

MINUTES OF THE JOINT SPECIAL MEETING OF MADERA CITY COUNCIL, REGULAR MEETING OF THE MADERA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, AND SPECIAL MEETING OF THE MADERA CITY COUNCIL AS THE SUCCESSOR HOUSING AGENCY, CITY OF MADERA, CALIFORNIA

March 9, 2016
6:00 p.m.

City Hall
Council Chambers

1. CALL TO ORDER

Mayor/Housing Authority Commissioner Robert L. Poythress opened the Special Meeting of the City Council, Regular Session portion of the Regular Meeting of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:00 p.m. and called for the roll call.

ROLL CALL

Present: Mayor/Commissioner Robert L. Poythress
Council Member/Commissioner Andrew J. Medellin
Council Member /Commissioner William Oliver
Council Member/ Chairperson Derek O. Robinson Sr.
Council Member/ Commissioner Donald E. Holley

Absent: Mayor Pro-Tem /Vice- Chairperson Charles F. Rigby

Successor Agency staff members present: City Attorney Brent Richardson, Business Manager Bob Wilson and Recording Secretary Claudia Mendoza

City of Madera staff members present: Neighborhood Preservation Supervisor Viola Rodriguez, Neighborhood Preservation Specialist Steve Montes, Neighborhood Preservation Specialist Fabela Rodriguez, Neighborhood Preservation Specialist Nicholas Salinas, Code Enforcement Consultant Lou Donaldson, Neighborhood Outreach Coordinator Saleh Alhomedi and Neighborhood Outreach Assistant Christina Herrera

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Robinson

PUBLIC COMMENT – REGULAR SESSION

The first fifteen minutes of the meeting are reserved for members of the public to address the Council/Agency on items which are within the subject matter jurisdiction of the Council/Agency. 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 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 Council/Agency 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 Council/Agency does not respond to public comment at this time.

No comments were offered and Mayor Poythress closed the Public Comment portion of the meeting.

Mayor Poythress recessed the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:02 p.m.

Housing Authority Chairperson Derek Robinson opened the Regular Meeting of the Housing Authority of the City of Madera, calling for items as listed on the agenda. The Housing Authority meeting was adjourned at 6:20 p.m.

Mayor Poythress reconvened the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:24 p.m.

PRESENTATIONS:

Former Agency Member Sally Bompreszi

This item was pulled and no presentation was given.

INTRODUCTIONS:

There are no items for this section.

2. WORKSHOP:

Viola Rodriguez had a brief introduction of staff and stated that staff would like to cover some points on vehicle abatement, weed abatement and a substandard housing case we worked on. These are issues that we encounter every day. We would like to share information and alert you of any pending problems that may be coming up or a situation that may be brought up to you. In the future, we will share information on mobile vendors, illegal signage, yard sales and rental housing inspections.

Substandard Housing Presentation by Neighborhood Revitalization Department

Neighborhood Preservation Specialist Fabela Rodriguez reported that this is a brief summary of an inspection and observations on a substandard home. Council Member Rigby came along for the inspection. A complaint was received from the Probation Department about a home that was lacking windows, electricity and running water. In collaboration with them we were able to receive authorization from the tenant to enter the property and conduct an inspection. During the inspection, it was determined that the home was completely deteriorated. A trench was constructed carrying water from the home to the river; windows were present in the bedrooms but they were broken or improperly installed; the floor was deteriorated; the property lacked electricity; and the ceiling was sagging. The home also lacked hot water, heating, smoke alarms, carbon monoxide detectors, light fixtures and plumbing.

We issued a Notice of Violation, and with that the property owner had ten (10) days to bring the property into compliance. We met with the property owner, he told us that he is elderly and did not have the financial means to fix the property. His plans was to have the tenant leave and board up the home. After talking to the tenant, she confirmed that she will be moving out of the home this week.

Ms. Rodriguez asked council members if they had any questions.

Council Member Holley asked how were the tenants able to get water? Ms. Rodriguez responded that the lot had two (2) houses on it. Because of the two (2) homes, the owner had it connected.

