

**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**

April 13, 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  
Mayor Pro-Tem /Vice- Chairperson Charles F. Rigby  
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: None

Successor Agency staff members present: Executive Director Jim Taubert, City Attorney Brent Richardson and Recording Secretary Claudia Mendoza

City of Madera staff members present: City Administrator David Tooley, Neighborhood Preservation Supervisor Viola Rodriguez, Neighborhood Preservation Specialist Maribel Hernandez, Neighborhood Preservation Specialist Andrew Martinez, Neighborhood Preservation Specialist Steve Montes, Neighborhood Outreach Assistant Christina Herrera and Parks Planning Manager John Scarborough.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Poythress

**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 6:27 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 6:28 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 thanked council members for allowing the Neighborhood Revitalization Department to share this information on our activities. We trust that you will find these presentations informative and at the end of the presentations we hope you will provide some feedback and/or direction you would like to see incorporated into these processes.

### **Mobile Vendor Presentation by Neighborhood Revitalization Department**

Neighborhood Preservation Specialist Maribel Hernandez stated that this presentation is to inform you on our process regarding illegal vendors. We have had an increase in complaints. When we receive complaints regarding illegal vendors during work hours we address them immediately. Unfortunately, most illegal vendors operate after hours, a lot of them know they are not supposed to be doing that and they work on nights and weekends. Those complaints take a little bit longer to address. The types of violations that we typically see out there are lack of business license, no use permits and no health permit issued by Environmental Health. A lot of the times we have mobile vendors that have permits, but they like to pick a spot and stay there for hours. They like to post up shop in vacant lots and public right of way and they are not supposed to do that.

Mobile vendors like to set up in medians, curbs and sidewalks. That is a violation and they cannot do that. They are not supposed to be at a location more than thirty (30) minutes and they cannot return to a location within an hour. Also, temporary use permits are given for holidays such as Valentine's Day and Mother's Day.

Mrs. Hernandez provided images of a Fresno vendor coming and illegally setting up shop in a vacant lot with an outdoor restaurant with lighting, tables and music. We went out there with Environmental Health. We issued a notice and Environmental Health confiscated their food.

Another hot topic right now is people selling cellphones. You will see them throughout the city. They are not supposed to be out there and they think they are exempt and they do not have use permits. This is something we will be addressing. Mayor Pro Tem Rigby asked why do they feel like they are exempt? Mrs. Hernandez explained that because they are selling Lifeline "Obama" phones and it is government affiliated. However they are still required to obtain the proper permits.

Mrs. Hernandez presented images showing a woman selling homemade gift baskets with creams and oils. This is hazardous because we don't know what is in the oils and someone can have an allergic reaction. She did not have permits or permission to be there.

When you purchase food from an unlicensed mobile vendor, we do not know where this food comes from. It could be somebody has a slaughterhouse in their garage or backyard. Meat that has been previously cooked and frozen. We do not know how old it is, how many times they reheated it or when

it was cooked. All they are doing is let it melt and put it the grill as if it is fresh and it is not. So next time you buy tacos make sure it is from a licensed vendor because you don't know where it comes from.

Mrs. Hernandez reported that unlicensed mobile vendors can cause an increase in blight. They do not care about keeping the city clean. They let their customers dump their trash all over the place. They don't mind leaving/dumping whatever they do not sell on the floor. Also, this is a revenue loss for our permitted businesses. We have hardworking people that pay their taxes and get their business license. It is not fair that they have to compete with these people that are not doing the same.

Mrs. Hernandez explained that our plan of action will be that we are planning to do surprise inspections four (4) times a year. If we get a complaint during work hours we will go out immediately. If we receive a complaint after work hours, we will make arrangements to go out and address the complaint. We will be handing out informational brochures in English and Spanish. We will be issuing notices of violation to any illegal vendors that we see out there. We collaborate with Environmental Health on food vendors, they have authorities that we don't. They have the authority confiscate. We issue citations on repeat offenders. Our objective is to promote a safe and healthy city. We want to educate vendors. Also, we would like to encourage vendors to thrive by following the rules.

Council Member Holley asked if a store can cook outside. Mrs. Hernandez responded they can if it is in their use permit.

Council Member Rigby asked if the owners of vacant lots where some of these vendors are setting up are liable. Mrs. Hernandez responded that the vendor and the property owner will be issued a notice.

Council Member Robinson asked about the taco truck on Kennedy Street next to ponding basin. Mrs. Hernandez stated that they may be licensed but they may still be in violation because they are there for longer than 30 minutes. We will check it out.

Council Member Rigby stated I appreciate you bringing up the cellphone vendors. I have been meaning to call to find out what are the parameters. Thank you this is a great presentation. I needed to see this workshop.

Mrs. Hernandez stated if you have any questions, please contact our office we will be more than happy to go over anything.

