

MINUTES OF THE REGULAR SANGER CITY COUNCIL MEETING

December 6, 2012
7:00 P.M.
Council Chamber

The regular meeting convened at 7:05 P.M.

OPENING CEREMONIES

The invocation was given by Pastor Sam Estes of Grace Community Church.
The Flag Salute was led by Mayor Joshua 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 Ruiz and unanimously approved.

COUNCIL REORGANIZATION

ITEM C-1 – APPROVED – RESOLUTION NO. 4375 ~ APPROVING ELECTION RESULTS FROM THE NOVEMBER 6, 2012 CONSOLIDATED GENERAL ELECTION

The City Council by motion of Mayor Pro Tem Ontiveros approved Resolution No. 4375 approving election results from the November 6, 2012 Consolidated General Election. The motion was seconded by Councilmember Ruiz and unanimously approved.

A plaque was presented to Councilmember Castellano and Councilmember Ruiz for their years of service to the City of Sanger.

Farewell remarks were made by Councilmember Castellano and Councilmember Ruiz.

Interim City Clerk Rebeca Hernandez administered the Oath of Office to re-elected Mayor Joshua Mitchell.

Mayor Joshua Mitchell administered the Oath of Office to newly elected Councilmembers Raul Cantu, Jr. and Tony Pacheco who then took their seats at the dais.

Mayor Mitchell opened nominations for Mayor Pro Tem. Mayor Mitchell nominated Mayor Pro Tem Ontiveros and Mayor Pro Tem Ontiveros accepted the nomination. Councilmember Cantu seconded the nomination.

AYES: MITCHELL, ONTIVEROS, NIELSON, CANTU, PACHECO

The Council called for a recess at 7:38 p.m.

The Council reconvened their meeting at 7:59 p.m.

CEREMONIAL MATTERS

The Council recognized:

Chase McEntee for his internship with the Sanger Recreation Department

Juan Gastelum for his internship with the Sanger Finance Department

PUBLIC FORUM

Public comment was received from Pastor George Bennett, Kathryn Pacheco, and Fred Heisman.

CONSENT CALENDAR

The Council by motion of Councilmember Nielson approved the following items on the Consent Calendar:

REVIEWED – Warrants No. 58995 through 59216

APPROVED – Payroll Checks No. 53040 through 53096; Direct Deposit No. 28997 through 29038; and Benefit Checks no. 798 through 809

APPROVED – Minutes for the regular meeting of November 1, 2012 and special joint meeting of November 8, 2012.

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

ACCEPTED – Treasurer’s Report as of September 30, 2012.

The motion was seconded by Mayor Pro Tem Ontiveros and unanimously approved.

DEPARTMENT REPORTS

ITEM H-1 – APPROVED – FINAL ACCEPTANCE-RECONSTRUCTION OF SANGER AVENUE BETWEEN 12TH STREET AND NORTH AVENUE CDBG PROJECT NO. 11611

The Council by motion of Mayor Pro Tem Ontiveros: 1) accepted the work for reconstruction of Sanger Avenue between 12th Street and North Avenue by RC General Engineering, Inc., 6600 W. Harter, Visalia, CA 93277, in the amount of \$246,794.25; 2) approved Contract Change Order Nos. 1, 2 and 3 in the amounts of \$9,200.00, \$480.00, and \$1,697.94, respectively, for a

total amount of \$11,377.94; 3) authorized recordation of the Notice of Completion with Fresno County Recorder; and 4) authorized payment of 5% retention in the amount of \$12,339.71 to RC General Engineering, Inc., upon expiration of the 35 day lien period. The motion was seconded by Councilmember Cantu and unanimously approved.

**ITEM H-2 – APPROVED WITH CONTINGENCY– FINAL ACCEPTANCE-
RECONSTRUCTION OF PALM AVENUE FROM COTTLE TO GREENWOOD AVENUES
AND COTTLE AVENUE FROM PALM TO WEBSTER AVENUES**

The Council by motion of Mayor Pro Tem Ontiveros: 1) accepted the work for reconstruction of Palm Avenue from Cottle to Greenwood Avenues and Cottle Avenue from Palm to Webster Avenues, in the amount of \$191,202.46 with the contingency that the pole standing in obstruction of a handicap ramp be removed; 2) approved Contract Change Order Nos. 1 thru 5 in the amounts of \$5,300.00, \$400.00, \$290.00, \$2,555.31 and \$4,950.00, respectively, for a total amount of \$13,495.31; 3) authorized recordation of the Notice of Completion with Fresno County Recorder; and 4) authorized payment of 5% retention in the amount of \$9,560.12 to RC General Engineering, Inc., upon expiration of the 35 day lien period. The motion was seconded by Councilmember Cantu and unanimously approved.

**ITEM H-3 – APPROVED – FINAL ACCEPTANCE-INSTALLATION OF GAC FILTRATION
AT WELL NO. 7**

Public Comment was received from Ed Cuadros.

The Council by motion of Mayor Pro Tem Ontiveros: 1) accepted the work for installation of GAC Filtration at Well No. 7 by Dawson Mauldin Construction, Inc., PO Box 8397, Huntington Beach, CA 92615, in the amount of \$1,059,757.00; 2) approved Contract Change Order Nos. 1 thru 6 in the amounts of <\$64,192.00>, \$4,705.00, \$3,845.00, \$1,481.00 and \$19,809.00, respectively, for a total amount of <\$30,611.00>; 3) authorized recordation of the Notice of Completion with Fresno County Records; and 4) authorized release of 10% retention, in the amount of \$105,975.70, held in an escrow account with Bank of Sacramento, upon expiration of the 35 day lien period. The motion was seconded by Councilmember Nielson and unanimously approved.

