

FONTANA REDEVELOPMENT AGENCY
SOUTHWEST INDUSTRIAL PROJECT REDEVELOPMENT AREA
AMENDMENT NO. 9
PROJECT AREA COMMITTEE MEETING
NOVEMBER 12, 2009
7:00pm

MINUTES

A regular meeting of the Project Area Committee ("PAC") for Amendment No. 9 to the Southwest Industrial Plan ("SWIP") for the Fontana Redevelopment Agency ("Agency") was held on Thursday, November 12, 2009 at the Hilton Garden Inn, Fontana, located at 10543 Sierra Avenue, Fontana, CA 92337. Vice Chairperson Eshelman called the meeting to order at 7:01pm.

2. ROLL CALL

Committee Members Present:

Residential Owners/Occupants – Jonnie Long, Judith Brown, Jeffrey Nadelman
Residential Tenant – Lynda Dykes
Business Owners – Cecila Jackson, David R. Eshelman
Community Organization – Melinda Pure (arrived 7:06pm)
City Staff – Evelyne Ssenkoloto, Carmen Fleming, Don Williams, AICP (arrived 7:04pm)
City Attorney – Steve Deitsch, Diane Valdez (both arrived 7:06pm)
RSG Consultants – Sherry Fuller, Brian Moncrief
Consultant to the Agency – Ray Bragg

Absent: None.

3. MINUTES

Motion made by Cecila Jackson, seconded by Lynda Dykes to: 1) Approve the minutes of the October 8, 2009 PAC meeting, as presented. Motion carried by a vote of 6-0. (Pure not present.)

PAC Chair, Melinda Pure arrived and assumed role of running the meeting as Chairperson.

City Attorney Steve Deitsch and his assistant Diane Valdez arrived.

4. REPORT ON TOPICS FROM OCTOBER 8, 2009

A. SWIP Specific Plan noticing

City of Fontana staff noted that no specific dates for the SWIP Specific Plan meetings have been scheduled by the Planning Division. All members of the PAC will be notified when dates are made available.

B. Requested handouts: chronological amendment schedule, tentative schedule of PAC meeting topics, and contact list

RSG Staff handed out reference materials regarding SWIP Amendment No. 9 for each committee member's binder.

Cecila Jackson informed Chairperson Pure and the PAC that her company no longer owns the property located at 11022 Citrus Avenue, Fontana, CA 92337. The lender (present in the audience) is now the property owner due to a foreclosure proceeding.

Attorney Deitsch stated that as Ms. Jackson's company no longer owns the property, with her qualifying membership on the PAC as a "property owner", she no longer qualifies to be a voting member of the PAC.

After discussion and clarification, Ms. Jackson and the PAC were made aware that Ms. Jackson did not have standing to make the motion to accept the minutes under No. 3 above. Ms. Jackson retracted her motion to approve the minutes of the October 8, 2009 PAC meeting, and offered to resign based on the loss of her basis to serve.

Motion made by Lynda Dykes, seconded by David Eshelman to: 1) Approve the minutes of the October 8, 2009 PAC meeting, as presented. Motion carried by a vote of 5-1 (Nadelman opposed, Jackson not voting).

Discussion over the content of the minutes ensued, with members expressing various concerns about the style and content of the minutes provided for consideration. By consensus, the PAC agreed to reconsider the previously adopted minutes with direction to staff to provide additional information. City Attorney Deitsch indicated that it would be appropriate to consider an action to reconsider the previously approved minutes prior to taking any new action.

Motion made by Jeffrey Nadelman, seconded by Lynda Dykes to: 1) Reconsider approving the minutes of October 8, 2009 PAC meeting. Motion carried by a vote of 6-0 (Jackson not voting).

Motion made by Lynda Dykes, seconded by Jeffrey Nadelman to: 1) Request an expanded summary version of the October 8, 2009 PAC meeting minutes and submit them at the December 10, 2009, PAC meeting for review and possible approval. Motion carried by a vote of 6-0 (Jackson not voting).

By consensus the Committee would like all future minutes to be further detailed as to the conversations held at the PAC meetings.

Motion made by Lynda Dykes, seconded by Melinda Pure to: 1) Accept the resignation of Cecilia Jackson as a member of the PAC. Motion carried by a vote of 6-0.