Executive Director Jim Taubert asked how long did the tenant live there? Ms. Rodriguez stated that the tenant lived at the home for over 20 years.

Council Member Medellin asked what is our responsibility when we know that children are present in a home like this? Ms. Rodriguez stated that there were no children in the home, only adults resided there.

Weed Abatement Presentation by Neighborhood Revitalization Department

Neighborhood Preservation Specialist Fabela Rodriguez reported that she is responsible for this fun project. She was assigned to weed abatement in August of last year and has been preparing since September. Our Weed Abatement Program is year round where vacant lots are inspected for refuse, wild vegetation and brush. Our primary goal is to prevent fires and blight in our city neighborhoods. The weed abatement ordinance was passed in January 2015. This year our Weed Abatement Program started on February 29, 2016. Currently she is inspecting more than 600 properties within the city limits. When she conducts an inspection she is looking for weeds over six (6) inches, refuse, trash or debris that is obstructing the public right of way. Once the inspection is completed, she will issue a 45-Day Notice of Violation. The notice will be a warning and the deadline is May 1, 2016. So ample time is given for the property owner to clean up the lot. Once the 45 days are up, she will conduct a re-inspection. If the property is in compliance, she will leave it alone until the next inspection date. If the property is not in compliance, we move on to the abatement process.

Executive Director Taubert stated that she was given this assignment when she started and she is doing a fantastic job with it.

Abandoned Vehicles Presentation by Neighborhood Revitalization Department

Neighborhood Preservation Specialist Nicholas Salinas & Code Enforcement Consultant Lou Donaldson presented images that depicted vehicles that are abandoned, wrecked or non-operational, commercial vehicles that are in a residential area. Mr. Donaldson stated that this is one of the most active codes that are utilized within the city.

Mr. Donaldson and Mr. Salinas reported that what we are looking for is abandoned, dismantled, wrecked, inoperable vehicles or parts thereof. A non-registered car is considered non-operational. You cannot have that vehicle on the street, in your driveway or visible from the public right of way. Secondly, it is a vehicle that cannot be operated safely or moved under its own power. Also, this ordinance covers vehicles that are unidentifiable such as a missing plate and covered VIN. We source our cases by citizens calling into our office and issuing a complaint on a particular vehicle. We are fortunate enough to have citizens that come forward and report vehicle violations. When we say vehicles, we not only address passenger vehicles such as cars and trucks, we address campers and trailers. All of the license plates inquiries are run through Madera Police Department which in turn run through the Department of Motor Vehicles and that is how we identify which vehicles are currently registered or when tabs are stolen.

On Sunday, February 28, 2016 a commercial vehicle enforcement was conducted. We typically work a Monday thru Friday schedule. Most truckers are aware of our schedule and know when to avoid us. So we thought we would surprise them on a Sunday. The Commercial Vehicle Code states:

1. It is unlawful to park commercial vehicles in a residential areas.
2. Truck parking is prohibited in most areas so they are only allowed to park in designated truck routes.
3. Detached/dropped trailers is a violation.
4. Parking a vehicle on an unpaved surface such as grass or dirt is prohibited.

An overview of our process:

1. A 10-Day notice is posted on the vehicle.
2. A mailed notice will be sent to registered owner and property owner via Certified Mail.
3. After 10 days, we go back to conduct a re-inspection. If the vehicle has been removed or the violation has been corrected, we will close the case. However, if the violation still exists, that is when it will proceed with a citation. The citations start out at \$75.00, in about 10 days it will go to \$200.00, again to the \$500.00. Depending on the situation, but we usually try to call it at around \$1,275.00 in citations.
4. If the vehicle violation still has not been corrected we will then go into vehicle abatement process. Which will remove the vehicle from private property or we will tow if in the public right of way.
5. Our Notice of Violation is valid for one (1) year.

Council Member Robinson asked if someone would like to extend their driveway by adding paving stones on the grass? Mr. Donaldson responded that we will accept that. Those things are called "improved surfaces".

