

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

August 10, 2011
6:00 p.m.

City Hall
Council Chambers

1. CALL TO ORDER – CLOSED SESSION

Mayor/Agency Chairperson/Housing Authority Chairperson Robert Poythress called to order the Closed Session for the Regular Meeting of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:00 p.m. and called for the roll call.

ROLL CALL Present: Mayor/Chairperson Robert Poythress
 Mayor Pro-Tem/Vice Chairperson Brett Frazier
 Council/Agency Member Sally Bomprezzi
 Council/Agency Member Gary Svanda
 Council/Agency Member Andrew Medellin

PUBLIC COMMENT – CLOSED SESSION

The first fifteen minutes of this portion of the meeting are reserved for members of the public to address the Agency or Council on Closed Session items listed on the Agenda. Speakers seeking to comment on other items are requested to make those comments during the Public Comment portion of the meeting at 6:30 p.m. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. 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/Agency Chairperson/Housing Authority Chairperson Robert Poythress opened the Public Comment portion of the meeting inviting members of the public to address the Council/Board/Commissioners.

No comments were heard.

2. CLOSED SESSION Closed Session items not concluded prior to the Regular Session may be continued at the end of the Regular Session.

There are no items for this section.

Mayor/Agency Chairperson Poythress recessed the Closed Session Portion of the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:02 p.m. and called for the Closed Session announcement as listed on the agenda of the Regular Meeting of the Housing Authority of the City of Madera.

Mayor/Agency Chairperson Poythress reconvened the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:15 p.m. and called for the Workshop presentation.

WORKSHOP – Presentation on the Golden State Cleanup Project by Manuel Ruiz, Neighborhood Preservation Manager, Tom Fraser, Neighborhood Preservation Specialist and Lou Donaldson, Part-time Code Enforcement Consultant

Presentation on Foreclosure Activity by Manuel Ruiz, Neighborhood Preservation Manager

Presentation on the Golden State Cleanup Project: Manuel Ruiz, Neighborhood Preservation Manager, addressed the Council/Agency Board stating that this project was a combined effort from various agencies, as well as the City Attorney who aided staff in obtaining an abatement warrant for this property. Mr. Ruiz reported that this was one of the largest cleanup projects conducted in the city in the past six years, which

included the removal of tons of materials that included numerous vehicles, junk, debris, piles of earth, garbage buried under garbage, and tires. He said that the initial contact with the property owners, Roy Roberts and David Roberts who both live on the property, was made by Tom Fraser, Neighborhood Preservation Specialist, about two years ago. Mr. Fraser gave a brief history of his efforts to work with the property owner to clean up his property. He noted that as the cleanup crew got closer to the substandard house on the property and the motor home that the Roberts were living in, they became less cooperative and withdrew their permission for city employees to be on their property. Mr. Ruiz continued with a PowerPoint presentation presenting photos of the cleanup project that occurred over several days, beginning on Monday August 1 and was completed on Thursday, August 4, 2011.

Presentation on Foreclosure Activity: Manuel Ruiz, Neighborhood Preservation Manager, addressed the Council/Agency Board, presenting information on foreclosure activity in the City. Mr. Ruiz stated that the number of foreclosure registrations received since the inception of the program is 1,083. He explained that does not mean there are 1,083 properties because some of the properties have been registered two to three times depending upon when they were initially registered. Properties, he said, have to be registered annually. Mr. Ruiz said that the amount of registration fees collected at \$55.00 per property is \$60,008.00. He said that the number of active foreclosure cases is 302 and went on to explain that some of the open cases may have violations and some may not; some are just open so that we can monitor the property to be sure that they stay in compliance and aren't falling to disrepair. He said that the number of foreclosure cases closed since program inception is 461 cases. Foreclosure cases where only citations have been issued totals \$447,612.00. The number of foreclosed cases where the Notice of Compliance has been recorded is 103, and the amount of citations collected on foreclosed cases is \$148,467.00. He observed that was a bad offset looking at \$447,612 versus those collected at \$148,467.

Mayor Pro-Tem Frazier asked for clarification that \$447,000 is what has been cited and \$148,000 is what has been collected. Mr. Ruiz said that was correct. Mr. Frazier replied then we have \$300,000 outstanding right now; Mr. Ruiz said that was correct. Council Member Svanda observed that we are collecting about one-third of the citations.

Mr. Ruiz continued and said with regard to the properties where a Notice of Non-Compliance has been recorded, the number of citations issued is \$158,100, which is out of the 103 recorded. He said only one case from the collection agency judgments has gone to judgment and the amount of the judgments since inception is \$13,000 on foreclosed cases. Mr. Ruiz concluded his report.

