

**MINUTES OF THE JOINT SPECIAL MEETING OF THE MADERA CITY COUNCIL AND
SPECIAL MEETING OF THE MADERA REDEVELOPMENT AGENCY
CITY OF MADERA, CALIFORNIA**

March 6, 2011
1:00 p.m.

City Hall
Council Chambers

CALL TO ORDER – REGULAR SESSION

Mayor/Agency Chairperson Robert Poythress called the meeting of the Joint Special Meeting of the Madera City Council and Special Meeting of the Madera Redevelopment Agency to order at 1:00 p.m.

ROLL CALL Present: Mayor/Chairperson Robert Poythress
 Mayor Pro-Tem/Vice Chairperson Brett Frazier
 Council/Agency Member Gary Svanda
 Absent: Council/Agency Member Sally Bompreszi
 Excused Absence: Council/Agency Member Sam Armentrout

Agency staff members present: Executive Director Jim Taubert, General Counsel/City Attorney Richard Denhalter, Redevelopment Manager Bob Wilson and Agency Secretary Sandi Brown.

City of Madera staff members present: City Administrator David Tooley.

PUBLIC COMMENT – REGULAR SESSION

The first fifteen minutes of the meeting are reserved for members of the public to address the Agency or Council on items which are within the subject matter jurisdiction of the Agency or Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson/Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Agency and Council are prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Agency or Council does not respond to public comment at this time.

Mayor/Chairperson Poythress opened the Public Comment portion of the meeting inviting members of the public to address the Agency/City Council on non-agenda items.
No comments were heard.

PROJECTS AND REPORTS

1A. Consideration of Resolutions Conveying Real Property Located at 428 East Yosemite Avenue and 5 East Yosemite Avenue/120 North 'E' Street from the Madera Redevelopment Agency, a public body corporate and politic, to the City of Madera, a Municipal Corporation of the State of California (Agency/City)

and

Consideration of Resolutions Approving an Agreement with the City of Madera to Complete Certain Housing and Infrastructure Projects for which Funds Have Been Expended and Public Hearings Have Been Held (Agency/City)

Mayor/Chairperson Poythress called for the staff report. The staff report was presented by Executive Director Jim Taubert. Mr. Taubert stated that on Friday (March 4), staff had been contacted by Bond Counsel, Mr. John Knox with the firm of Orrick, Herrington and Sutcliffe, by both e-mail and on a conference call. He said the conference call occurred at 3:30 p.m. on Friday and those in attendance were Mayor/Agency Chairperson Robert Poythress, Mayor Pro-Tem/Agency Vice-Chairperson Brett Frazier, City Administrator David Tooley, Assistant City Attorney Brent Richardson, Executive Director Jim Taubert, Redevelopment Manager Bob Wilson and Agency Secretary Sandi Brown. Mr. Taubert reported Mr. Knox stated that the move to eliminate redevelopment agencies was moving rather quickly in Sacramento and he strongly recommended that the Agency take action to protect our assets and record deeds no later than Monday (March 7), hence the reason for the special meeting. Mr. Taubert advised that the primary action relates to the property at 428 East Yosemite Avenue and property at 5 East Yosemite Avenue. He said in

talking about the transfer of Agency-owned property to the City, there is really nothing involved that is an extraordinary action. He noted that when the Agency buys land for public use, the Agency normally transfers title to the City, and gave the examples of the police station, various parking lots and various right-of-ways. He said this a little extraordinary because we are doing it on a Sunday afternoon, but the act itself is not something that we haven't consistently done in the past.

Mr. Taubert advised the other action recommended by Mr. Knox was related to Agency funds. He said the Agency has between \$8 and \$10 million in a combination of Bond Proceeds and Tax Increment and have initiated a large number of projects. He said whether or not they constitute a contract remains to be seen, but the Agency has held the 33445 hearings and in most cases we have engaged an engineering or planning consultant. As a result, the Agency has spent significant funds on about 16 projects identified in the staff report. He said the most significant projects would be the Riverwalk Subdivision, the Midtown Village Subdivision and the various infill lots where the Agency already has invested several hundred thousand dollars. Mr. Taubert said the second action being recommended today is an attempt to save the funds to complete those projects.

Mr. Taubert said in listening to legislative committee hearings over the past several weeks, on several occasions Senate and Assembly members have commented they don't mind redevelopment, but what about this project – I have a project in my district that includes a transit village – we don't have it under contract – and so on and so forth. The Department of Finance would respond to the question 'we think that would be safe.' Mr. Taubert said using that same characterization, our 16 projects should be safe. He reported that all of these 16 projects were identified in 2008 and were an addendum to our official bond statement, which might give additional credence to the fact that these 16 projects have been underway for several years.

