

**MINUTES OF THE
CITY OF FONTANA
REDEVELOPMENT AGENCY
SPECIAL AND REGULAR MEETINGS
MAY 26, 2010**

A Special Meeting of the City of Fontana Redevelopment Agency was held on Wednesday, May 26, 2010, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. The meeting was called to order at 6:08 p.m. for closed session

CLOSED SESSION:

During the City Council Meeting, the City Attorney/Agency Counsel Stephen Deitsch announced that the Redevelopment Agency had met for a Special Meeting in Closed Session to discuss the following item with no reportable action and that Council Member/Agency Member Scialdone was not present during deliberations due to owning real property within 500 feet of the boundaries of the redevelopment project area:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b)(1)

Number of Cases: One

The Regular Meeting of the City of Fontana Redevelopment Agency was held jointly with the City Council on Wednesday, May 26, 2010, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California to consider Unfinished Business Item A.

Present: Chairperson Warren, and Agency Members Nuaimi, Roberts, Rutherford, and Scialdone (left the dais at 9:43 p.m.).

Absent: None.

SPECIAL PRESENTATIONS: None

PUBLIC COMMUNICATIONS: None

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 9:43 p.m.

UNFINISHED BUSINESS:

- 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 Joint Public Hearing was closed on April 28, 2010.

City Attorney/Agency Counsel Stephen Deitsch stated that written communications were received from the following senders:

- 1) An email addressed to Mayor Nuaimi from Mr. Jack Mazmanian in support of the item.

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- 2) An email addressed to Mayor Nuaimi from Mr. John Grisafe in opposition of the item.
- 3) A fax addressed to Mayor Nuaimi from Mr. Boghous Jankouzian in support of the item.
- 4) Written correspondence to the City Council and Redevelopment Agency from Attorney C. Robert Ferguson in opposition on behalf of his clients.
- 5) A written response from City Attorney/Agency Counsel to Attorney C. Robert Ferguson.

Staff presentation was given by Community Development Director Don Williams who also stated that Redevelopment Analyst Evelyne Ssenkoloto, RSG Agency Consultants Felise Acosta and Sherry Fuller, RBF Agency Consultant Kevin Thomas, and Best, Best & Krieger Associate Fernando Avila were present.

Community Development Director Don Williams stated that on May 13, 2010, a City Council Subcommittee composed of Mayor Nuaimi and Council Member Rutherford, met to consider community concerns. Staff responses to the community comments have been placed into the record and are available for viewing in the City Council Chamber lobby and on the City's website at www.fontana.org.

Tami Wetzel, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

C. Robert Ferguson, Attorney for Citizens for Fontana First (CFFF)-Randy Castle and Linda Dykes, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Mike James, Project Area Committee (PAC) Member and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area to allow for the Project Area Committee's review and removal of eminent domain provisions.

John Grisafe, property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the impacts on small businesses in the area.

RE (no last name given), City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Sharon Mitchell, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the benefits to the area.

Jacqueline (no last name given), City business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the effects on property and business owners in the area.

Rocky (no last name given) stated that his wife Silvinia (no last name given) is present but does not speak English, that he is a City property owner, and spoke in opposition of

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Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Ana (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the unknown impacts on residents that live in the area.

Juan M. Santana, property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Rodrigo Santana, property owner in the SWIP Project Area and business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the unknown impacts on property and business owners in the area.

Maria, Celina, Carlos, Ramon, Irene, and Sarbelio (no last names given), were in opposition and were not present to speak.

Edgar Montes spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to family and friends that are directly affected and opposed to the amendment.

Jackie (no last name given) was in opposition and was not present to speak.

Ruben Godinez was in opposition and was not present to speak.

Dora Chavez was in opposition and was not present to speak.

Lynda Dykes, PAC Member and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the differences between Project Area Committee (PAC) and City Council Meeting documentation. Ms. Dykes also requested information so that the PAC could continue to meet.

Angela (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area on behalf of opposition from family and friends that live in the project area.

Stephen Rogers, a Consultant Engineer, spoke on behalf of Citizens for Fontana First (CFFF) and the Anticorruption Team of the County of San Bernardino (ACT), in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area, and regarding written communication previously submitted, misinformation, and community meeting responses.

Nicolas (no last name given) was in opposition and was not present to speak.

Leonel Cortez, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

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Alesandro Garcia was in opposition and was not present to speak.

Bobbi Jo Chavarria spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and commented on the use of redevelopment funds and issuance of debt.

Lina (no last name given), property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the uncertainty of the plan. Lina (no last name given) also spoke regarding code enforcement complaints and vacant business properties.

Salvador Lopez spoke on behalf of Citizens for Fontana First (CFFF), in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area, and regarding written communication previously submitted.

Elizabeth Lopez, resident of San Bernardino County, spoke on behalf of business and property owners in project area and in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Chris G. Grisafe spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the lack of specific plan guidelines.

Vera Raygoza, City of Rancho Cucamonga property and business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and regarding the contributions by property owners to the local community.

