

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

May 10, 2017
6:00 p.m.

City Hall
Council Chambers

1. CALL TO ORDER

Mayor Andrew Medellin opened the Regular Meeting of the City Council and the Special 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 Andrew J. Medellin
Mayor Pro-Tem Cecelia K. Foley Gallegos
Council Member William Oliver
Council Member Charles F. Rigby
Council Member Jose Rodriguez
Council Member Donald E. Holley

Absent: Council Member Derek O. Robinson Sr.

Successor Agency staff members present: Executive Director Jim Taubert, Business Manager Bob Wilson, 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 Steve Montes, Neighborhood Preservation Specialist Nicholas Salinas, Neighborhood Outreach Coordinator Saleh Alhomedi and Neighborhood Outreach Assistant Christina Herrera.

INVOCATION

Pastor Fred Thurman, New Life Assembly

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Medellin.

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.

Erica Rodriguez Olivera addressed the City Council regarding homelessness through the Housing Authority. She thanked the City Council for giving her the opportunity to speak. Ms. Rodriguez Olivera suggested if we can obtain a federal resolution for homeless safety assistance. This will bring police, highway patrol and the sheriff's department together. This will allow us to help these individuals by getting them much needed services.

Council Member Oliver recommended that Ms. Rodriguez Olivera share her contact information with Neighborhood Outreach Assistant Herrera. He and Council Member Rigby are on an ad hoc committee with Linda Shaw (Housing Authority Executive Director) and they are looking at some pilot projects and ways they can coordinate best delivery of services for the homeless population.

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

PRESENTATIONS

No Presentations were given.

INTRODUCTIONS

No Introductions were made.

2. WORKSHOP

2A. Rental Housing Inspection Program Workshop by Neighborhood Revitalization Department (City)

Executive Director Jim Taubert reported this process started 18 months ago when we were directed by the City Council to come up with a Rental Inspection Program by working with the real estate community and property owners. We had a three hour workshop on March 8th, since that time we have had multiple meetings and we think we have narrowed it down. We have come a long way. Again we think we have a proposal that will work for the City, address the issue of substandard housing and it should not create any major concerns for responsible property owners.

Neighborhood Preservation Specialist Steve Montes outlined changes since last workshop.

- Registration fee was removed from the program.
- Initial inspection fee to be costs is not to exceed three hours and is dictated by the City's Master Fee Schedule.
- We are going to double our efforts to make sure that rental business licenses are obtained.
- Properties that are in the program will be inspected once every three years instead of once every two years. If we have two good consecutive inspections where there are no problems, property owners will be able to drop out of the program for six years.
- Implementation will begin with properties that were built or received a Certificate of Occupancy in the year 1970 or older. We would start there but we will incorporate all other properties that are non-exempt.
- If the property owner is working towards abating the violation, we will have no problem issuing an extension. However, inspection fees will still apply.
- We will make every attempt to recover our costs from the owners. This will include attorney's fees, posting notices and inspections.
- We want to expand education and outreach to include tenant classes, owner classes, credit counseling classes and homeownership classes.

- If through our actions a tenant is displaced, for a qualified candidate we would make a request to Madera Housing Authority if they can be placed in an expedited manner. This would be a request and not a guarantee.
- If a property owner cannot or would not abate the substandard conditions, the City will abate the conditions at the cost to the property owner.
- Property owner will provide the tenant information on basic tenant's rights once they engage in lease, once a year or upon request. Mayor Medellin asked is a lease agreement required on all rental properties? Mr. Montes responded by stating a written lease is not required through the ordinance. Once they engage in an agreement on renting the property the property owner will be required to provide that information at that time.
- If the property owner does not register their rental property by noticed date, they will have to pay a delinquent registration fee.
- We want to make sure that we are protecting the information that we gather to the extent that is allowed by law. This information will not be public and will be for internal use only.

Mr. Montes stated that he believes that a lot of progress has been made. One area of opportunity is the outreach and education. We are partnering with the Parent Resource Center and Madera Adult School where we go and provide information to tenants. This will present a great opportunity for agencies and businesses to help develop a curriculum to have good property owners and good tenants.

Mayor Medellin called for any questions from the Council Members.

Council Member Rigby asked if we will be inspecting common areas and then going into every apartment of the complex? Mr. Montes responded, that is what we do now. If he is conducting an inspection and he sees a substandard issue it would be addressed in the Notice of Violation. As for inspecting every unit, it would depend on the level of enrollment. In full enrollment would necessitate that every single unit and the common areas will be inspected. In self certification, where a property owner will be able to self-certify and we would inspect 10-30% of the units and the common areas. Dropout would not require inspections for six years. The only time we would do all of them is if we had frequent complaints or during self-certification we find issues they may have to go into full enrollment.