Motion made by Lynda Dykes, seconded by Jonnie Long to: 1) Add an item to the agenda of the next meeting (December 10, 2009) to discuss the vacancy left by the resignation of Ms. Jackson. Motion carried by a vote of 6-0.

Attorney Deitsch clarified that the vacant seat can only be filled by a property owner not residing on the property in the project area.

By consensus it was determined that the vacant seat did not need to be filled at this meeting. The PAC was informed the seat could be left vacant until filled at some later date or could remain unfilled permanently.

PAC members will let the qualified business owners in the Amendment No. 9 area know of the vacant seat.

Motion made by Jeffrey Nadelman, seconded by Lynda Dykes to: 1) Place the vacant seat on the December 10, 2009 agenda. 2) The first priority, should she qualify, be to Cecilia Jackson, second priority be to the audience and third be not to fill the vacancy. Motion carried by a vote of 6-0.

5. COMMENTS

Mr. Bragg introduced Director of Community Development Don Williams, AICP, who is now responsible for the supervision and operation of the Redevelopment Division.

Attorney Deitsch stated, to keep in accord with the Brown Act, there should be a section added to the current meeting agenda to provide for Public Comment.

By consensus the PAC added a Public Comment section to the meeting agenda to allow time for public comment.

George Torres, a local broker, would like the results of the vote placed on the website. Director Williams gave Mr. Torres his direct contact information for further discussion on the matter of the Specific Plan, and provided that information to the PAC as well.

Pete Cross, a local broker, had questions regarding the SWIP Specific Plan.

Committee Member Dykes would like a list of interested parties and further information on the grandfather clause.

By consensus of the PAC there will be two sections included for public comment, one at each end of the agenda for Public Comment.

6. BROWN ACT AND OTHER LEGAL MATTERS

Mr. Ray Bragg introduced City Attorney Steve Deitsch, as a Best Best & Krieger (BB&K) attorney, specializing in Redevelopment Law and operations, as well as public law regarding the Brown Act, the Public Records Act and similar public procedural statutes.

Attorney Deitsch handed out and reviewed both the Brown Act and the Public Records Act. (Attachment B)

Attorney Deitsch reviewed the Political Reform Act as it relates to the Form 700. He introduced Diane Valdez, a paralegal for BB&K, who specializes in the Form 700 and its required information. By consensus of the PAC, the discussion of individual PAC members' Form 700 will take place after the meeting.

7. INTRODUCTION TO REDEVELOPMENT

A. Redevelopment in Fontana

Consultant Bragg gave a brief history of redevelopment activity and various project areas in the City of Fontana. He noted that a redevelopment agency was first established in Fontana in 1968.

City of Fontana Redevelopment Project Areas adoption dates:

Downtown Redevelopment Project	December 12, 1975
Southwest Industrial Park (SWIP) Redevelopment Project	July 19, 1977
Jurupa Hills Redevelopment Project	October 6, 1981
North Fontana Redevelopment Project	December 21, 1982
Sierra Corridor Commercial Redevelopment Project	June 16, 1992

Mr. Bragg noted that a project area typically has a duration of 45 years after adoption. He also noted that most of the project areas have been amended several times over the years.

B. Project Financing

RSG representative Sherry Fuller clarified how the Redevelopment Agency (RDA) financing is managed. She stated that the RDA does not raise property taxes, but rather captures a portion of existing property tax revenues and uses them for redevelopment funding activities and projects. (Attachment A-1 & A-2)

Mr. Bragg advised the PAC that the State wants to take \$2.05 billion from redevelopment agencies throughout the state this year to help balance the State budget. This would mean approximately \$33 million from the City of Fontana as its proposed share of the \$2.05 billion take away by the state.

The PAC asked for clarification on the funds from specific RDA sections. Mr. Bragg explained that any property tax monies over the set Base Year is sent to the Fontana RDA. Those funds must be used in the RDA project areas from which they came from.

C. What qualifies an area for redevelopment?

Ms. Fuller handed out a description sheet for the PAC to refer to in regards to the qualifications for a creation of redevelopment area. (Attachment A-3)

Motioned by Jeffrey Nadelman, seconded by Melinda Pure to: 1) Adjourn the PAC meeting at 9:09p.m. to the PAC meeting on Thursday, December 10, 2009, at 7:00p.m., at the Hilton Garden Inn, Fontana, located at 10543 Sierra Ave., Fontana, CA 92337. Motion carried by a vote of 6-0.