

# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335



## Regular Agenda

Next Reso. No. SA 2024-004

Tuesday, April 23, 2024

2:00 PM

Grover W. Taylor Council Chambers

## Successor Agency

*Phillip Cothran - Chairperson*  
*Peter A. Garcia - Vice Chairperson*  
*John B. Roberts - Agency Member*  
*Jesse "Jesus" Sandoval - Agency Member*  
*Acquanetta Warren - Agency Member*  
*Janet Koehler Brooks - City Treasurer*  
*Germaine Key - City Clerk*

## **Welcome to the Meeting!**

Welcome to the City of Fontana meeting. Meetings are held at the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Council, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act of 1990 (42 USC § 12132), the Council Chambers is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires accommodation to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office.

Para traducción en Español, comuníquese con la oficina, "City Clerk" al (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a metal detector screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

## **CALL TO ORDER/ROLL CALL:**

### **A. 2:00 P.M. Call the Meeting to Order**

## **PUBLIC COMMUNICATIONS:**

This is an opportunity for citizens to speak to the members of the meeting for up to 3 minutes on items not on the Agenda, but within the Agency's jurisdiction. The Agency is prohibited by law from discussing or taking immediate action on non-agendized items.

### **A. Public Communications**

## **CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below - there will be no separate discussion on these items prior to the time they are voted on, unless a member requests a specific item be removed from the Consent Calendar for discussion. Does any member of the public wish to address the Agency regarding any item on the Consent Calendar before the vote is taken?

### **A. Approval of Minutes**

[21-2958](#)

Approve the minutes of the February 13, 2024, Successor Agency meeting.

**Attachments:** [Successor Agency Meeting Minutes 02-13-2024.pdf](#)

**B. Ten-Ninety, Ltd. - First Quarter Statement of Development Costs - January 1, 2024, through March 31, 2024. [21-2945](#)**

Approve the Reimbursement of Ten-Ninety, Ltd., 2024 First Quarter Statement of Development Costs, in the amount of \$339,419.06 (Jurupa Hills Redevelopment Project).

**Attachments:** [Qtrly Stmt of Dev't Costs - 1st Qtr. 2024 Submittal.pdf](#)

**C. Approving an Amendment to its Long-Range Property Management Plan Pursuant to Health and Safety Code Section 34191.5 and Approving Sale of Real Property by the Successor Agency to the City of Fontana. [21-2967](#)**

1. Adopt **Resolution No. SAR 2024-004**, Approving an Amendment to its Long-Range Property Management Plan, Pursuant To Health And Safety Code Section 34191.5; and
2. Adopt **Resolution No. SAR 2024-005**, Approving the Sale of Real Property Identified as APN 0228-301-51 - Located at Citrus And South Highland Avenues - To The City of Fontana and Authorizing the Executive Director or Designee To Negotiate and Execute a Purchase and Sale Agreement on Behalf of the Successor Agency to the Fontana Redevelopment Agency and to Take Certain Actions Related Therewith.

**Attachments:** [SAR Resolution Approve Amendment to LRPMP-c1.docx](#)  
[SAR Resolution sell RP to City Draft-c1.doc](#)  
[Cover Report](#)

## **EXECUTIVE DIRECTOR'S COMMUNICATIONS:**

**A. Executive Director's Communications**

## **ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:**

**A. Elected Officials Communications/Committee Reports**

## **ADJOURNMENT:**

**A. Adjournment**

Adjourn to the next Regular Successor Agency Meeting at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

## Successor Agency

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**File #:** 21-2958

**Agenda #:** A.

**Agenda Date:** 4/23/2024

**Category:** Consent Calendar

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**FROM:**

City Clerk

**SUBJECT:**

Approval of Minutes

**RECOMMENDATION:**

Approve the minutes of the February 13, 2024, Successor Agency meeting.

**COUNCIL GOALS:**

- Create and maintain a dynamic team by promoting stability and predictability by providing consistent policy direction.
- Create and maintain a dynamic team by communicating Goals and Objectives to all commissions and employees.

**DISCUSSION:**

The Successor Agency will consider approval of the minutes of the February 13, 2024, regular Successor Agency meeting. The draft minutes are attached to this report for Agency review and approval.

**FISCAL IMPACT:**

None.

**MOTION:**

Approve staff recommendation.

# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335



## Minutes

**Tuesday, February 13, 2024**

**2:00 PM**

**Grover W. Taylor Council Chambers**

## **Successor Agency**

*Phillip Cothran - Chairperson*  
*Peter A. Garcia - Vice Chairperson*  
*John B. Roberts - Agency Member*  
*Jesse "Jesus" Sandoval - Agency Member*  
*Acquanetta Warren - Agency Member*  
*Janet Koehler Brooks - City Treasurer*  
*Germaine Key - City Clerk*

## **CALL TO ORDER/ROLL CALL:**

### **A. Call the Meeting to Order**

The Regular Meeting of the Fontana Successor Agency was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, February 13, 2024.