Mayor Poythress asked if there were questions from the Council and there were none. He thanked Mr. Ruiz for the update.

RECESS

Mayor/Agency Chairperson/Housing Authority Chairperson Robert Poythress adjourned the Closed Session portion of the meeting at 6:34 p.m.

3. CALL TO ORDER – REGULAR SESSION

Mayor/Agency Chairperson/Housing Authority Chairperson Robert Poythress called the meetings of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency to order at 6:34 p.m.

ROLL CALL Present: Mayor/Chairperson Robert Poythress
Mayor Pro-Tem/Vice Chairperson Brett Frazier
Council/Agency Member Sally Bomprezzi
Council/Agency Member Gary Svanda
Council/Agency Member Andrew Medellin

Agency staff members present: Executive Director Jim Taubert, Interim General Counsel/Interim City Attorney Brent Richardson, Agency Treasurer/Finance Director David Croff, Redevelopment Manager Bob Wilson, Neighborhood Preservation Manager Manuel Ruiz, Agency Secretary Sandi Brown, and Office Assistant Elizabeth Ybarra.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor/Chairperson Robert Poythress.

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.

No comments were heard.

Mayor/Agency Chairperson/Housing Authority Chairperson Robert Poythress recessed the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment at 6:36 p.m. and called for the items as listed on the Housing Authority of the City of Madera agenda.

Mayor/Agency Chairperson/Housing Authority Chairperson Robert Poythress adjourned the meeting of the Housing Authority of the City of Madera at 6:48 p.m. and reconvened the Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:50 p.m.

Mayor/Agency Chairperson called for the items as listed on the Consent Calendar.

4. CONSENT CALENDAR

- 4A. Minutes of the Joint Meeting of the Special Meeting of the Madera City Council and Special Meeting of the Madera Redevelopment Agency – July 13, 2011 (City/Agency)
- 4B. Listing of Warrants Issued from July 9, 2011 to August 5, 2011 (Agency)
- 4C. Monthly Financial Reports – Redevelopment Agency (Agency)
- 4D. Monthly Financial Reports – Code Enforcement (City)
- 4E. Code Enforcement Activity Report (City)
- 4F. Consideration of a Resolution Approving the Second Amendment to the Agreement with Krazan and Associates for Environmental Services for Soil and Groundwater Remediation at 1350 East Yosemite Avenue (Agency)
- 4G. Consideration of a Resolution Approving an Amended Grantee Agreement between the Madera Redevelopment Agency and Pacific West Communities Inc., for the 65-Unit Workforce Housing Community (Arborpoint Affordable Housing Project) (Agency)
- 4H. Update on Tire Amnesty Day Event Held July 16, 2011 (City)
- 4I. Acceptance of Completion of Building Demolition Phase 14, Project No. RDA 10-03, Selsor Construction & Demolition (Agency)
- 4J. Consideration of a Resolution Approving the 2011/2012 Community Development Block Grant Agreement for Services with the City of Madera and Ratifying Execution of the Agreement by the Executive Director (Agency)

- 4K. Consideration of Resolutions Approving Agreement with City of Madera in Conjunction with the Voluntary Alternative Redevelopment Program (VARP) (City/Agency)
- 4L. Acceptance of the Investment Report for the Quarter Ending June 30, 2011 (Agency)
- 4M. Consideration of a Minute Order - Declaration of Surplus Property (Agency)
- 4N. Update on the Juvenile Community Service Program (City)
- 4O. Consideration of Resolutions Conveying Real Property Located at 428 East Yosemite Avenue and 5 East Yosemite Avenue/120 North 'E' Street from the City of Madera, a Municipal Corporation of the State of California, to the Madera Redevelopment Agency, a Public Body Corporate and Politic (Agency/City)

Mayor/Chairperson Poythress asked members of the Council/Agency Board if there were items on the Consent Calendar they wished to have pulled for further discussion. No requests to pull items for further discussion were made.

Mayor/Chairperson Poythress called for a motion to approve the items as presented on the Consent Calendar.

*On motion by Council/Agency Member Svanda, seconded by Council/Agency Member Medellin, the Consent Calendar was approved by a unanimous vote of 5/0 resulting in the approval of the minutes of the Joint Meeting of the Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency for July 13, 2011 and the adoption of Resolutions **MRA-1483, MRA-1484, MRA-1485, CC 11-174, MRA-1486, CC 11-175, and MRA-1487.***