Council Member Rigby stated that this is going to be tight and bringing on a new position to manage all of these inspections. Mr. Taubert responded that we will be presenting the budget and the anticipated costs of the program when the ordinance is introduced.

Mayor Medellin asked Mr. Montes if he could remind us what self-certification is. Mr. Montes stated that if there is a property owner that is in good standing they would be able to be in self-certification only if the violations are minor or the violations are corrected in a certain amount of time. The property owner would be able to certify and do an inspection on their own property so that would require us not to do the inspection and they would forward the inspection results to us. We would verify 10-30%. Mr. Taubert added that we will have a checklist for the property owner to complete.

Council Member Oliver stated with respect to outreach and education, does the proposed ordinance include state statute §1941.1 and §1941.2 which outlines landlord's and tenant's responsibilities. Mr. Montes responded that he obtained his information from the state website and it will be dealing more with the tenant's rights and responsibilities. City Attorney Brent

Richardson recommended that we provide reference to state cite because he does not want to provide advice in that area.

Council Member Oliver stated that we should provide that documentation with respect to §1941.1 and §1941.2. Mr. Montes stated that we currently do not offer any legal advice and they are referred to California Rural Legal Assistance. But we do show them where the site is.

Council Member Rodriguez asked what is the different in regards to entry on this proposal as compared to now. Mr. Montes stated that with this ordinance we would send the property owner a 30 day intent to inspect notice. If we have not received any contact after the 30 days, we would ask for consent to go in. If that is denied, we will then seek to obtain a warrant to enter the property. Council Member Rodriguez asked if you have had trouble in the past getting an inspection warrant? Mr. Richardson stated that those are obtained based on a declaration of good cause. If there is something warranting an inspection, you can get one through the court. Council Member Rodriguez asked if this proposal is any different from what we do now? Mr. Richardson stated no.

Mayor Pro Tem Gallegos asked how long are we allowing the property owners to obtain a rental business license before they start looking at a fine? Mr. Montes responded that is not a change, there are already required by law to have a rental business license. It would follow the same 30-Day Notice of Violation process.

Mayor Medellin called for any questions or comments from the public. He would like to start with anyone who opposes the ordinance.

Baldwin Moy, California Rural Legal Assistance (CRLA), 126 North B Street, Madera, CA

Mr. Moy stated that he does not oppose the ordinance but has to leave as soon as he makes his comments. He stated that under the taken clause or the due process clause of the constitution, local government has the power to regulate business. All that is required is that it be rationally based. We want to see this ordinance pass because 85% of the cases they see has to do with eviction. Almost all those cases has habitability issues. Judges often ask if the housing is so bad, why are the tenants fighting to stay. The answer is because there is no housing. The housing stock has remained stagnant. Per the City's Housing Element, 53% of all housing in Madera are rentals. Of those, 40% of households are considered low income. 86% of low income families overpay for housing, of that 12% would be considered extreme low income households. 44% of all the homes in Madera were built before 1979. The Housing Element makes the point that all these houses need some type of repair. The majority of the 44% are rentals. Typically a property owner may upgrade and buy a new home, they put their house on the rental market hoping to use the payment for rent on their mortgage payment and there is no intention of using the rent collected towards the upkeep and maintenance of the rental. That has been the crux of the problem that we face. When he first came to Madera in 1990, they had tenants that rented the parking space next to a house. They would park and sleep there, they would shower and use the bathroom and they would pay \$5.00. They also had another tenant that would rent a tree and do the same thing. That has stopped. The reason why this ordinance is necessary is to ensure every rental regardless if it is upscale or affordable housing that it is safe, sanitary and habitable. That is not the case in certain parts of this town. Good rentals help bring up the values of surrounding houses and improve the image of the City's community. This would attract venture capitalists, not drive it away. Certain landlords stated that if this ordinance passes, they would sell their rental properties and leave. If that is the case, they could not leave this community soon enough. Other people will buy it, bring it up to code and rent it. That's what needs to happen. There is no reason to oppose it unless you want to coddle slumlords.