### **Illegal Signage Presentation by Neighborhood Revitalization Department**

Neighborhood Preservation Specialist Andrew Martinez reported that we want to give you information on the type of enforcement we will be conducting on illegal signs. Because in the very near future you may be receiving phone calls from business owners. Also we are open for some feedback. Signs are a part of our everyday life. Whether you realize it or not, think of how many signs you passed today. You may have passed stop signs, speed limit signs, street signs and business signs. They are trying to get your attention and they are everywhere.

The City of Madera defines signs as any figure, character, outline, announcement, declaration, demonstration, illustration, emblem, words, numerals, letters, attention attracting displays, painted, illuminated, posted, affixed to any surface to attract the attention to the premises or to advertise or promote the interests any person, activity, business or enterprise placed so it is clearly visible to the general public. We are trying to balance is that signs have a huge impact on the quality of economic growth in our city. On the other hand, signs can also carry a potential danger of compromising public safety and the natural beauty of our city. It is always our intention that we do want businesses to thrive, but it should never come to the expense of public safety and preserving the natural beauty of our city.

Mr. Martinez stated that when he was given this task, he drove around the city and did not have to drive very far before he found his first violation. You can see where there are holes drilled into our sidewalks. Obstruction of public right of way, on some of these you have to snake your way through just to get around some of these signs. Again they are all trying to get your attention and they will put them anywhere they can to do that. Banners are a great way to advertise, but they should always be temporary and not a permanent sign. The park strip is a public right of way and it goes from one side of the sidewalk to the other side of the sidewalk and you cannot obstruct or impede that. Also just because there is not a sidewalk that does not mean it is not considered a public right of way and a pedestrian cannot walk there. By placing items such as signs there, you will be forcing a pedestrian to walk on the street. Also signs can be a potential traffic hazard; they can impede your view of oncoming traffic. There are hundreds of illegal signage out there and it will take a lot of man hours to do the enforcement on this. Portable signs such as feathers, stabbers, A frames and I frames can all blow in the wind and fall into the street. Vehicle signs are prohibited only where the primary purpose of the vehicle is solely advertising. For example FedEx their sole purpose is to be a delivery truck versus a trailer parked in a parkway or driving around town that is a moving billboard.

Examples of prohibited signs include:

- Anything offensive, lewd and obscene in nature.
- Should not imitate a traffic sign.
- Nothing in the right of way. Not to be on trees or utility signs
- Moving signs. Includes flashing, blinking or something that would distract you.
- Wind blowing signs. Wind feathers or stabbers. These can potentially blow on to oncoming traffic.
- Should never obstruct visibility creating hazard to the public.
- Vehicle signs. Where their sole purpose is advertising.

Exempt signs include:

- Public information signs.
- Road signs.
- Stop signs.
- Real estate signs (during sale only).
- Construction signs.
- Yard sale signs. During the event, they are exempt.
- Political signs (during election only).

All these signs are exempt but the sign shall not be placed on the public right of way or create a hazard to the public.

Mayor Pro Tem Rigby asked if yard sale signs on utility poles are illegal. Mr. Martinez responded that if the utility pole is in the public right of way the sign is illegal.

Neighborhood Revitalization Department's plan of action is:

- Address all violations at one time. This will help avoid citizens of Madera from feeling targeted and it will allow businesses to have equal signage opportunities.
- Have a face to face visit with each location and pass out brochures.
- Do a short educational video that we will also post on facebook.
- Send out courtesy mailings to people that were not available during our visit and they will be given a specific timeframe on when the illegal signs are to be removed.
- If the violation is not removed within timeframe, they shall receive a Notice of Violation. Those are good for one year. Any time after that they can receive a citation.

The citation is a last resort. We are talking about a whole process from handshakes, education, brochures, mailings and then a citation.

Council Member Robinson asked if the chicken on East Yosemite Avenue and D Street is illegal. Mr. Martinez responded that he is considered a human waiver. There is nothing against someone



wearing a costume and walking around the city. He is not wearing a logo or sign, but we can look into it. They try to find little ways around the sign ordinance.

Mayor Pro Tem Rigby stated that he was approached by a business owner in his district. The City's trees are growing to a level that is blocking their sign. When the sign was installed the trees were not nearly as big as they are now. What is our answer to that call? Mr. Martinez responded that we will go out and look at it because the maintenance of that tree could be the responsibility of that property owner even if it is on the public right of way. If you can give us information on that, we can address this. Mayor Pro Tem Rigby stated that he would like that and a follow-up.

Executive Director Taubert stated that what we intend to do is shut everything down for a week and only address signs. We will let you know when that will happen so you can be prepared.

Council Member Holley asked what about a store that has signs covering the whole front part of the store? Mr. Martinez responded by saying our priority right now is public safety, obstructions of right way and things that can blow in to oncoming traffic. But of course that can change according to what our management tells us to do.