- MRA-1483** RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, MADERA CALIFORNIA, APPROVING A SECOND AMENDMENT TO AGREEMENT WITH KRAZAN AND ASSOCIATES, INC., FOR ENVIRONMENTAL SERVICES FOR SOIL AND GROUNDWATER REMEDIATION IN THE CITY OF MADERA AND AUTHORIZING THE EXECUTIVE DIRECTOR TO APPROVE CONTINGENCIES OF UP TO TEN (10%) PERCENT AND AUTHORIZING THE CHAIRPERSON TO EXECUTE THE SECOND AMENDED AGREEMENT ON BEHALF OF THE MADERA REDEVELOPMENT AGENCY (4F)
- MRA-1484** RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, APPROVING AMENDED GRANTEE AGREEMENT WITH PACIFIC WEST COMMUNITIES, INC., AN IDAHO CORPORATION FOR THE PROVIDING OF FUNDS FOR THE CONSTRUCTION OF HOUSING AFFORDABLE TO LOW AND VERY LOW INCOME HOUSEHOLDS AND AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT ON BEHALF OF THE MADERA REDEVELOPMENT AGENCY (4G)
- MRA-1485** A RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, CALIFORNIA, APPROVING THE 2011/2012 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA AND RATIFYING EXECUTION OF THE AGREEMENT BY THE EXECUTIVE DIRECTOR (4J)
- CC 11-174** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT WITH THE MADERA REDEVELOPMENT AGENCY FOR VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PAYMENTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY (4K)
- MRA-1486** A RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT WITH THE

CITY OF MADERA FOR VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM
PAYMENTS AND AUTHORIZING THE CHAIRPERSON TO EXECUTE THE
AGREEMENT ON BEHALF OF THE REDEVELOPMENT AGENCY (4K)

CC 11-175 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
CONVEYING REAL PROPERTY LOCATED AT 428 EAST YOSEMITE AVENUE, 5
EAST YOSEMITE AVENUE AND 120 NORTH 'E' STREET AND AUTHORIZING THE
MAYOR TO EXECUTE THE CONVEYANCE (4O)

MRA-1487 A RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, ACCEPTING
PROPERTY LOCATED AT 428 EAST YOSEMITE AVENUE, 5 EAST YOSEMITE
AVENUE AND 120 NORTH 'E' STREET TO BE CONVEYED FROM THE CITY OF
MADERA AND AUTHORIZING THE CHAIRPERSON TO EXECUTE ALL
AGREEMENTS AND DOCUMENTS RELATED THERETO AND ACCEPT THE
PROPERTY ON BEHALF OF THE MADERA REDEVELOPMENT AGENCY (4O)

5. PROJECTS AND REPORTS

5A. Update on State Budget (Agency)

Mr. Taubert presented the staff report advising that the lawsuit against the state has been filed. He said that staff has been told there is cleanup legislation, but it will not materially impact what the rules are. He said that the rules are changing fairly rapidly, and said that we have until next Monday to submit a challenge to the payment that we will be making. The state gave us one form and then changed the form on August 5th and staff is now working with the new form. We were advised that we need to check daily as it will work against us if we submit the wrong form. Mr. Taubert noted that most agencies are proceeding with the Voluntary Alternative Redevelopment Program (VARP). He said that he read an interesting article where Assembly Speaker Perez made a last minute attempt to get the L.A. Redevelopment Agency out of this legislation because they are the most important redevelopment agency in the state and the one that needed to survive, but it was caught at the last minute. He said that he would provide the Board with a copy of the article.

Mr. Taubert reported that John Shirey has resigned as the Executive Director of the California Redevelopment Association to accept the position of City Manager for the City of Sacramento.

Mr. Taubert also reported that as part of the dissolution legislation, had we chosen to go that route, we would have had to adopt an Enforceable Obligation Payment Schedule (EOPS) by August 28, 2011. He advised that staff was listening to a recent Webinar where they indicated that redevelopment agencies should adopt that payment schedule, even if they go the voluntary route. The reason for that, he said, is if the courts rule the voluntary plan is in violation of Proposition 22 and/or the constitution, we might be 'high-fiving'; but, if they stay silent on ABX1-26 on the elimination phase, we would be left hanging. In order to be in compliance, he continued, with both pieces of legislation, we will be bringing the EOPS to the City Council at your next meeting. He said it will outline the expenditures, and in some cases, through the life of the program which is until we retire the 2008 Bond in 2038.

Board Member Svanda asked staff if what was being proposed gives us first right of increment in the now current project area to service debt first. Mr. Taubert said that was correct. Member Svanda asked if that was the point and Mr. Taubert replied yes. Mr. Taubert continued stating if in fact that legislation carries, then we would come back and you would more than likely appoint yourselves as the Successor Agency.

Brent Richardson, Interim General Counsel, added that the legislation is so poorly drafted that it is hard to tell if we are required to adopt the schedule or not. It keys it to whether a Successor Agency has been appointed, but it doesn't address the situation where you decide you are not going to appoint one. He said that he agreed with the Executive Director that in light of all the facts being presented it wasn't a bad idea to go ahead and adopt the payment schedule.