George Harper, Madera Management Company, 411 North I Street, Suite A Madera, CA

Mr. Harper stated that he still opposes the ordinance but he appreciates the opportunity to stay in discussion with the City and the City Council. He does want to address one aspect of the proposed ordinance § 4-16.14 that talks about entry. Under the ordinance it is the responsibility of the property owner or the owner's local designated person to obtain the consent of the tenant for the City to enter their property. If the consent of the tenant cannot be obtained, there is a procedure for the City to obtain a warrant. After reading that information at the last meeting, he asked Mr. Montes what the City would do if the tenant does not consent to your entry. To which he replied that he would get a warrant and we expect it to be an expedited warrant process. There is a lot of litigation over these ordinances throughout the country and a great deal of it has to do with whether or not the tenant has a right to say no. If any agency of the police comes to your house and says to you that they want to come in your house and look around. As a homeowner you have a right under the Constitution and the Bill of Rights to say no and they cannot come in your house. Because our founding fathers said that they want to protect people in their homes from unreasonable government intrusion. If you have a procedure where tenants cannot say no, you are willfully trampling their Fourth Amendment rights. You are saying we do not care what you say, if you do not consent we will force your consent by getting a subpoena. Under the Fourteenth Amendment of the Constitution you are required to treat people equally. You cannot create a whole class of people called tenants and treat them differently than homeowners. You are creating a subclass of second class citizens if you do not give the tenants a right to say no. They must have this power. He believes that if you do not provide a provision in the proposed ordinance for tenants to not to consent to entry and for the City to respect that. The City will be involved in litigation under the Fourth and Fourteenth Amendment. You say you want to help these hapless tenants and want to make their life better. But in order to make your life better we are going to trample your Fourth Amendment rights and we are going to cause your rents to go up. He is here to advocate for the tenants.

Mike Pistoresi, DMP Development, 2001 Howard Road, Madera, California

Mr. Pistoresi stated that he respectfully disagrees with Mr. Harper. DMP has a substantial number of rentals in Madera. They have rental agreements and leases on every unit that they rent and every one of the leases and rental agreements requires that the tenant subject themselves to an inspection upon 24 hour notice. This is for the owners protection and the protection of the tenants. What concerns him now is the new marijuana law allowing marijuana to be legal. Our lease agreements specifically preclude the growing or use of marijuana products within our units. We certainly do not believe that we are trampling on anyone's rights because we precluded the use of marijuana in our agreements then we do not have the right to go in and inspect the unit and evict accordingly. Most managers or property owners have rental or lease agreements have the right to enter with a 24 hour notice and it is not a violation of the tenant's rights whatsoever.

Yesenia Gonzales, President of Madera Association of Realtors, 826 Papaya Street, Madera, CA

Ms. Gonzales stated that we are in favor of a greater Madera and a higher standard of living. We are not opposing that. We are not supporting or encouraging any of the bad actors. We are against the rental inspection ordinance because it is going to cause a negative effect versus a positive effect. It will increase the rents. We have a homeless problem in Madera, this is only going to encourage that. Also it will lower the standard of living. We feel that the City of Madera has an existing code and jurisdiction to find the bad actors. We do not need any other ordinance. We feel that there is a solution to substandard housing. We feel that if we take the educational approach and reach out and educate the tenants on their rights. They have a right to contact

Code Enforcement and seek help. But if we go out and reach out and we educate people, not only the tenants, but also educate the landlords. Allowing them to work together we can resolve this. We do not need any other Code Enforcement at this time.

E'Mira Torres, Realty World, 413 West Yosemite Avenue, Suite 104, Madera, CA

Ms. Torres stated that she is proposing some solutions. We want a better Madera and good housing. With joint ventures we can achieve that. We want to be able to through community outreach, similar to the community outreach programs that are taking place with some of the schools. For example, they would like to do community outreach at the upcoming Business Extravaganza and Home Expo. This is one opportunity they would like to utilize to be able to do a community outreach for anyone participating in that event. They would like to put together in conjunction with Jim Taubert and with our committee. Some of the points they would like to make clear to the tenants and landlords what their rights and responsibilities are. We would like to inform them of their options, and to be able to report any substandard conditions. But they believe that this ordinance is not the vehicle to get there because it will affect a lot of other people. They would also like to put together workshops with grants from the Association of Realtors, State and Federal. Whenever we have an opportunity to do community outreach there is money available for that. They want to be able to give back to the community and they have in the past. But they would like to do it in a different way. By empowering the tenants to have the ability and know how to step up and step forward to get that done. We are working with Lourdes Herrera with the Madera Coalition for Community Justice. They will be working on another community outreach where the parents are leaders at meetings at Millview, Washington, Parkwood and Eastin-Arcola. These are some of the solutions that she has to be able to see if they can make an impact on getting the properties that need be addressed in a positive manner without it affecting everyone. The gentleman mentioned the homeless and we have a shortage of inventory. We are a welcoming community. We are going to have builders wanting to come in and build. We are developers and we need to be able to raise our prices. Everything stems from having a strong community. We want to have shopping and strong schools. Everything is intertwined. Not only is Madera having a shortage in supply, the entire state of California is. So they are looking at different options on how we can do that and to be able to be proactive and make additional housing available. The solution is supply and how do we get that supply are ways we can work together. Along with the Neighborhood of Choice, they participate in National Night Out. They would like to continue to work with the City and find different vehicles on how to get the job done. They are the boots on the ground and they are trusted with peoples largest investment. She stated that she appreciated the time she worked on this and would like to continue to work on this. Let's see how far this could go with community outreach.