Chairperson Cothran called the meeting to order at 2:02 p.m.

## **ROLL CALL:**

**PRESENT:** Chair Cothran, Vice-Chair Garcia, Agency Members Roberts, Sandoval and Warren.

**ABSENT:** None

City Treasurer Janet Koehler-Brooks and Agency Secretary Germaine Key were also in attendance.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

No public communications were received.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Agency Member Roberts, seconded by Vice-Chair Garcia, and passed unanimously by a vote of 5-0 to approve Consent Calendar Items “A-B.” The motion carried by the following vote: **AYES:** Warren, Garcia, Cothran, Sandoval, and Roberts; **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

- A. Approval of Minutes** **21-2817**  
Approve the minutes of the January 23, 2024, Successor Agency meeting.
- B. Approving an Amendment to its Long-Range Property Management Plan Pursuant to Health and Safety Code Section 34191.5, Approving Sale of Real Property by the Successor Agency to the City of Fontana.** **21-2808**
  - 1. Adopt **Resolution No. SAR 2024-002**, Approving an Amendment to its Long-Range Property Management Plan, Pursuant To Health And Safety Code Section 34191.5; and
  - 2. Adopt **Resolution No. SAR 2024-003**, Approving the Sale of Real Property Identified as APN 0228-301-51 - Located at Citrus And South Highland Avenues - To The City of Fontana and Authorizing the Executive Director or Designee To Negotiate and Execute a Purchase and Sale Agreement on

Behalf of the Successor Agency to the Fontana Redevelopment Agency and  
to Take Certain Actions Related Therewith.

**EXECUTIVE DIRECTOR'S COMMUNICATIONS:**

**A. Executive Director's Communications**

No Executive Director's Communications were received.

**ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:**

**A. Elected Officials Communications/Committee Reports**

No Elected Officials Communications were received.

**ADJOURNMENT:**

**A. Adjournment**

Chairperson Cothran adjourned the meeting at 2:57 p.m.

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Phillip Cothran  
Chairperson

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA  
SUCCESSOR AGENCY ON APRIL 23, 2024.

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Germaine Key  
Agency Secretary



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

## Successor Agency

**File #:** 21-2945

**Agenda #:** B.

**Agenda Date:** 4/23/2024

**Category:** Consent Calendar

### FROM:

Finance

### SUBJECT:

Ten-Ninety, Ltd. - First Quarter Statement of Development Costs - January 1, 2024, through March 31, 2024.

### RECOMMENDATION:

Approve the Reimbursement of Ten-Ninety, Ltd., 2024 First Quarter Statement of Development Costs, in the amount of \$339,419.06 (Jurupa Hills Redevelopment Project).

### COUNCIL GOALS:

- Practice sound fiscal management by fully funding liabilities and reserves.
- Practice sound fiscal management by developing long-term funding and debt management plans.

### DISCUSSION:

The Owner Participation Agreement (OPA) between the former Fontana Redevelopment Agency and Ten-Ninety, Ltd., provides that certain development costs incurred by the master developer are eligible for reimbursement. Per the OPA, the master developer submits, on a quarterly basis, an itemized accounting of development costs incurred that are associated with the development of Southridge Village. Approved development costs are paid out of tax increment revenues received from the Redevelopment Project.

Although AB1 X26 abolished the Fontana Redevelopment Agency, the OPA itself is an "enforceable obligation." As such, the City as Successor Agency and the Oversight Board should continue to comply with the terms of the OPA. This would include the obligation to reimburse the master developer for eligible costs. As required under the OPA, Ten-Ninety, Ltd. has submitted and staff has reviewed the 2024 First Quarter Statement of Development Costs. Total Development Costs, including Overhead and Management Reimbursements, as submitted by Ten-Ninety, Ltd., and recommended by staff are summarized as follows:

Costs	Submitted	Recommended
Development Costs <sup>(1) (2)</sup>	\$ 290,101.76	290,101.76
Overhead Reimbursement @ 12%	\$ 34,812.21	34,812.21
Management Reimbursement @ 5%	\$ 14,505.09	14,505.09



TOTAL DEVELOPMENT COSTS	\$ 339,419.06	339,419.06
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<sup>(1)</sup> See attached Statement for details.

<sup>(2)</sup> Excluding allowance for Overhead and Management Reimbursements.

**FISCAL IMPACT:**

This action will increase the OPA indebtedness to Ten-Ninety, Ltd. in the amount of \$339,419.06 for development costs.

**MOTION:**

Approve staff recommendation.

**Ten-Ninety, Ltd.  
Attention: Ron Beaman  
598 N. Pageant Drive #E  
Orange, CA 92869  
Ph (714) 639-0244 or ronbeaman@earthlink.net**

April 1, 2024

Justin Marietta  
City of Fontana  
8353 Sierra Ave.  
Fontana, CA 92334-0518

Hello Justin:

Enclosed is the Quarterly Statement of Development Costs  
for the period of January 1, 2024 through March 31, 2024.  
Supporting documentation is also enclosed for your review.