Announcement by Secretary:

Per Government Code Section 54957.5, members of the public are advised, that less than 72 Hours prior to this evening's meeting, Item 5A was provided to the City Council and staff. If you wish to obtain a copy of this item, it is located on the podium.

Mayor Poythress called for the items as listed on the Consent Calendar.

3. CONSENT CALENDAR

3A. Minutes of the Joint Meeting of the Special Meeting of the Madera City Council, Regular Meeting of the City Council as the Successor Agency to the former Madera Redevelopment Agency and Special Meeting of the Successor Housing Agency – February 10, 2016 (City/Successor Agency/Successor Housing Agency)

3B. Listing of Warrants Issued from February 1, 2016 to February 29, 2016 (Successor Agency)

3C. Monthly Financial Reports – Successor Agency (Successor Agency)

3D. Monthly Financial Reports – Code Enforcement (City)

3E. Code Enforcement Activity Report (City)

3F. Code Enforcement Funds Collection Report for Period Ending February 29, 2016 (City)

3G. Update on Neighborhood Outreach Activities (City)

3H. Consideration of Resolution Releasing the Affordability Agreement and Restrictions on Sale and Use of Owner Occupied Dwelling Units on Property Located at 325 North C Street, Madera CA and Authorizing the Mayor to Execute the Release on Behalf of the Agency (Successor Housing Agency)

3I. Consideration of a Resolution Approving an Agreement with Madera District Fair for Use of the Fairgrounds Parking Area for the Staging of Upcoming Waste Tire Amnesty Day Events in 2016 (City)

3J. Investment Report for the Quarter Ending December 31, 2015 (Successor Agency)

Mayor Poythress asked members of the Council if there were any items on the Consent Calendar they wished to have pulled for further discussion. There were none.

On motion by Council Member Oliver seconded by Council Member Robinson the Consent Calendar was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: Mayor Pro Tem Rigby; resulting in the unanimous approval of the Minutes of the Joint Meeting of the Special Meeting of the Madera City Council, Regular Meeting of the City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Successor Housing Agency for February 10, 2016 and resolutions SHA 16-01 and CC 16-36.

4. PROJECTS AND REPORTS

There are no items for this section.

5. AGREEMENTS

5A. Consideration of a Resolution 5A1 Approving a Lease Agreement with Louie Fimbres for Office Building at 5 East Yosemite Avenue

Or

Consideration of a Resolution 5A2 Approving an Agreement Between S.I.M. Architects, and The Successor Agency to The Former Madera Redevelopment Agency For Architectural Design and Development Services Related to the Remodel of 5 East Yosemite Avenue (Successor Agency)

Business Manager Wilson reported that this item is regarding our old building located at 5 East Yosemite Avenue on whether to rehab it or rent it as is. I would like to let you know that the option to rent the property has been taken off the table. When we were discussing the property with Louie Fimbres and getting the particulars worked out with the ADA compliance issues, the work and costs became too significant. Mr. Fimbres chose to opt out of renting the property. So we are asking that the council approve the resolution approving the agreement for the design and development with S.I.M. Architects. In the proposal, they estimate that the total cost of the project will be \$447,000.00 and they base their fee on 10% of that costs. Hopefully the costs will come at a lower amount. What we are proposing to do is take out the second floor and return it to its original condition. They will design the structure to be for office space or small retail.

Mayor Poythress said that you got my attention because you stated that the costs could be around \$447,000.00 for all the improvements. What do we expect to get out of this building after we put in all these improvements? Executive Director Taubert responded that the bigger costs is removing the previous improvements. The entire second floor is not ADA compliant. The stairwell is not wide enough, the upstairs bathroom is ADA compliant but we do not have any stairways that can get you up to it. So a lot of the costs are related to structural changes associated with the changes to the second floor.

Mayor Poythress asked what is the future of this structure, do we put in \$450,000.00 - \$500,000.00 or do we have an option to do something else to the property? Mr. Taubert responded that stated differently, you are asking if we rehab this are we putting more money into the rehabbing than what the property is worth. I think would be an interesting question that we have not necessarily answered. But I would guess that it would be very close.