Mayor Medellin called for any questions or comments from the public supports the ordinance.

Greg Terzakis, Senior Vice President, California Apartment Association, 516 West Shaw Street, Fresno, CA

Mr. Terzakis stated that he was not involved in the beginning parts of this process, but after completing a 15 month process with the City of Fresno and their implementation of an interior inspection ordinance. It is good for the City of Madera to have good rental properties and to have a healthy place to live. They believe that anything that is passed by the City Council needs to measure different approaches as far as the good actors and the people who manage their properties responsibly are not unfairly burdened by an ordinance. This has to be a collaborative process and how it is done is the guts of the matter. It needs to be done in a way that future employees and council members understand what the intent was. In twenty years what are we going to do to codify that what was intended today is still being implemented. He is not saying the

City of Madera will do this but, other cities have looked at inspection programs as a source of revenue. The whole purpose of this is to address substandard housing and to make certain that the owners live up to their responsibilities that are mandated by state law. At the association, we are strong believers in good communication between our owners/managers and residents/tenants. There was a discussion earlier about whether or not a lease is written. If an owner or property management company does not have a written lease or does not inspect their property on a frequent basis that is not a good business practice and they are not protecting their investment. When this ordinance is passed, they want to make sure that it does not omit or overlook the responsibilities of the tenant but at the same time they are supportive of insuring that people have a habitable place to live. If someone is not going to do the right thing they need to either find another line of work or be compelled to do so.

Council Member Rodriguez asked Mr. Terzakis what where some of the challenges he faced working on the ordinance in the City of Fresno. Mr. Terzakis stated that there were 15 months of taskforce meetings three hours at a time with thirty people in the room. The biggest challenge for the City of Fresno was the artificial time constraint with the end of Mayor Swearengin's term. If there had been more time, it would not have been so contentious at the end. But if you take a look at what has transpired since it has been passed, he has been in close contact with the Mayor's office, Development and Resource Management (DARM), City Manager's office and they are working on implementation of the ordinance on September 1st.

Council Member Rodriguez asked Mr. Terzakis why couldn't your organization or Code Enforcement do more outreach to alleviate the substandard housing problem. Did you see that you needed something to regulate this in order to help enforce this? Mr. Terzakis responded you are dealing with two different subsets, one is our members and we do not have a problem with our members. There are 89,000 rental units in the City of Fresno of which 42,000 are units that are members of the California Apartment Association. If all units of the association are in compliance with the code, that would mean that half are not. He cannot speak for people who are not members of our association, so the City of Fresno's perspective was that there are bad actors that are refusing to do the right thing and we need the ability to inspect these units because they are not currently being inspected. The association's position was if you are able to come up with a way not to punish good property managers, landlords and owners. They are comfortable with the self-certification provision.

Council Member Rodriguez asked Mr. Terzakis if he believes this ordinance would be burdensome to good acting landlords/property owners? Mr. Terzakis stated that he does not. Although he has some recommended changes. He believes that if this is implemented in a way that excludes the good actors from scrutiny, it is not unduly burdensome.

Connie Neal, 328 South K Street, Madera, CA

Ms. Neal stated that she wants the City Council to pass this ordinance. The other day she went through a substandard house. There was mold on all of the walls, no sink in the bathroom, the toilet was smashed, the wall was cut out behind the toilet and there was no electricity in the bathroom. There are five of these units over there. She has counted at least 4-5 washers outside running gray water. Most of these tenants do not speak English and they are afraid they will be deported if they do speak up. She spoke to Jim and they did an article in the Tribune on it and three of the tenants were evicted because they let them in the house. The way the code goes now if the tenant doesn't let them in the landlord has to. They are not going to let you in to see what they are getting \$500 a month for. The tenants are scared to death to do this. If you want to make Madera a better place, you need to get in there and do something about the substandard