Mr. Taubert noted that staff had "Googled" it and the search revealed one other community that is going both the voluntary and taking this action, and he added that we thought we would 'error' on the side of

caution. He concluded that the media reports received indicate that there is still a lot of action on the redevelopment front going on throughout the state.

Chairperson Poythress asked if there were additional questions; there were none.

6. AGREEMENTS

6A. Consideration of a Resolution Approving a Lease Agreement between the Madera Redevelopment Agency and Two Monkeys Brewing Company for the Lease of Commercial Space at 5 East Yosemite Avenue (Agency)

Mr. Taubert presented the staff report stating that staff has been working to lease the property at 5 East Yosemite for some time. He said it was anticipated the building would be leased as a professional office as that is what it was, but we have been contacted by Two Monkeys Brewing who want to lease the space as a tasting facility. Two Monkeys, he said, was established in 2009 and currently produce five (5) different beers. The Planning Commission approved the conditional use permit for this project about one month ago. He said that we are recommending a three (3) year lease and the terms of the lease are outlined in the staff report. Mr. Taubert advised that last month he was in Fort Collins to visit his sister and the micro brewery concept is huge in Fort Collins, Colorado. He said that when he returned and met with Mr. Tate, he believes the facility will be too small because it is a concept that is catching on. He added that hopefully they will be so successful, that they will have to get out of the lease so that he can get a larger facility. Mr. Taubert recommended that the Agency Board approve the lease because he thinks it is a good start-up business opportunity that could work for Madera.

Chairperson Poythress asked if there were additional questions; there were none.

*On motion by Agency Member Bomprezzi, seconded by Agency Member Frazier, the adoption of Resolution **MRA-1488** was unanimously approved.*

MRA-1488 RESOLUTION APPROVING A THREE YEAR LEASE AGREEMENT FOR REAL PROPERTY LOCATED AT 5 E. YOSEMITE BY AND BETWEEN THE MADERA REDEVELOPMENT AGENCY AND TWO MONKEYS BREWING COMPANY AND AUTHORIZING THE CHAIRPERSON TO EXECUTE THE AGREEMENT

7. HOUSING

7A. Consideration of a Resolution Approving an Option to Purchase Real Property in the Sugar Pine Village Subdivision and Authorizing the Chairperson to Execute the Option (Agency)

Mr. Taubert presented the staff report noting that the actual agreement expired in December of 2010, but the Agency Board directed that the agreement be extended for another six months.

Vice-Chairperson Frazier commented that the developer attested at the meeting that they would sell the four homes already built and build an additional four homes in six months.

Mr. Taubert stated that it is staff's recommendation that the Board adopt the resolution approving this option. Member Frazier added that we need to remember to monitor progress for six months. Mr. Taubert advised that there is actually four months remaining as the Agency was out of business for sixty days and could not bring the item back to the Board for approval. Mr. Richardson advised that the option will terminate on its own at the end of the period.

Chairperson Poythress asked if there were additional questions; there were none.

*On motion by Agency Member Bomprezzi, seconded by Agency Member Svanda, the adoption of Resolution **MRA-1489** was unanimously approved.*

MRA-1489 RESOLUTION APPROVING AN OPTION TO PURCHASE REAL PROPERTY IN THE SUGAR PINE VILLAGE SUBDIVISION AND AUTHORIZING THE CHAIRPERSON TO EXECUTE THE OPTION

8. GENERAL

There are no items for this section.

9. AGENCY MEMBER REPORTS

Mayor/Chairperson Poythress reported that he attended the ceremony for the Ellis Overcrossing project, and noted that in attending the ceremony he was please to hear of the Granada project and how its completion tied into the Ellis project. He complimented staff on a great project noting that the best is yet to come.

Mayor/Chairperson Poythress reported that he and City Manager David Tooley attended a Madera Community Hospital Focus Group meeting today to discuss ways that the hospital can become more involved in the community and promote its services. He added that we know the hospital provides a critical business and service for any community, and often people don't appreciate its contribution or know what is going on. Ways to educate and market their services were discussed.

Mayor/Chairperson Poythress reported that last night there was a Woodlands' Neighborhood group meeting and Christina and Tim were involved in organizing the event. He said it was well attended, with about 65-75% of the residents in attendance. He added it was the first meeting, with Officer Durbin giving a presentation, and they are looking forward to the next meeting.

10. ADJOURNMENT

Mayor/Chairperson Poythress adjourned the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 7:03 p.m.



Sandi Brown, Agency Secretary



Mayor/Chairperson Robert Poythress

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