ITEM H-4 – INFO ITEM – ACADEMY AVENUE FLOODING MITIGATION EFFORTS

City Engineer Josh Rogers provided an update on staff's efforts to mitigate the risk of flooding on Academy Avenue east of the downtown area.

**ITEM H-5 – APPROVED AS AMENDED – RESOLUTION NO. 4374 ~ AUTHORIZING
MODIFICATION AND EXTENSION OF THE RESIDENTIAL DEVELOPMENT IMPACT
FEE PROGRAM THROUGH DECEMBER 31, 2013**

Mayor Mitchell recused himself due to a potential conflict of interest and left the dais at 9:00 p.m.

Public comment was received from Ed Cuadros.

The Council by motion of Councilmember Nielson approved Resolution No. 4374 modifying and extending the Residential Development Impact Fee Program through December 31, 2013 with the amendment that any residential construction project that receives a building permit prior to the program expiration date and receives Final Inspection within 6 months following the building permit date. The motion was seconded by Councilmember Pacheco and approved by the following vote:

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

Mayor Mitchell returned to the dais at 9:37 p.m.

Mayor Pro Tem Ontiveros left the dais at 9:37 p.m.

ITEM H-6 – INFO ITEM – MONTHLY FINANCIAL REVIEW

Finance Director Debby Sultan provided a review of Financial Reports including General Fund, Enterprise Funds and Measure S.

City of Sanger as Successor Agency to the Sanger Redevelopment Agency

ITEM H-7 – ACCEPTED – INDEPENDENT ACCOUNTANT’S REPORT

Mayor Pro Tem Ontiveros returned to the dais at 9:43 p.m.

Councilmember Cantu left the dais at 9:43 p.m.

Councilmember Cantu returned to the dais at 9:45 p.m.

The Council by motion of Mayor Pro Tem Ontiveros accepted the Independent Accountant’s Report on Applying Agreed-Upon Procedures on the Sanger Redevelopment Agency’s and Successor Agency to the Sanger Redevelopment Agency’s All Other Funds pursuant to California Health and Safety Code Section 34179.5. The motion was seconded by Councilmember Cantu and unanimously approved.

ITEM H-8 – APPROVED – RESOLUTION NO. 12-12 ~ AB 1484 PROPERTY MANAGEMENT PLAN

The Council by motion of Mayor Pro Tem Ontiveros adopted Resolution No. 12-12 approving a Property Management Plan prepared pursuant to AB 1484 Section 34191.5 for the Disposition of Real Property Assets for the former Sanger Redevelopment Agency. The motion was seconded by Councilmember Nielson and unanimously approved.

ITEM H-9 – APPROVED – AWARD OF CONTRACT- ACADEMY AVENUE BANNER POLE PROJECT

The Council by motion of Mayor Pro Tem Ontiveros: 1) awarded the contract of the Academy Avenue Banner Pole Project to RDA Construction, Inc., 1692 W. Bullard Avenue, Fresno, CA 93711, in the amount of \$28,365.00; 2) approved a construction contingency for change orders in the amount of \$2,500.00 (9%) for this project; and 3) authorized the City Manger to sign contract documents on behalf of the City. The motion was seconded by Councilmember Cantu and unanimously approved.

CITY MANAGER/STAFF COMMUNICATIONS

City Manager Brian Haddix reported the following: working with Acquisition Partners of America for an EDA grant; Christmas activities have begun with the snow, skating rink and banners arriving; met with CalTrans regarding signs on Highway 180; the downtown office complex is ready to go; the City of Sanger as Successor Agency to the RDA is the first city to submit an application to the Department of Finance to move properties; the Police Department and Public Works Department are looking at ways to enhance surveillance at the parks; working with a local restaurant to relocate into the former Fermin's area; attended a meeting regarding the Fire Transition Agreement.

MATTERS INITIATED BY CITY COUNCILMEMBERS

Councilmember Pacheco commented that he was happy and honored to be on the Council team.

Councilmember Nielson stated that he had nothing to report regarding the Parks & Recreation Commission and thanked Staff for their work in making downtown look better and more like Christmas than ever.

Councilmember Cantu commented that he was excited to be on the Council and that he sees the Council working well together and moving forward. Councilmember Cantu dedicated his swearing-in to his mother who passed away a year ago and thanked his supporters. He suggested that a future council meeting be adjourned in honor of Charlie McVay and a priest from St. Mary's Church.

Mayor Pro Tem Ontiveros stated that he had nothing to report regarding the Planning Commission. He congratulated the newly elected Councilmembers and said that he looks forward to working with them. He reported that he and Assistant City Manager Steve Carrigan

have been working with a soccer league in their efforts to possibly locate to Sanger.

Mayor Mitchell reported that he attended a Fresno COG meeting where they discussed using Measure C dollars for cleanup of Highway 180. He voted against the motion because Measure C dollars should be used for new infrastructure and an attempt to recruit volunteers should be made for the cleanup of Highway 180. He reported that he attended the Tree & Landscape Commission meeting and there was 1 item on the agenda. He requested either doing away with the Commission or combining the Commission with another. He also requested the consideration of reorganizing current commissions and committees. He asked that the Strategic Plan provide direction to the reorganized committees.

ADJOURNMENT

Being no further business, the Council adjourned their meeting in memory of Virgil E. Rasmussen at 10:18 P.M.