housing and these slumlords. It is pathetic how these people live. She probably lives by the better slumlords, there are others in the area that are worse. As to the gentleman that stated that it is up to the landlords or property managers, he has a house next to her that he is the property manager. She never sees anyone over there looking at it. She had someone living in there growing marijuana with cameras on her fence. If the property manager went in there and checked it they would have seen this. There are a lot of things that need to be done. As far as educating the people about being tenants, these people try. The lady who let me in her home because she was moving had rats so bad and she kept asking her landlord for something and he wouldn't. So she referred her to CRLA. The landlord sent her some rat poison and in one night she killed 16 rats. This does not include any roaches or animals that have gotten in between the walls that are gone. Please think about this and pass this ordinance. This is something Madera desperately needs. Also, she does not understand why the Realty Association is so against this. The word is out, go to Madera and buy the cheap rental properties and live somewhere else because Madera is not going to enforce anything. She has been trying her best for years to get something like this.

Johanna Torres, 16734 Daley Road, Madera, CA

Ms. Torres stated that she is speaking on behalf of her friend who is a single mother that could not make it. She lived on B Street. She lived on the property for two months. There was mold, bedbug and cockroach infestation. The carpet was torn and dirty. It was terrible for her children to be living in these conditions. She could not find another place to move into because she had to come up with the deposit and the first month's rent. Since she is a single mother it is hard for her to move to another property. She asked her landlord five different times to please fix these things because her children were getting rashes and sick. You can imagine how difficult it is if you do not have enough money to move somewhere else. It is not okay and very disrespectful to the children living in that property. She is paying rent to live in these conditions. She was scared as a tenant to file a complaint with Code Enforcement because of retaliation from previous landlords. She had to take time off work to take her children to the hospital to receive treatment. She moved in with a family member to sleep on the couch than to live in those conditions. She had to throw out her sofa and beds because they are all infested. After she moved out the landlord had the nerve to keep her deposit and charge her more to clean the carpets and bedbug and cockroach infestation. This is happening in Madera. She is still struggling to get by. As a homeowner and if she lives next to a rental property like her friends, those roaches and bedbugs can easily go over to her property.

Santos Garcia, 413 South A Street, Madera, CA

Mr. Garcia stated that his family moved to Madera in 1971. He purchased his home in 1984 and it has a three car garage and huge backyard. We moved from the bay area because Madera is his home and wanted to raise his five children here. Madera is a wonderful community. As soon as he purchased his property, he was approached by a gentleman who wanted to rent out his garage to 10 people and make money. It broke his heart to hear someone say something like that. The inhumanity of making a dollar from people living in a garage. This did not come to pass. This still exists today even though this is not on his property. Mr. Garcia thanked staff for putting in all the work to try to come to a compromise where both side can meet in the middle in some shape or form. There are things in place that will not hurt responsible owners and realtors. And there things in place that will help tenants become educated to what their rights and responsibilities are, and then there are penalties for the slumlords. He thinks that this is a reasonable compromise. He was impressed with the presentation today by the amount of work that has been done. He sees hope in Madera. This is a community that we can continue to be caring for each other, move forward and make it happen. He cares about this city very much and

wants it to be clean and safe for everyone. His grandchildren are born and raised here now. Thank you.

Maria Rubio, 975 Emily Way, Apt. C, Madera, CA

(Translated by Johanna Torres)

Ms. Rubio stated that there are a lot of problems with the apartment that she lives in. She has five children and they all have allergies. In June it was really hot for 16 days. She called to have the air conditioning fixed and they did not fix it. She did not want to but she contacted the City so they could have the landlord fix the air conditioner. Before the air conditioner there were other problems like plumbing. When she called the management company the secretary told her that the owner was tired of them. Unfortunately she was not able to record this, but she always pays her rent on time. The air conditioner was her first problem and then earlier this year her stove exploded five different times, she thanked God that it did not explode on her and hurt her physically. The reason she said five times is because they would send someone over to fix it five times. It wasn't just the stove that had the problems it was also the sink water was spilling over to the floor in the kitchen. When it started raining she noticed documents that she kept in closet were getting wet. She checked the walls and saw that water was coming in. Those documents were very important to her and she didn't think that the landlord cared or would pay to get those documents replaced. She had to call the City again because she asked the landlord and he was not fixing it. Because she made a complaint to the City, the landlord retaliated and evicted her. They are teaching her that if she files a complaint, they will retaliate against her and she does not think it is fair. She hopes that it passes because it is only fair that the properties are in good condition prior to someone coming into the property. She doesn't think that the landlords live in such bad conditions like the roof leaking or the stove exploding on them. We all live in the community where it shouldn't be different for her or anyone who lives in an affluent neighborhood. We should all be treated the same and we should all be working with each other. The fact that she lives in that house shouldn't be a reason for her to live any different than anyone else. She pays rent and she should also have living standards that anyone else does in this community of Madera.

