion was seconded by Councilmember Ruiz and unanimously approved.

### DEPARTMENT REPORTS

ITEM J-1 – ACCEPTED – Contract for Residential, Commercial, and Industrial Solid Waste, Green Waste, and Recyclables Collection

Public comment was received from Henry Provost, Doug Godinho, Osvaldo Vera, Fred Heisman, Ed Cuadros, Jaime Garza, Ruben Bravo and Anthony McDaniels.

The Council called for a recess at 8:11 P.M.

The Council reconvened their meeting at 8:30 P.M.

The Council by motion of Councilmember Nielson accepted Option 2 which would be for the option to keep all 6 current employees at current pay and new positions within the City and accepted the contract with the premise that the funds that come from the sale of equipment be held in a reserve for disposal purposes of the City. The motion was seconded by Mayor Pro Tem Ontiveros and approved by the following vote:

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

ITEM J-2 – APPROVED AND AWARDED– Budget Amendment and Award of Contract – 2012 Cape Seal Project

The Council by motion of Mayor Pro Tem Ontiveros: 1) approved a Budget Adjustment authorizing the expenditure of Article 8 Street Funds in the amount of \$75,000 for the 2012 Cape Seal Project; 2) awarded the contract for 2012 Cape Seal Project to Intermountain Slurry Seal, Inc., 585 W. Beach Street, Watsonville, CA 95076, in the amount of \$356,597; 3) approved a construction contingency for change orders in the amount of \$20,000 (6%) for this project and 4) authorized the City Manager to sign contract documents on behalf of the City. The motion was seconded by Councilmember Ruiz and unanimously approved.

ITEM J-3 – APPROVED – Amendment to Agreement with Lozano Smith for Professional Services as City Attorney

The Council by motion of Mayor Pro Tem Ontiveros approved the amendment to the City's agreement with Lozano Smith for Professional Legal Services as City Attorney and authorized the Mayor to sign the amendment on behalf of the City. The motion was seconded by Councilmember Nielson and unanimously approved.

CITY MANAGER/STAFF COMMUNICATIONS

City Manager Brian Haddix commented on the following items:

- thanked staff and the members of the disposal division for their hard work
- commended the Council for their consideration and vote of the contract for disposal services
- Fire Transition Agreement and its effect on the City's sphere of influence
- staff's work on the monuments to be placed at the City's entrances
- the flooding issue on Academy Avenue to be addressed
- the completion of the Academy Avenue project

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Castellano asked that the performance evaluation of City Attorney services be placed on the agenda of the next Council meeting.

Councilmember Nielson reported that he attended the Parks & Recreation Commission meeting and announced that the Summer Fun program has finished and that there are many other programs and events such as, Yoga class, photography class, Smart Start sports, gymnastics, Zumba, open recreation basketball for adults, volleyball for adults, Art-Hop, and the upcoming Tour de Fresno bicycle race stop at Lincoln Park.

Mayor Mitchell commented on the exciting opening day event at the 99 Cents Only store and that all employees are Sanger residents. He also commented on the professionalism of the Council working together on the disposal issue in spite of disagreements.

ADJOURNMENT

Being no further business, the Council adjourned their meeting at 9:33 P.M.