Ten-Ninety also received \$ 1,455,006.00 of tax increment in the 1st quarter  
of 2024 (attached). According to the Dawn Brooks April 4, 2017 email  
(attached), I am leaving line 7a as \$0. The City received \$0. If you  
would like to have me state this differently, please let me know.

Sincerely,  
TEN-NINETY, LTD.

A handwritten signature in cursive script that reads "Ron Beaman".

Ron Beaman

**TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE**  
**Quarterly Statement of Development Costs**  
**for the period January 1 through March 31, 2024**

3/29/24 8:26 AM

<u>Items</u>	<u>Costs</u>	
	<u>Paid</u>	<u>Anticipated</u>
A. Payments to the City of Fontana, Special Trust Fund-Jurupa Hills Redevelopment Project for disbursement as follows: None	<u>\$0.00</u>	
B. Payments to City of Fontana, Special Trust Fund Assessment District Disbursement as follows: None	<u>\$0.00</u>	
1. Planning, Engineering, Design and Architectural costs, as follows: None	<u>\$0.00</u>	
2. See Below		
3. Property Taxes: A. Open Space	<u>\$0.00</u>	
Total Item #3	<u>\$0.00</u>	
4 See Below		
5. Environmental impact reports and environmental assessment documents, etc., as follows: None	<u>\$0.00</u>	
6. Legal, financial, consultant and other professional service costs as follows:	<u>0.00</u>	
	<u>0.00</u>	
	<u>0.00</u>	

March 31, 2024

**TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE**  
**Quarterly Statement of Development Costs**  
**for the period January 1 through March 31, 2024**

3/29/24 8:26 AM

<u>Items</u>	<u>Costs</u>	
	<u>Paid</u>	<u>Anticipated</u>
7. Residual Tax Revenues, sewer, & assessment fees (City & Agency share) per section 2.3(a)(i) & (ii) of Owner Participation Agreement, Amendment No. 3		
A. Tax Increment (35%)		
\$0 @ 35% (See att'd email from D. Brooks)	0.00	
B. Sewer Connection Fees (50%)	0.00	
C. Assessments (50%) - DeClez Storm Drain		
\$580,203.52 @ 50%	290,101.76	
	<u>290,101.76</u>	
8. Loans, financial commitments and other financing costs, as follows:		
A. Department of Housing & Urban Development, Title X, Phase III loan costs:		
None	\$0.00	
B. Department of Housing & Urban Development, Title X, Phase III loan interest	0.00	
C. 1994 Refunding Tax Allocation Bonds Costs		
Total Item #8	<u>0.00</u>	
9. <u>Phase III</u>		
Fontana Redevelopment Agency - Info Obligation	0.00	
Fontana Redevelopment Agency - L/C Fees	0.00	
	<u>0.00</u>	
Total Item #9	<u>\$0.00</u>	
Total Development Costs for the period REQUIRING approval pursuant to paragraph 2.7 of the Fontana Redevelopment Agency Owner Participation Agreement (Items A,B,1,3, and 5, 6, 8 & 9)	<u>\$0.00</u>	

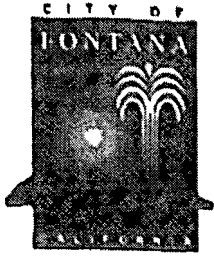
March 31, 2024

**TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE**  
**Quarterly Statement of Development Costs**  
**for the period January 1 through March 31, 2024**

3/29/24 8:26 AM

<u>Items</u>	<u>Costs</u>	
	<u>Paid</u>	<u>Anticipated</u>
10. Development Costs for the period NOT REQUIRING approval pursuant to para- graph 2.7 of the F.R.A.O.P.A.		
See Item 7	<u>290,101.76</u>	
Total Development Costs for the period excluding the allowance for overhead and management reimbursements.	<u>290,101.76</u>	
2. Allowance for overhead reimbursement as computed pursuant to Amendment No. 1 to Fontana Redevelopment Owner Par- ticipation Agreement:		
Development Costs for the period for the period January 1 through March 31, 2024 excluding the allowance for overhead and management reimbursement of 290,101.76 (per above) @12%		\$34,812.21
4 Allowance for management reimbursement as computed pursuant to Amendment No. 1 to Fontana Redevelopment Agency Owner Participation Agreement:		
Development Costs for the period for the period January 1 through March 31, 2024 excluding the allowance for overhead and management reimbursement of 290,101.76 (per above) @5%		\$14,505.09
Total Development Costs for the period	<u>\$339,419.06</u>	

March 31, 2024



# City of Fontana CALIFORNIA

February 13, 2024

Ms. Dede Vega  
City National Bank  
555 S. Flower Street, 11<sup>th</sup> Floor  
Los Angeles, CA 90071