Juan Victoria, 208 North B Street (previously resided at 916 Fresno Street), Madera, CA

Mr. Victoria stated when he moved into the Fresno Street address. The landlord told him that everything is fine with the house. A couple of months after moving in, he noticed that the electric bill was over \$300. They asked the landlord if there was anything wrong with the wiring. The landlord said that everything was fine. So he spoke to the previous tenants and that is when he found out that he was sharing the electricity with some lady that lives in the garage. He thanked the City for going out there and California Rural Legal Assistance for helping them out. This house was full of mold, water leaks everywhere, roaches and rodents. They kept asking the landlord to fix these problems and the landlord would tell them that someone will come out tomorrow. A week would pass and nothing. Once his son was plugging in the Christmas tree and the outlet popped. We were lucky nobody was hurt. He let the landlord know and he came out the next day and put a new one on. A few weeks later the same thing happened. He put a table to cover the outlet so no one would use it. They went to the City and Ms. Hernandez inspected the home and was working with the owner. They moved out and they know that the lady is still living in the garage and has electricity. When they went to pick up mail from the home, they noticed that the landlord put in new wiring that is running electricity to the lady that lives in the garage. He thinks that this ordinance should pass because it should be safe for the kids and the adults as well.

Beatrice Serrano, 133 Sharon Avenue, Apt. A, Madera, CA

(Translated by Saleh Alhomed)

Ms. Serrano stated that the roof leaks in the apartment she lives in. She expressed concerns multiple times to the landlord to come and fix it but they come they only patch up the ceiling. The problem never goes away and it continues to leak especially when it rains or when the air conditioner is turned on. She is concerned about the safety and health of her two children. When is this going to get fixed? Is it until her kids get sick or something bad happens to them? Another concern she had is the fencing. The fence is falling down and she is concerned about the safety of her kids when they come out and play. She reported this to the landlord and they sent someone out and put two posts to hold the fence from falling down. She has told the landlord multiple times on what the problem is. Once they told her they have no money to fix the fence. She is paying rent for her space, why are they not coming and fixing it? In the summer the roof leaks because the air conditioner is on and in the winter it leaks because it is raining. This has got to be resolved. She also mentioned this was a Housing Authority property.

Council Member Rodriguez asked if Housing Authority is exempt from this program? Mr. Richardson said the Housing Authority would be exempt. Mr. Montes responded that initially they would be exempt but if we receive a complaint we could go out there and they could possibly lose that exemption.

Council Member Holley stated that he has been getting a lot of complaints. The ordinance sounds good but there is a couple of things missing. Nothing in the ordinance tells him what would happen to a landlord if a tenant reports him. The tenant gets put out into the street or has to move somewhere else there is nothing protecting them. They are afraid to report these kind of things and yet we are going to put an ordinance in there to fear them even more. He would love to see a document that comes back and tells him what would happen to the landlord. We have tenants that live in a home that has issues. He tells them to talk to their landlord. They respond by saying that they are afraid that their rent will be raised or they will be put out. They do not have the money to move anywhere else. They are stuck there living in these homes. But nothing addresses what we can do to the landlord. That is the problem. We have a lot of issues that we want to fix. We are going to charge them to inspect it, but what happens after that. What happens to the tenants. We need to come up with something if a landlord evicts someone for reporting substandard issues, they should be fined. Sure we will fix the problem, but who will stop the landlord from threatening these people? We need to find out how to address all the issues.

Connie Neal, 328 South K Street, Madera, CA

Ms. Neal asked what will happen to these properties if it costs more to fix than what it is worth, will they be condemned? Mayor Medellin responded that it would be up to the property owner as to whether or not they are willing to invest to bring the house up to standard. Mr. Montes stated that if the Chief Building Official determines that it is not habitable there is a provision to have the Notice to Vacate. At that point, if the owner determines that it is not worth it to fix and cannot rent that property out. If the landlord continues to rent it out in substandard condition, they will receive fines. Mayor Medellin responded that we have that provision right now. If the violation is so bad and the home is so condemned, we will not allow someone to live in that condition. Mr. Richardson stated we cannot tell them to tear it down, but we can tell them to rectify the problem or stop having people live in those conditions. We have obtained injunctions against maintaining the nuisance in the past. But we cannot dictate the method they use to correct it. Mr. Taubert stated that in the past we have obtained abatement warrants which have allowed us to remove the violations from the property and then lien the property.

