

**MINUTES OF THE
CITY OF FONTANA
REDEVELOPMENT AGENCY
SPECIAL AND REGULAR MEETINGS
JUNE 9, 2010**

A Regular Meeting of the City of Fontana Redevelopment Agency was held on Wednesday, June 9, 2010, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. The meeting was called to order at 11:18 p.m.

Present: Chairperson Warren, and Agency Members Nuaimi, Roberts, and Scialdone.

Absent: Agency Member Rutherford.

CLOSED SESSION: None.

SPECIAL PRESENTATIONS: None.

PUBLIC COMMUNICATIONS: None.

CONSENT CALENDAR

ACTION: Motion was made by Agency Member Nuaimi, seconded by Vice Chair Roberts, and carried unanimously by vote of 4-0 to approve Consent Calendar Items "A-B" as follows:

- A. Approve the minutes of the May 12 and 26, 2010, Regular and Special Meetings of the Fontana Redevelopment Agency.
- B. Operating Covenant Agreement for the Rock Honda Auto Dealership
 - 1) Approve the Operating Covenant Agreement between the City of Fontana, the Fontana Redevelopment Agency, and Highland Automotive Properties, LLC, to facilitate the construction and ongoing operation of a Honda automotive dealership within the Fontana Auto Center.
 - 2) Authorize the City Manager to execute said agreement and any other documents necessary to effectuate said approval.

The following item was held jointly with the City Council earlier this evening:

UNFINISHED BUSINESS:

Council Member/Agency Member Scialdone abstained from voting on the following item due to living within 500 feet of the project area and left the dais at 9:45 p.m.

- A) A Joint City Council and Redevelopment Agency item was held to consider approval of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and related the Program Environmental Impact Report, as the item was continued due to adjournment at the May 26, 2010.

Mayor Nuaimi stated that three public comment cards were completed and all three speakers had previously spoken regarding this item at previous meetings. Comments would only be taken to add additional information by each speaker.

Tami Wetzel completed a public comment card and stated she was still in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Bobbi Jo Chavarria spoke regarding the May 26, 2010, Minutes regarding the item and specifically questioned the direction on eminent domain.

City Manager Hunt commented that direction was provided to staff to remove eminent domain from the Plan and that a formal vote was not taken.

Stephen Roger, resident of the City of Redlands and representing for Citizens for Fontana First, spoke regarding his comments and City staff's responses, the SWIP Specific Plan, and the lack of community understanding of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Mayor Nuaimi encouraged Mr. Rogers to summarize his comments specific to the item and stated that the Specific Plan Amendment is separate from the Redevelopment Plan Amendment and funding is in place.

Mayor Nuaimi placed the following documents into the record:

- 1) Revised version (06.09.10) of the Amended and Restated SWIP Plan that eliminates the authority to use Eminent Domain
- 2) Memorandum from City Attorney/Agency Counsel to the City Council/Redevelopment Agency dated May 27, 2010, concerning PAC issues
- 3) Attorney C. Robert Ferguson's letter dated May 24, 2010
- 4) May 26, 2010, written response letter from City Attorney/Agency Counsel to Attorney Ferguson
- 5) Attorney C. Robert Ferguson's letter dated June 2, 2010
- 6) June 8, 2010, written response letter from City Attorney/Agency Counsel to Attorney Ferguson
- 7) Written response from City Attorney/Agency Counsel to oral objection presented at the May 26, 2010 City Council/Redevelopment Agency meeting concerning CEQA issues involving separate preparation of SWIP Amendment No. 9 and SWIP Specific Plan
- 8) Written questions presented through email by Mr. Stephen W. Rogers following the May 26, 2010, City Council/Redevelopment Agency meeting
- 9) Written responses from City Attorney/Agency Counsel to the written questions presented by Mr. Stephen W. Rogers

Mayor Nuaimi also stated that 5-1 vote was taken by PAC on a June 7, 2010, Special Meeting to recommend approval of the Revised Plan Amendment as presented this evening.

City Attorney/Agency Council Stephen Deitsch recommended that the City Council/Redevelopment Agency take separate action on each of the following items:

City Council:

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, and carried unanimously by vote of 3-0 to:

(1) Adopt **Resolution No. 2010-032**, a Resolution of the City Council of the City of Fontana adopting written responses to written objections to Amendment No.9 to the Redevelopment Plan for the Southwest Industrial Park Project Area.