Dear Ms. Vega:

The City of Fontana, the Successor Agency to the former Fontana Redevelopment Agency, and Ten-Ninety, Limited, hereby request and authorize City National Bank as fiscal agent pursuant to the Amended Fiscal Agent Agreement dated January 1, 1992, to release and disburse from those funds it holds in escrow (#46901018) to the following parties:

	Amount
Ten-Ninety, Limited	\$ 110,939.63
Pachulski Law Firm (10% withholding amount)	0.00
Fontana OPA Holdings, LLC (33.33% withholding amount)	55,470.00
City of Fontana	166,409.62
Total	<u>\$ 332,819.25</u>

Upon payment of the above amounts, these joint instructions to the Fiscal Agent shall no longer be in effect.

CITY OF FONTANA

\_\_\_\_\_  
Officer

Dated: 2/15/24

003 332,819.25 + NCY  
59,392.50 +  
187,991.77 +  
\_\_\_\_\_  
Officer  
580,203.52 \*

166,409.62; 5/24  
29,696.25  
93,995.89 +

003

290,101.76 \*  
\_\_\_\_\_  
5/24

Title: GENERAL COUNSEL

FONTANA OPA HOLDINGS LLC  
A Delaware Limited Liability Company

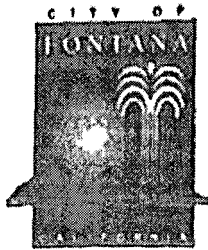
By: \_\_\_\_\_

Dated: 2/15/24

Title: Justin Vinci, COO

[www.fontana.org](http://www.fontana.org)

8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600



# City of Fontana CALIFORNIA

January 11, 2024

Ms. Dede Vega  
City National Bank  
555 S. Flower Street, 11<sup>th</sup> Floor  
Los Angeles, CA 90071

Dear Ms. Vega:

The City of Fontana, the Successor Agency to the former Fontana Redevelopment Agency, and Ten-Ninety, Limited, hereby request and authorize City National Bank as fiscal agent pursuant to the Amended Fiscal Agent Agreement dated January 1, 1992, to release and disburse from those funds it holds in escrow (#46901018) to the following parties:

	<u>Amount</u>
Ten-Ninety, Limited	\$ 19,796.25
Pachulski Law Firm (10% withholding amount)	0.00
Fontana OPA Holdings, LLC (33.33% withholding amount)	9,900.00
City of Fontana	29,696.25
Total	<u>\$ 59,392.50</u>

Upon payment of the above amounts, these joint instructions to the Fiscal Agent shall no longer be in effect.

CITY OF FONTANA

By: [Signature]  
Jessica Brown, Chief Financial Officer

Dated: 1/01/24

Successor Agency to the former  
FONTANA REDEVELOPMENT AGENCY

By: [Signature]  
Jessica Brown, Chief Financial Officer

Dated: 1/11/24

TEN-NINETY, LIMITED  
A California Limited Partnership

By: [Signature]  
Title: GENERAL COUNSEL

Dated: 1/14/24

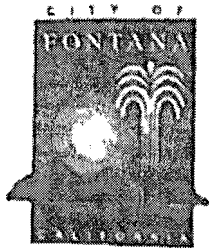
FONTANA OPA HOLDINGS LLC  
A Delaware Limited Liability Company

By: [Signature]  
Title: Justin Vinci, COO

Dated: 1/16/24

[www.fontana.org](http://www.fontana.org)

8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600



# City of Fontana CALIFORNIA

January 11, 2024

Ms. Dede Vega  
City National Bank  
555 S Flower Street, 11<sup>th</sup> Floor  
Los Angeles, CA 90071

Dear Ms. Vega,

The City of Fontana, the Successor Agency to the former Fontana Redevelopment Agency, and Ten-Ninety, Limited hereby request and authorize City National Bank as fiscal agent pursuant to the Amended Fiscal Agent Agreement dated January 1, 1992, to release and disburse from those funds it holds in escrow (#46901018) to the following parties:

	Amount
Ten-Ninety, Limited	\$ 62,665.88
Pachulski Law Firm (10% withholding amount)	0 00
Fontana OPA Holdings, LLC (33.33% withholding amount)	31,330.00
City of Fontana	93,995.89
Total	<u>\$ 187,991.77</u>

Upon payment of the above amounts, these joint instructions to the Fiscal Agent shall no longer be in effect.