Mayor Poythress asked what is the future use of the property and if we can rehab it and some greater good could result from that. My concern is what would that be and could we as an agency the city representing the public is there a benefit to doing that. Mr. Taubert responded by saying that is why our eyes lit up when Louie walked in. It made sense. We had probably more than one and less than six people come in wanting to do a restaurant. We found out when they put in the brewery, they punched holes in the walls, and it was not set up for that use. Louie was the first to come in with an office use. But even bringing it back into shape for him and because it is a city owned property we still have to deal with the ADA issues. It could be a very large number and it could be greater than what the value of the property is.

Council Member Oliver asked what the current value of the property is and do you know when it was last appraised? Mr. Taubert responded that when we bought that and the chamber building from the city in the late 90's for less than this.

Council Member Oliver asked have we tried to list it on Costar, LoopNet or any real estate databases for any potential tenants? Mr. Taubert stated we were in no man's land for a while and when Louie came in and we lit up and spoke to Brent and Wendy a little on what we had to do. A couple of years ago the DA's Office was interested. But when they had their guys come in they said we would have had to rip out the rear parking lot and redo it because it did not meet ADA standard. At some point, whoever owns the building, if they want to maintain the building they will have to spend the money to meet ADA requirements.

Mayor Poythress stated that he would like to see a long time use for this property, maybe the best thing to do is raise the building and make some kind of open space. What is the long term plan? I think I would feel better if we can determine the building would fit in to what we are trying to do downtown.

Council Member Medellin stated that he agreed with the Mayor. Logistically to spend \$450,000.00 - \$500,000.00 on property that is not worth half a million dollars does not make sense. I don't know if there is another Mr. Louie Fimbres out there on the horizon. It does not seem like a good return on investment. It is a tough call.

Council Member Holley stated that if we do nothing it will sit there as an eyesore. It has been sitting as an eyesore for about 5-10 years. We need to do something. Right now we are not getting anything for it and each year we keep losing or we try to do something with it and get something back out of it.

Council Member Oliver asked if there was an estimation as far as what Mr. Fimbres would spend in improvement costs. Mr. Wilson stated that Mr. Fimbres would have had to hire an architect and draw out the plans to make it ADA compliant and take it to the City Building Official to get that approved. Council Member Oliver stated that he would be interested if there is anyway we could afford tenant improvement money at the short term in exchange for a longer term lease lets say 3-5 years going to the market place. It may be a little investment as property owners, but it might provide a little bit of incentive.

Mr. Taubert stated that you are not going to get a return, but you have to weigh it against the fact that it is a good location and vacant buildings do not attract a good clientele. All we have had is homeless for the last year and a half. So we have been trying to figure out what to do with it. What jacked up the cost was the elimination of the second floor.

Mr. Wilson stated that when we brought S.I.M. in, we were looking for different options from them. But the ceiling height is not correct with either upstairs or downstairs, the hallways are too narrow. This rehab also includes new heating, air conditioning and electrical.

Council Member Robinson stated that maybe we can have the building moved and turn the property into a parking lot. We need more parking down there.

Mayor stated that his point earlier, he would like to put money into something that would make sense in the long term.

Council Member Medellin asked the Mayor if he would feel more comfortable if we revisit this and look at this more strategically with more of a long term plan before we make a decision. I can certainly support that.

Mr. Taubert stated that we will try to get close to a good deal, but it is never going to smell good. I can guarantee that.

Council Member Robinson stated that the street is too narrow.

Mr. Taubert stated that we will kick it around a little more, and we will put a sign in and see what happens.

Council Member Medellin stated that he does not think it is an eyesore, it is a great looking building and there is a lot of things to do with it. But spending that much money to reduce the size by half does not seem feasible.

Council Member Oliver stated that he would be happy to work with staff to list the property on Costar and reach out to their representative.