Redevelopment Agency:

ACTION: Motion was made by Agency Member Nuaimi, seconded by Vice Agency Chair Roberts, and carried unanimously by vote of 3-0 to:

(2) Adopt **Resolution No. FRA 2010-08**, a Resolution of the Fontana Redevelopment Agency certifying the Final Environmental Impact Report prepared for the Southwest Industrial Park Redevelopment Project Area Amendment No.9 pursuant to the California Environmental Quality Act, and adopting Environmental Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

ACTION: Motion was made by Agency Member Nuaimi, seconded by Vice Agency Chair Roberts, and carried unanimously by vote of 3-0 to:

(3) Adopt **Resolution No. FRA 2010-09**, a Resolution of the Fontana Redevelopment Agency approving and recommending adoption by the City Council of the City of Fontana of Amendment No.9 to the Redevelopment Plan for the Southwest Industrial Park Project Area.

ACTION: Motion was made by Agency Member Nuaimi, seconded by Vice Agency Chair Roberts, and carried unanimously by vote of 3-0 to:

(4) Adopt **Resolution No. FRA 2010-010**, a Resolution of the Fontana Redevelopment Agency finding that the use of taxes allocated from Amendment No.9 (2010 Added Area) to the Southwest Industrial Park Redevelopment Project Area for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing outside the Southwest Industrial Park Redevelopment Project Area will be of benefit to the project area.

City Council:

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, and carried unanimously by vote of 3-0 to:

(5) Adopt **Resolution No. 2010-033**, a Resolution of the City Council of the City of Fontana considering an Environmental Impact Report, making responsible Agency findings, and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program prepared for the Southwest Industrial Park Redevelopment Project Area Amendment No.9.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, and carried unanimously by vote of 3-0 to:

(6) Adopt **Resolution No. 2010-034**, finding that the use of taxes allocated from Amendment No.9 (2010 Added Area) to the Southwest Industrial Park Redevelopment Project Area for the purpose of increasing, improving, and preserving the Community's supply of low and moderate income housing outside the Southwest Industrial Park Redevelopment Project Area will be of benefit to the project area.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, and carried unanimously by vote of 3-0 to:

(7) Adopt **Resolution No. 2010-035**, a Resolution of the City Council of the City of Fontana electing to receive all or a portion of the tax increment revenues pursuant to Section 33676 of the Community Redevelopment Law of the State of California and the City's share of tax increment pursuant to Section 33607.5 of the Community Redevelopment Law of the State of California with respect to Amendment No.9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, and carried unanimously by vote of 3-0 to:

(8) Waive further reading of and **introduce Ordinance No. 1619**, an Ordinance of the City Council of the City of Fontana, California approving and adopting Amendment No. 9 to the Southwest Industrial Park Redevelopment Plan, and that the reading of the title constitutes the first reading thereof.

Mayor Pro Tem Scialdone returned to the dais at 10:02 p.m.

PUBLIC HEARING: None.

NEW BUSINESS: None.

ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS: None.

EXECUTIVE DIRECTOR COMMUNICATIONS: None.

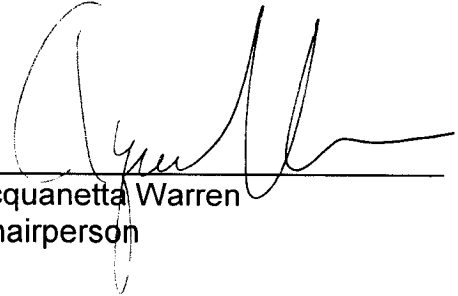
ADJOURNMENT

The Fontana Redevelopment Agency meeting adjourned by consensus at 11:18 p.m. to the adjourned regular meeting on Monday, June 14, 2010, at 6:30 p.m. in the City of Fontana Council Chambers, located at 8353 Sierra Avenue, Fontana, California 92335, and then to the next regular meeting on Wednesday, June 23, 2010, at 7:00 p.m. in the City of Fontana Council Chambers, located at 8353 Sierra Avenue, Fontana, California 92335.

THE FOREGOING MINUTES WERE APPROVED BY THE REDEVELOPMENT AGENCY ON THE 23RD DAY OF JUNE 2010.



Tonia Lewis
Agency Secretary



Acquánetta Warren
Chairperson