CITY OF FONTANA

By: [Signature]  
Jessica Brown, Chief Financial Officer

Dated: 1/11/24

Successor Agency to the former  
FONTANA REDEVELOPMENT AGENCY

By: [Signature]  
Jessica Brown, Chief Financial Officer

Dated: 1/11/24

TEN-NINETY, LIMITED  
A California Limited Partnership

By: [Signature]  
Title: GENERAL COUNSEL

Dated: 1/14/24

FONTANA OPA HOLDINGS LLC  
A Delaware Limited Liability Company

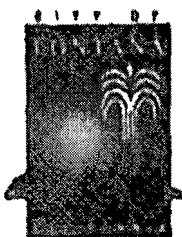
By: [Signature]  
Title: Justin Vinci, COO

Dated: 1/16/24

[www.fontana.org](http://www.fontana.org)

8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600





# City of Fontana CALIFORNIA

January 8, 2024

Ms. Dede Vega  
City National Bank  
555 S. Flower Street, 11<sup>th</sup> Floor  
Los Angeles, CA 90071

Dear Ms. Vega:

The City of Fontana, the Successor Agency to the former Fontana Redevelopment Agency, and Ten-Ninety, Limited, hereby request and authorize City National Bank as fiscal agent pursuant to the Amended Fiscal Agent Agreement dated January 1, 1992, to release and disburse from those funds it holds in escrow (#46901018) to the following parties:

	Amount
Ten-Ninety, Limited	\$ 824,503.40
Pachulski Law Firm (10% withholding amount)	145,500.60
Fontana OPA Holdings, LLC (33.33% withholding amount)	485,002.00
City of Fontana	0.00
Total	<u>\$ 1,455,006.00</u>

Upon payment of the above amounts, these joint instructions to the Fiscal Agent shall no longer be in effect.

CITY OF FONTANA

By: \_\_\_\_\_

Jessica Brown, Chief Financial Officer

Dated: 1/8/24

Successor Agency to the former  
FONTANA REDEVELOPMENT AGENCY

By: \_\_\_\_\_

Jessica Brown, Chief Financial Officer

Dated: 1/8/24

TEN-NINETY, LIMITED  
A California Limited Partnership

By: \_\_\_\_\_

Title: GENERAL COUNSEL

Dated: 1/9/24

FONTANA OPA HOLDINGS LLC  
A Delaware Limited Liability Company

By: \_\_\_\_\_

Title: CFO JUSTIN VINCI

Dated: 1/9/24

[www.fontana.org](http://www.fontana.org)

8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

## Successor Agency

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**File #:** 21-2967

**Agenda #:** C.

**Agenda Date:** 4/23/2024

**Category:** Consent Calendar

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### FROM:

Administrative Services

### SUBJECT:

Approving an Amendment to its Long-Range Property Management Plan Pursuant to Health and Safety Code Section 34191.5 and Approving Sale of Real Property by the Successor Agency to the City of Fontana.

### RECOMMENDATION:

1. Adopt **Resolution No. SAR 2024-004**, Approving an Amendment to its Long-Range Property Management Plan, Pursuant To Health And Safety Code Section 34191.5; and
2. Adopt **Resolution No. SAR 2024-005**, Approving the Sale of Real Property Identified as APN 0228-301-51 - Located at Citrus And South Highland Avenues - To The City of Fontana and Authorizing the Executive Director or Designee To Negotiate and Execute a Purchase and Sale Agreement on Behalf of the Successor Agency to the Fontana Redevelopment Agency and to Take Certain Actions Related Therewith.

### COUNCIL GOALS:

- To operate in a businesslike manner
- To promote economic development by pursuing business development, retention, expansion and attraction

### DISCUSSION:

In 2008, prior to the dissolution of redevelopment agencies, the former Fontana Redevelopment Agency purchased from the State of California, Department of Transportation, certain real property then identified as parcel DD 015496-01-01 comprised of eight parcels, (also known as Lots 21-31 of Tract No. 3348, Highland Haven M.B. 47/14-16), now identified with APN 0228-301-51 (the "Property"), with a common location west of Citrus Avenue and north of South Highland Avenue. The Director's Deed for the Property was recorded with the San Bernardino County Recorder's Office in the Official Records of the County of San Bernardino. It was recently discovered that it was recorded mistakenly in the name of the City of Fontana and not the Fontana Redevelopment Agency.

As required by AB 1484, enacted in June of 2012, the Successor Agency to the Fontana Redevelopment Agency prepared a Long-Range Property Management Plan (LRPMP) pursuant to Health & Safety Code Section 34191.5. The LRPMP addresses the transfer, disposition and future use of properties previously owned by the former Fontana Redevelopment Agency. The amended LRPMP was approved by the Fontana Oversight Board on June 14, 2013, and approved by the State Department of Finance (DOF) as described in the DOF letter dated May 23, 2014. Due to the above

referenced mistake that occurred when the deed to the Property was recorded by the San Bernardino County Recorder's Office, the Property was not identified as property owned by the former Fontana Redevelopment Agency and, therefore, was mistakenly not listed in the LRPMP.