Francisco Valenciano, spoke regarding a code enforcement citation received, an arrest of himself and his wife due to hearing issues with his lawyer, and the need for community. Edgar Montes assisted with translation of Mr. Valenciano's comments.

Yadirah Mendez, small business and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Aida Solis and Martin Solis were in opposition and were not present to speak.

Jehu Melchor, spoke on behalf of his father who owns a small business affected by the amendment and in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Karen (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

No one else spoke in favor or opposition.

ACTION: Motion was made by Council Member/Agency Member Rutherford, seconded by Council Member/Agency Vice Chair Roberts, and *failed to carry by vote of 2-2*, with Mayor/Agency Member Nuaimi and Council Member/Agency Chair Warren voting no, to adjourn the meeting.

ACTION: Motion was made by Council Member/Agency Chair Warren, seconded by Mayor/Agency Member Nuaimi, and *failed to carry by vote of 2-2*, with Council Member/Agency Member Rutherford and Council Member/Agency Vice Chair Roberts voting no, to continue the meeting past 11 p.m.

ACTION: Motion was made by Mayor/Agency Member Nuaimi, seconded by Council Member/Agency Chair Warren, and *carried unanimously by vote of 4-0* to continue the meeting through to 11:30 p.m. to allow for Council/Agency and staff discussion of the public communications received.

Mayor/Agency Member Nuaimi clarified that the Specific Plan for the project area is separate from the Redevelopment Plan Amendment.

Mayor/Agency Member Nuaimi also clarified the issuance of debt procedure used by the Redevelopment Agency.

RSG Agency Consultant Felise Acosta stated that project list for the project area can be found on page 9 of Exhibit C attached to the Draft Redevelopment Plan in the April 28, 2010, written staff report.

City Attorney/Agency Counsel Stephen Deitsch stated that low income loans to property owners are only possible if a redevelopment plan exists in an area.

Mayor/Agency Member Nuaimi requested City Attorney/Agency Counsel Stephen Deitsch to clarify the role of the Project Area Committee (PAC).

RSG Agency Consultant Felise Acosta stated the role of the Project Area Committee (PAC) is an advisory body and discussed the PAC meetings held and documents reviewed.

Council Member/Agency Vice Chair Roberts commented on public comments regarding protection of property in the project area and the possibility of the removal of eminent domain from the amendment.

ACTION: Motion was made by Council Member/Agency Member Rutherford, seconded by Council Member/Agency Chair Warren, *yet failed to carry by unanimous vote* to remove eminent domain from the Redevelopment Plan.

Redevelopment Analyst Evelyne Ssenkoloto stated that eminent domain had not been used in the project area for the last ten years.

Mayor/Agency Member Nuaimi clarified that code enforcement issues are independent of the Redevelopment Plan Amendment.

City Attorney/Agency Counsel Stephen Deitsch commented on the role of the Project Area Committee (PAC).

Council Member/Agency Member Rutherford stated that the project list for the project area will be made available in the City Clerk's Office, commented that the Speedway is located in the County's jurisdiction, and stated that the City has a healthy budget with a fiscally conservative City Council. Budget documents are available on the City's website.

Council Member/Agency Member Rutherford and City Manager/Executive Director Hunt commented on the availability of a code enforcement map that shows only pin-point locations of complaint call generations and stated that the map is available by contacting the City Manager's Office.

Council Member/Agency Chair Warren restated that the staff responses to the community comments from the May 13, 2010, community meeting are available for viewing in the City Council Chamber lobby and on the City's website.

Council Member/Agency Vice Chair Roberts commented that the redevelopment plan amendment has no financial impact on any property owner in the area.

Mayor/Agency Member Nuaimi requested staff to provide copies of the May 13, 2010, community meeting comment cards to the City Council/Redevelopment Agency Members. The agenda packets have been transparent and include staff responses to comment cards and written communications.

Mayor/Agency Member Nuaimi commented on the discussion of eminent domain provisions and that action on the redevelopment plan amendment item would be heard at the June 9, 2010, meeting.

CONSENT CALENDAR

The following item was not heard due to the adjournment and will be heard at the June 9, 2010, meeting.

- A. Approve the minutes of the May 12, 2010, Regular Meeting of the Fontana Redevelopment Agency.

PUBLIC HEARING: None

NEW BUSINESS: None

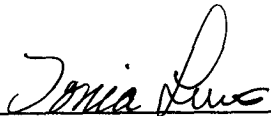
ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS: None

EXECUTIVE DIRECTOR COMMUNICATIONS: None

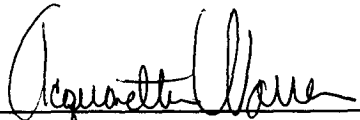
ADJOURNMENT

Motion was made by Council Member/Agency Chair Warren, seconded by Council Member/Agency Member Rutherford, and carried unanimously by vote of 4-0 to adjourn by consensus at 11:31 p.m. to the next City Council and Redevelopment Agency regular meetings which will be held on June 9, 2010, with a City Council workshop at 5 p.m. and the regular meetings at 7:00 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, CA.

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 9TH DAY OF JUNE 2010.



Tonia Lewis
Agency Secretary



Acquaretta Warren
Chairperson