Mr. Taubert asked City Attorney Richardson if we put on the lease “as is” and somebody wanted to take it “as is” would we have any obligation to require additional ADA improvements? Mr. Richardson responded the main thing is that in any lease we would have to put that ownness on the lessee and basically spell it out in there that they are responsible for compliance. We were going to do that with Mr. Fimbres but he did not want to go there.

6. HOUSING

6A. Joint Public Hearing Regarding Consideration of Resolutions Approving 33433 Report and Approval of Sale of Real Property Located at 303 East Central Avenue (APN 007-021-001) to Alejandro Lopez Vivas and Irma Pacheco Matias (Successor Housing Agency)

Business Manager Wilson reported that this is a joint public hearing between the City Council and the Successor Housing Agency regarding the sale of land owned by the former Madera Redevelopment Agency. The tenants of the property located at 303 East Central Avenue requested to purchase the property from us. An appraisal was done and it was determined that the sales price is \$163,000.00.

Mayor Poythress called for any other questions or comments, there were none.

Mayor Poythress opened the public hearing at 7:22 p.m.

There being no other speakers, the public hearing was closed at 7:22 p.m.

No other questions or comments were offered.

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

CC 16-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING SALE OF PROPERTY KNOWN AS 303 EAST CENTRAL AVENUE ACQUIRED BY TAX INCREMENT BY THE FORMER MADERA REDEVELOPMENT AGENCY AND MAKING FINDINGS RELATED THERETO

*On motion by Council Member Medellin, seconded by Council Member Holley, **Resolution Number CC 16-36** was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: Mayor Pro Tem Rigby.*

Mayor Poythress called for a motion to adopt the Successor Housing Agency resolution.

SHA 16-02 RESOLUTION OF THE CITY OF MADERA AS SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY MADERA, CALIFORNIA APPROVING THE SALE OF PROPERTY LOCATED AT 303 EAST CENTRAL AVENUE LOCATED IN THE CITY OF MADERA

On motion by Council Member Medellin, seconded by Council Member Holley, **Resolution Number SHA 16-02** was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: Mayor Pro Tem Rigby.

Mayor Poythress called for a motion to adopt the Successor Housing Agency resolution.

SHA 16-03 RESOLUTION OF THE SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, MADERA, CALIFORNIA, APPROVING AGREEMENT WITH ALEJANDRO LOPEZ VIVAS AND IRMA PACHECO MATIAS FOR THE PURCHASE AND SALE OF REAL PROPERTY KNOWN AS 303 EAST CENTRAL AVENUE, IN THE CITY OF MADERA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, GRANT DEED AND ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSACTION ON BEHALF OF THE CITY OF MADERA, AS SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY

On motion by Council Member Medellin, seconded by Council Member Holley, **Resolution Number SHA 16-03** was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: Mayor Pro Tem Rigby.

7. GENERAL

There are no items for this section.

8. AGENCY MEMBER REPORTS

Council Member Robinson had nothing to report.

Council Member Holley reported that he has been appointed as a board member for the Big Brother Big Sister Program.

Council Member Medellin welcomed Executive Director Taubert back. Prayers do work. He also took the opportunity and thanked the Neighborhood Revitalization staff. At the Neighborhood Watch meetings, this team steps up, answers questions and they are so professional. First and foremost you guys care about your community. Thank you very much for your hard work and dedication.

Council Member Oliver stated that it is great to see you back and in full force. Your absence was not void of energy and enthusiasm in part because of your great team. It is such a reflection of your leadership. Thank you and welcome back.

Mayor Poythress stated welcome back and thank you.

9. CLOSED SESSION

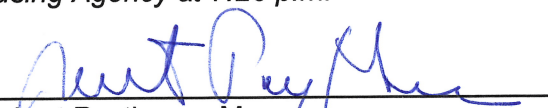
There are no items for this section.

10. ADJOURNMENT

Mayor Poythress adjourned the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 7:26 p.m.



Claudia Mendoza, Recording Secretary



Robert Poythress, Mayor