In 2018 and 2019, the City, under the belief that it owned the Property, conducted a formal Request for Qualifications and Request for Proposal process to facilitate development of the parcels, which included the Property. Following this process in the same year, the City entered into an Exclusive Negotiating Agreement ("ENA") with the selected party, the Ladhar Group. Per the terms of the ENA, the parties would negotiate and execute an agreement for the purchase, acquisition and development of the City owned properties. On January 26, 2021, the City approved the Purchase, Sale and Development Agreement ("PSDA") between the City and Citrus Development LLC (formerly the Ladhar Group) for the commercial and retail development of the City owned properties located on the North West Corner of Citrus Avenue and South Highland Avenue. Recently, the mistake in how the title owner for this Property was recorded by the San Bernardino County Recorder's Office was discovered.

Notwithstanding the mistake that occurred in 2008 when the Director's Deed was recorded, the former Fontana Redevelopment Agency is the property owner and thus technically it is now owned by the Successor Agency by operation of law when the redevelopment agencies were dissolved in 2012.

The Successor Agency would have listed the Property in the LRPMP and desires to sell the Property in the same manner as properties adjacent to and near the Property that had been listed in the approved LRPMP as Property Nos. 20, 21, 22, 29, 30 and 100. These properties are zoned for general commercial and were identified "for sale" by the Successor Agency. Property Nos. 20, 21, 22, 29, 30 and 100 were placed on the market and advertised through the real estate brokerage community in 2014 and in 2015. Subsequent to those offerings, the City offered to purchase, and to which the Successor Agency accepted and sold to the City on April 28, 2015. At that time, reference information in the action report demonstrated a belief in 2015 that the City already owned the Property.

Now, the Successor Agency seeks to amend its LRPMP to include this Property. The amendment to the LRPMP will include the information concerning the Property pursuant to Section 34191.5(c)(1) and address the disposition of the Property held by the former Redevelopment Agency (pursuant to Section 34191.5(c)(2)).

Following approval by the Successor Agency, the LRPMP will be reviewed and considered by the Countywide Oversight Board. When approved by the Oversight Board, the LRPMP will then be formally submitted to the Department of Finance (DOF) for its review and approval. Approval of the amendment to the LRPMP by the Successor Agency will facilitate transfer of the properties previously owned by the former Fontana Redevelopment Agency in compliance with AB 1484.

The City has submitted an offer to purchase the Property identified with APN 0228-301-51 for \$623,505 from the Successor Agency. This Property is part of a larger (commercial zoned) development area located near the corner of South Highland and Citrus Avenue. The City is acquiring this Property to ensure its inclusion as part of the larger commercial development.

Following consideration by the Successor Agency and the Countywide Oversight Board, the recommended property sale "offer" will be submitted to the State Department of Finance for its review

and consideration. The Department of Finance may elect to approve or deny the submitted offer. Based upon the time-frames established for DOF's review and consideration of the recommended offer, it is anticipated that the escrow would close on this Property in late Spring of 2024.

Adoption of the attached Resolutions and approval of the proposed buyer by the Successor Agency will facilitate the sale and disposition of the Property.

**FISCAL IMPACT:**

The fiscal impact associated with the approval of this item is an estimated \$623,505 in revenue from the sale of the property.

**MOTION:**

Approve staff recommendation

**RESOLUTION NO. SAR 2024- \_\_\_\_\_**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY APPROVING AMENDMENT TO ITS LONG-RANGE PROPERTY MANAGEMENT PLAN, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5**

**WHEREAS**, pursuant to Health and Safety Code Section 34173(d), the City of Fontana became the successor agency to the former Fontana Redevelopment Agency (“Successor Agency”); and

**WHEREAS**, pursuant to Health and Safety Code Section 34173(g), the Successor Agency is a separate legal entity from the City; and

**WHEREAS**, Health and Safety Code Section 34191.5(b) requires the Successor Agency to prepare a “long-range property management plan” (“LRPMP”) addressing the future disposition and use of all real property of the former Fontana Redevelopment Agency; and

**WHEREAS**, Health and Safety Code Section 34191.5(b) also requires the Successor Agency to submit the LRPMP to the Countywide Oversight Board (established pursuant to Health and Safety Code Section 34179(a)) (“Oversight Board”) and the State of California Department of Finance (“DOF”) for review and approval no later than six months following the issuance to the Successor Agency of a finding of completion pursuant to Health and Safety Code Section 34179.7; and

**WHEREAS**, the Successor Agency prepared a LRPMP containing all of the information required by Health and Safety Code Section 34191.5 that was approved by the Fontana Oversight Board (“FOB”) and submitted to DOF on June 18, 2013 for review and approval in accordance with applicable law; and

**WHEREAS**, due to the DOF’s objection to the classification of certain real property in the LRPMP, the Successor Agency was directed to revise its LRPMP and resubmit for approval to the DOF after the FOB had approved the revised LRPMP (which was approved as indicated by FOB Resolution Nos. FOB 2014-02 and FOB 2014-03); and

**WHEREAS**, on May 23, 2014, the DOF approved the Successor Agency’s LRPMP in its revised form consistent with the direction from the DOF; and