Council Member Oliver provided an update to the experience he had shared at the previous workshop. A couple of years ago, he received a phone call from the Fire Department on a single family residence that was a rental. There was a suspicion of fumes coming from the living room window. Upon inspection it was discovered there was no running water or electricity and they turned the stove into a fireplace and extended the piping out into the living room window. There were kids living in the home. Subsequently they had to call the police and other safety personnel to put the children in CPS custody. Since the last workshop the property has been renovated, sold and a really nice family lives there today.

George Harper, Madera Management Company, 411 North I Street, Suite A Madera, CA

Mr. Harper added that the difference between a private property owner or a government entity inspecting a rental property is that the Fourth Amendment does not prohibit private property owners from going in and making searches of their own property. The Fourth Amendment prevents government entities from entering a property without consent. We should all be treated the same. You need to treat the tenants the same way you would want to be treated with regard to the government coming in to your house. If you want the right to say no, you need to give them the right to say no. There needs to be a provision in the code for the tenants to have the right to say no to an inspection.

Council Member Rigby stated that he received several postcards during the Save Madera Campaign. This gave him the opportunity to go out into his district and speak to the residents. He would say about 70% of those he spoke to did not know what they had signed. Council Member Rigby asked if there is a clause that protects properties that are rented by family members? Mr. Richardson responded that the ordinance does not discriminate between types of ownerships or renters and he does not know that we would want to go down that road because it would open up a can of worms.

Council Member Rodriguez stated that he shared some of the sentiments that the Madera Realty Association, they are the troops on the ground and they see it first-hand. Regardless of the outcome of the workshop, we are Maderans. We live here and want to make our community better. The ordinance does show the work the association did alongside the staff. But he also sees that there is substandard housing and how do we try to deal with that problem. He feels that this ordinance does not put a lot of burden on the good acting landlords. We also want to make sure we respect and protect the Fourth Amendment. But most importantly we need to protect Madera as a whole. He feels that this ordinance is a collaboration of both the association and the City staff. We are still trying to work towards a common goal and trying to make Madera a better place.

Mayor Medellin stated he worked with the association and had multiple meetings regarding this matter. He is proud to say that when we want to make decisions about this community we bring in those partners that would be affected by it. We did not bring in the people that are renting. The association is a big part of the housing in Madera, but only this evening did we have an opportunity to hear from the people who are actually renting. If you are a good actor and you are going to pay \$80.00 for an inspection, and you have a clean bill of health you will be paying \$2.23 a month for a three year period. He doesn't see anyone being displaced for \$2.23 a month. He believes as the City Council, we owe it to the residents of the community to represent everybody. We all agree that we have substandard housing. When we say we are going to cleanup Madera, this ordinance will literally clean up the neighborhoods one by one. He thinks it is their responsibility to do so. We have come a long way. It is his recommendation to move forward with the introduction of this ordinance at the next meeting.

Council Member Rodriguez stated the mission here is to protect and eliminate the blight and substandard housing. Not to create a money making machine.

Mayor Medellin stated that he is concerned that the ordinance does not require a lease agreement. Not having a lease agreement is risky for both parties. Mr. Richardson stated that he is hesitant to force a lease agreement on somebody, his recommendation early on was not to require one. But he would like to research more to see if we want to get involved in requiring a lease agreement. Mr. Taubert stated we had that in there at one point. This is a private document between the landlord and tenant, so we pulled that requirement out.

Ginger Govett, 2440 West 3rd Street, Madera, CA

Ms. Govett requested that this ordinance become a ballot initiative. Let the people vote and decide.

Mr. Taubert stated that he would like to proceed with the introduction of the ordinance on the June 7, 2017 meeting. This will give us time to work on the language and some information regarding the financial elements that was requested by Mr. Tooley.

Council Members Oliver thanked all those who have participated this evening and those who have participated in the discussions for over a year. He also appreciates the association members rolling up their sleeves and insert themselves and collectively ability to better our neighborhoods. However, he believes that education and outreach we will need to take a multi prong approach. How will we educate landlords from practices such as retaliation. He thinks those easy answers are elusive. He appreciates the collective efforts on this. He would like to move forward with this ordinance and have it introduced.