Mr. Taubert concluded saying staff is recommending that the Redevelopment Agency adopt a resolution conveying real property located at 428 East Yosemite Avenue and 5 East Yosemite Avenue/120 North 'E' Street to the City of Madera, the City adopt a resolution accepting the properties, and that the City and Agency approve resolutions approving an agreement with the City to complete the 16 projects he previously referred to. Mr. Taubert asked if there were questions.

Council/Agency Member Svanda said that in reading the proposed reorganization structure that is being brought about by the governor's proposal, it isn't clear if we transfer these properties, who will pay the light bill, telephone bill? If it goes to City ownership, will the City's general fund pay your telephone bill, power bill and ongoing maintenance at the end of March, or is that provided for in his new proposal. Mr. Taubert asked do you mean following the actual legislation. Member Svanda said that was correct. Mr. Taubert said no and further explained that following the governor's signature, the City will be asked to form a Successor Agency, and that Successor Agency can hire staff to dispose of Agency assets and could in fact hire the existing staff to do that. He said that within the legislation is the authority that we (existing staff) could have an office space. But if it is a leased office space, the lease can be no more than 6 months at a time.

Council/Agency Member Frazier commented with regard to the meeting being held on Sunday, did staff make attempts to contact any media sources. Mr. Taubert responded that staff notified the media by e-mail and he personally called Chuck Doud, Madera Tribune Editor. (For the record, Mr. Doud was present at the meeting.)

Mayor/Chairperson Poythress asked if there were additional questions. There were none.

Chairperson Poythress called for a motion to adopt the following Agency resolution.

**MRA-1462 A RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, MADERA,
CALIFORNIA, CONVEYING REAL PROPERTY LOCATED AT 428 EAST YOSEMITE
AVENUE, 5 EAST YOSEMITE AVENUE AND 120 NORTH 'E' STREET AND
AUTHORIZING THE CHAIRPERSON TO EXECUTE THE CONVEYANCE**

On motion by Agency Member Frazier, seconded by Agency Member Svanda, the adoption of resolution **MRA-1462** was approved by the following 3/0 vote: Ayes: Agency Members Poythress, Frazier and Svanda; Noes: None; Absent: Agency Member Bomprezzi; Excused Absence: Agency Member Armentrout.

Mayor Poythress called for a motion to adopt the following City resolution.

CC 11-64 **A RESOLUTION OF THE CITY OF MADERA, ACCEPTING PROPERTY LOCATED AT 428 EAST YOSEMITE AVENUE, 5 EAST YOSEMITE AVENUE AND 120 NORTH 'E' STREET TO BE CONVEYED FROM THE MADERA REDEVELOPMENT AGENCY AND AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND DOCUMENTS RELATED THERETO AND ACCEPT THE PROPERTY ON BEHALF OF THE CITY OF MADERA**

On motion by Council Member Frazier, seconded by Council Member Svanda, the adoption of resolution **CC 11-64** was approved by the following 3/0 vote: Ayes: Council Members Poythress, Frazier and Svanda; Noes: None; Absent: Council Member Bomprezzi; Excused Absence: Council Member Armentrout.

Chairperson Poythress called for a motion to adopt the following Agency resolution.

MRA-1463 **A RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE CITY OF MADERA TO COMPLETE CERTAIN HOUSING AND INFRASTRUCTURE PROJECTS AND AUTHORIZING THE CHAIRPERSON TO EXECUTE SUCH AGREEMENT**

On motion by Agency Member Svanda, seconded by Agency Member Frazier, the adoption of resolution **MRA-1463** was approved by the following 3/0 vote: Ayes: Agency Members Poythress, Frazier and Svanda; Noes: None; Absent: Agency Member Bomprezzi; Excused Absence: Agency Member Armentrout.

Mayor Poythress called for a motion to adopt the following City resolution.

CC 11-65 **A RESOLUTION OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE MADERA REDEVELOPMENT AGENCY TO COMPLETE CERTAIN HOUSING AND INFRASTRUCTURE PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT**

On motion by Council Member Frazier, seconded by Council Member Svanda, the adoption of resolution **CC 11-65** was approved by the following 3/0 vote: Ayes: Council Members Poythress, Frazier and Svanda; Noes: None; Absent: Council Member Bomprezzi; Excused Absence: Council Member Armentrout.

ADJOURNMENT

Mayor/Chairperson Poythress adjourned the Joint Special Meeting of the Madera City Council and Special Meeting of the Madera Redevelopment Agency at 1:11 p.m.



Sandi Brown, Agency Secretary



Mayor/Chairperson Robert Poythress