**WHEREAS**, the Successor Agency is amending its LRPMP to address a mistake that was recently discovered pertaining to real property that had not been listed in the approved LRPMP as further described below; and

**WHEREAS**, in 2008 and prior to the dissolution of the Fontana Redevelopment Agency, the Fontana Redevelopment Agency purchased from the State of California

Department of Transportation (the "State") that certain real property then identified as parcel DD 015496-01-01 comprised of eight parcels, (also known as Lots 21-31 of Tract No. 3348, Highland Haven M.B. 47/14-16), now identified with APN 0228-301-51 (the "Property"), with a common location west of Citrus Avenue and north of South Highland Avenue; and

**WHEREAS**, the purchase of the Property from the State was consummated by recordation of that certain Director's Deed, recorded on August 6, 2008 in the Official Records of the County of San Bernardino, as Instrument No. 2008-0359351, granting the Property by the State of California, acting by and through its Director of Transportation, to the Fontana Redevelopment Agency with a certificate of acceptance providing that the acceptance of the property interest was by the City of Fontana; and

**WHEREAS**, unbeknownst to the City, the Fontana Redevelopment Agency, Successor Agency, the 2008 transfer of this Property was mistakenly recorded as vesting in favor of the City of Fontana by the San Bernardino County Recorder's Office and the land with Assessor's Parcel Number 0228-301-51 was recorded as being owned by the City of Fontana; and

**WHEREAS**, when the Successor Agency was identifying any real property that should be listed in the LRPMP, the Property was inadvertently (due to the aforementioned mistake) not included in the LRPMP, but would have been listed, but for the error that occurred in 2008 when the Property was recorded as being owned by the City of Fontana; and

**WHEREAS**, the Property is part of a larger (commercial zoned) development area, located north of South Highland Avenue and west of Citrus Avenue; and

**WHEREAS**, the Successor Agency proposes amending its LRPMP to add the Property and designate it for Sale of Property and submit to seek approval by the Oversight Board and approval by DOF thereafter.

**NOW, THEREFORE, THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY OF THE CITY OF FONTANA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the amendment to the LRPMP through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act ("CEQA"). The Successor Agency Secretary is authorized to file a Notice of Exemption in accordance with CEQA with the appropriate official of the County of San Bernardino, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of Revisions to the LRPMP.** The Successor Agency hereby approves the following described revisions to the LRPMP:

Property No. \_\_\_\_\_ (APNs 0228-301-510000), Citrus Highland (Fite) Development, is classified as “Sale of Property.”

**Section 4. Successor Agency Acknowledgment of Distribution of Net Sale Proceeds.** Regarding the property classified as “Sale of Property” in the LRPMP (as revised by this Resolution), the Successor Agency asserts no claim to the net proceeds from the sales of these properties, after deduction of the costs of sale, and intends to transmit such net sale proceeds to the County of San Bernardino Auditor-Controller for distribution to the affected taxing entities in accordance with applicable law.

**Section 5. Transmittal of LRPMP.** The Successor Agency Executive Director is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law, including submitting the amendment to the LRPMP made by this Resolution to the Oversight Board and DOF for review and approval, preparing a revised LRPMP, if required by DOF, submitting any such revised LRPMP to the Oversight Board and to DOF for review and approval and posting the revisions to the LRPMP made by this Resolution and/or any revised LRPMP on the Successor Agency’s website.

**Section 6. Certification.** The Successor Agency Secretary shall certify to the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Successor Agency to the Fontana Redevelopment Agency on this \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST**

\_\_\_\_\_  
Successor Agency Secretary, City Clerk of the City of Fontana  
Acting Ex-Officio Clerk of the Successor Agency  
to the Fontana Redevelopment Agency

**RESOLUTION NO. SAR 2024-\_\_\_\_\_**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY APPROVING THE SALE OF REAL PROPERTY IDENTIFIED AS APN 0228-301-51 – LOCATED AT CITRUS AND SOUTH HIGHLAND AVENUES - TO THE CITY OF FONTANA AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT ON BEHALF OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY AND TO TAKE CERTAIN ACTIONS RELATED THEREWITH**

**WHEREAS**, California Assembly Bill No. 26 (“AB X1 26”) enacted on June 29, 2011, dissolved all redevelopment agencies and community development agencies in existence in the State of California as of February 1, 2012 and designated successor agencies to administer the dissolution and wind down of the former redevelopment agencies; and

**WHEREAS**, pursuant to Health and Safety Code Section 34173(d), the City of Fontana (“City”) elected to become the Successor Agency to the dissolved Fontana Redevelopment Agency (the “Successor Agency”), as confirmed by Resolution No. 2012-001 adopted on January 10, 2012, and pursuant to Health and Safety Code Section 34173(g), the Successor Agency is a separate legal entity from the City; and

**WHEREAS**, in accordance with Health and Safety Code Section 34191.5, the Successor Agency prepared a long-range property management plan (“LRPMP”) that addresses the disposition and use of the real properties of the former Fontana Redevelopment Agency; and