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

3. CONSENT CALENDAR

- 3A. Minutes of the Joint Meeting of the Regular Meeting of the Madera City Council, Special Meeting of the City Council as the Successor Agency to the former Madera Redevelopment Agency and Special Meeting of the Successor Housing Agency – April 12, 2017 (City/Successor Agency/Successor Housing Agency)**
- 3B. Listing of Warrants Issued from April 1, 2017 to April 30, 2017 (Successor Agency)**
- 3C. Monthly Financial Reports – Successor Agency (Successor Agency)**
- 3D. Monthly Financial Reports – Code Enforcement (City)**
- 3E. Activity Report – Code Enforcement Division (City)**
- 3F. Code Enforcement Funds Collection Report for Period Ending April 30, 2017 (City)**
- 3G. Update on Neighborhood Outreach Activities (City)**
- 3H. Consideration of a Resolution Approving the Release of Declaration of Covenants and Restrictions Recorded on Property Located at 835 Drysdale Way and**

Authorizing the Mayor to Execute the Release of Declaration of Covenants and Restrictions (Successor Housing Agency)

Mayor Medellin 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 Rigby the Consent Calendar was approved unanimously as presented by the following 6/0 vote: Ayes: Council Members Medellin, Foley Gallegos, Rigby, Oliver, Rodriguez and Holley; Noes: None; Abstain: None; Absent: Council Member Robinson; 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 April 12, 2017 and resolution SHA 17-09.

4. PROJECTS AND REPORTS

There were no items for this section.

5. AGREEMENTS

There were no items for this section.

6. HOUSING

There were no items for this section.

7. GENERAL

There were no items for this section.

8. AGENCY MEMBER REPORTS

Mayor Pro Tem Gallegos Foley reported that it is Salute to Education this week. She had the pleasure in speaking to retired teachers at their luncheon about Neighborhood Watch, Adopt A School, Curb Stripe and National Night Out. Mr. Alhomedi put on a beautiful presentation.

Council Member Rigby reported that he has been monitoring the trash in Downtown Madera on Yosemite Avenue. The trash cans are constantly overfilled. He questioned how often they are dumped, who the company we are contracting with, what we can do to get out of that contract and/or persuade them to do a better job. With vacation season just around the corner, we will be getting a lot more people on that Yosemite Avenue corridor. He does not want another excuse to bash downtown Madera. This is not the image he wants to present of Madera as they travel through Yosemite Avenue to go to Yosemite or the lake. He has several pictures of the trash in the area. Mr. Tooley asked him to send him the images. Mr. Taubert stated that the Downtown Association discussed this issue today at their monthly meeting. Mayor Medellin asked if we need to place more receptacles. Council Member Rigby responded that he was looking into having more receptacles and adding recycling element to the trash cans. Maybe we can partner with our waste management team.

Council Member Holley reported that he had a wonderful week at Long Beach. Also he is working mentoring kids. He had the chance to visit some school sites this week and the administration honored and recognized the teachers. Mayor Pro Tem Gallegos submitted his name to receive the honor of Friends of Education at Fresno College.

Council Member Rodriguez will be attending the Community Action Committee meeting where he serves as an alternate. He is attempting to start a Neighborhood Watch in his neighborhood. He also thanked staff for keeping him in the loop as far as the mural on Highway 99. He also congratulated Council Member Holley for his award and thanked him for all of his work he does for the community.

Council Member Oliver reported that he attended the Sonora Neighborhood Watch meeting. They have organized at least ten times and last night they had over twenty people in attendance. He always appreciates staff not only aiding but knocking on doors with neighborhood leader Leticia Vargas.

Mayor Medellin reported thanked Mr. Montes for his work on the Rental Housing Ordinance, he has been working tirelessly on this issue. The City Council relies on staff to give them information so they can make what they feel is the best decision for the community. It is obvious that Mr. Montes, Mr. Alhomedi and Ms. Herrera are proud of our community. Mr. Montes did a fantastic job on this one and should be proud of his work.

9. CLOSED SESSION

There were no items for this section.

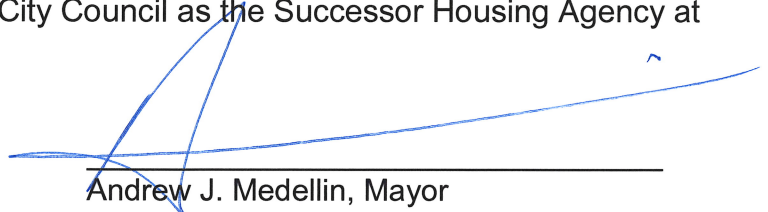
10. ADJOURNMENT

Mayor Medellin 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 8:24 p.m.



Claudia Mendoza, Recording Secretary

/cm



Andrew J. Medellin, Mayor