#### **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 3A 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 – March 9, 2016 (City/Successor Agency/Successor Housing Agency)**

**3B. Listing of Warrants Issued from March 1, 2016 to March 31, 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 March 31, 2016 (City)**

**3G. Update on Neighborhood Outreach Activities (City)**

**3H. Consideration of a Resolution Approving an Increase in the Construction Contingencies for the Riverwalk Drive Improvement Project City of Madera Project No. ST 10-03 and Approving Change Order No. 2 for Installation of Sewer Main Improvements and Sewer Laterals to Service Redevelopment Agency Parcels Proposed for Development and Installation of a Boundary Fence (Successor Agency)**

**3I. Consideration of a Resolution Approving a Contract with the Public Restroom Company for the Purchase of a Self Enclosed Modular Restroom Facility for the Centennial Park Playground Project and Authorizing the Mayor to Sign on Behalf of the City (City)**

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 Holley seconded by Council Member Robinson the Consent Calendar was approved unanimously as presented by the following 6/0 vote: Ayes: Council Members Poythress, Rigby, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: None; 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 March 9, 2016 and resolutions SA 16-05 and CC 16-45.*

#### **4. PROJECTS AND REPORTS**

There are no items for this section.

#### **5. AGREEMENTS**

There are no items for this section.

#### **6. HOUSING**

##### **6A. Consideration of a Resolution Approving an Agreement Between Villa Di Ubaldo, and The Successor Housing Agency to The Former Madera Redevelopment Agency For Design Architectural Services Related to Riverwalk and Riverside Subdivisions (Successor Housing Agency)**

Mayor Poythress abstained from this item due to a conflict of interest. He then handed over gavel to Mayor Pro-Tem Rigby.

Executive Director Taubert reported that prior to dissolution we have been acquiring a lot of property on what is now known as the Riverwalk Subdivision. If you go down there you will see a lot of improvements going in. Because of dissolution we were never able to complete the acquisition of probably six (6) or seven (7) parcels needed to build out typical R1 subdivision. As a result we have fourteen (14) or fifteen (15) lots. Our typical lot size when we do infill or build subdivisions is 50 x 100. Because the land is irregular, we have many that are 50 x 80. So our standard plans do not fit on these lots. Additionally we acquired the Riverside Villas Subdivision which we will be awarding the bid in May. But the problem is that subdivision was set up for a market that did not exist. The previous developers intended to build two (2) story homes and sell them for \$500,000 - \$600,000. So the lot size is configured to accommodate two (2) story structures, which is not the market we are going for. So what we are doing is hiring Villa Di Ubaldo to give us four (4) site plans ranging from 1,200 sq. ft to 1,500 sq. feet. This will be everything down to plumbing, electrical and specific designs for these irregular lots. Some of our builders are not suited to switch gears on such short notice and totally redesign a home for a lot size they may never see again. His recommendation is to adopt the resolution and the agreement with Villa Di Ubaldo.

Mayor Pro Tem Rigby called for any questions or comments. There were none

**Mayor Pro Tem Rigby called for a motion to adopt the Successor Housing Agency resolution.**

SHA 16-04 RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, MADERA, CALIFORNIA, APPROVING AGREEMENT WITH VILLA DI UBALDO, FOR DESIGN ARCHITECTURAL SERVICES RELATED TO THE RIVERWALK AND RIVERSIDE SUBDIVISION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY

*On motion by Council Member Holley, seconded by Council Member Robinson, **Resolution Number SHA 16-04** was approved unanimously as presented by the following 5/0 vote: Ayes: Council*

Members Rigby, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: Mayor Poythress; Absent: None.

The gavel was given back to Mayor Poythress.

**7. GENERAL**

There are no items for this section.

**8. AGENCY MEMBER REPORTS**

Council Member Robinson reported that he attended the First 5's 2016 Hands on Heroes Celebration. KMPH News and the Madera Tribune was there.

Mayor Pro Tem Rigby stated that he was disappointed that we are not getting a weed abatement workshop today. But he brought a couple of questions with him. He stated that he noticed that the some of the landscaping in Bethard Square is subpar or not being kept at all. Is that something your department can look into? Neighborhood Preservation Supervisor Rodriguez responded that we have to look and see if that is on our weed abatement list. We took all of the existing properties from last year and carried those over to our new list. Our staff did a drive by inspection of all of the properties that were out of compliance at that time. Properties that were not on that list will be added. We will continue the process the whole year. But I cannot state if Bethard Square is on that list at this time. Executive Director Taubert stated that Bethard Square has sold. The new owners are planning a major rehabilitation of the center that could involve demolition of the buildings and reconstruction.

Mayor Pro Tem Rigby asked if that there is an empty lot at the corner of Clark and Country Club Drive that completely overgrown lot. Mrs. Rodriguez responded that she knows of this lot.

Council Member Holley asked what the status of the old Redevelopment office is. Executive Director responded that we had someone talk to us today about a temporary use but we are still looking at options.

Council Member Medellin had nothing to report.

Council Member Oliver had nothing to report.

Mayor Poythress had nothing to report.

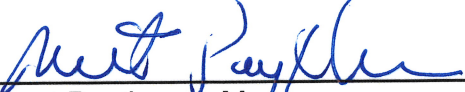
**9. CLOSED SESSION**

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 7:10 p.m.

  
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Claudia Mendoza, Recording Secretary

  
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Robert Poythress, Mayor