**WHEREAS**, the revised LRPMP was approved by the Fontana Oversight Board on May 15, 2014 and the California Department of Finance on May 23, 2014; and

**WHEREAS**, in 2008 and prior to the dissolution of the Fontana Redevelopment Agency, the Fontana Redevelopment Agency purchased from the State of California Department of Transportation (“State”) that certain real property then identified as parcel DD 015496-01-01 comprised of eight parcels, (also known as Lots 21-31 of Tract No. 3348, Highland Haven M.B. 47/14-16), now identified with APN 0228-301-51 (“Property”), with a common location west of Citrus Avenue and north of South Highland Avenue; and

**WHEREAS**, the purchase of the Property from the State was consummated by recordation of that certain Director’s Deed, recorded on August 6, 2008 in the Official Records of the County of San Bernardino, as Instrument No. 2008-0359351, granting the Property by the State of California, acting by and through its Director of



Transportation, to the Fontana Redevelopment Agency with a certificate of acceptance providing that the acceptance of the property interest was by the City of Fontana; and

**WHEREAS**, unbeknownst to the City, the Fontana Redevelopment Agency, the RDA Successor Agency, the 2008 transfer of this Property was mistakenly recorded as vesting in favor of the City of Fontana by the San Bernardino County Recorder's Office and the land with Assessor's Parcel Number 0228-301-51 was recorded as being owned by the City of Fontana; and

**WHEREAS**, when the Successor Agency was identifying any real property that should be listed in the LRPMP, the Property was inadvertently not included in the LRPMP, but would have been listed, but for the error that occurred in 2008 when the Property was recorded as being owned by the City of Fontana; and

**WHEREAS**, the Property is part of a larger (commercial zoned) development area, located north of South Highland Avenue and west of Citrus Avenue; and

**WHEREAS**, the City has offered to purchase the Property for \$623,505 which the Successor Agency has determined is a fair market value; and

**WHEREAS**, Health and Safety Code Section 34177(e) requires the Successor Agency to dispose of properties of the former redevelopment agency as directed by the Oversight Board, to be done expeditiously and in a manner aimed at maximizing value; and

**WHEREAS**, the Successor Agency, as seller, and City, as Buyer, desire to negotiate and execute a real property purchase and sale agreement, in substantially the form attached hereto as **Exhibit A** and incorporated herein by this reference ("Agreement"), in which the Successor Agency agrees to sell to City and City agrees to purchase from the Successor Agency the Property; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY OF THE CITY OF FONTANA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated herein to this Resolution by this reference.

**Section 2. CEQA Compliance.** Pursuant to California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") and the State and local CEQA Guidelines, the governing board of the Successor Agency determines that its approval of the sale of the Property and authorization to execute the Agreement is not an action that may have a significant effect on the environment, because it is only a transfer of

property. The Successor Agency Secretary is authorized and directed to file a Notice of Exemption with the appropriate official of the County of San Bernardino, California, within five (5) days following the date of adoption of this Resolution.

**Section 3. Approval of the Sale of Property.** The Governing Board of the Successor Agency hereby approves the sale of the Property to Buyer in the amount of \$623,505.

**Section 4. Implementation.** The Executive Director or his/her designee, on behalf of the Successor Agency, is hereby authorized and directed to: (a) negotiate and execute the Agreement with Buyer and to take any action necessary to carry out the purposes of this Resolution in compliance with applicable law, including taking any actions necessary to transfer the Property to Buyer and (b) to take any actions necessary to effectuate the sale of the Property and comply with applicable law regarding the sale of the real property to the City of Fontana, including submission of this Resolution to the Oversight Board for approval with a copy of the purchase and sale documents submitted to the county administrative officer, the county auditor-controller and the Department of Finance at the same time; and submission of the Oversight Board approval to the Department of Finance, and posting on the Successor Agency's Internet Web Site no later than May 31<sup>st</sup>, 2024.

**Section 5. Certification.** The Successor Agency Secretary shall certify to the adoption of this Resolution.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the Successor Agency to the Fontana Redevelopment Agency on this \_\_\_\_ day of \_\_\_\_\_ 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST**

\_\_\_\_\_  
Successor Agency Secretary, City Clerk of the City of Fontana  
Acting Ex-Officio Clerk of the Successor Agency  
to the Fontana Redevelopment Agency



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Cover Report

**File Number: 21-2967**

**File ID:** 21-2967

**Category:** Consent Calendar

**Status:** Agenda Ready

**Version:** 1

**Agenda  
Section:**

**Meeting Type:** Successor Agency

**File Created:** 04/10/2024

**Subject:**

**Final Action:**

**Title:** Approving an Amendment to its Long-Range Property Management Plan Pursuant to Health and Safety Code Section 34191.5 and Approving Sale of Real Property by the Successor Agency to the City of Fontana.

**Internal Notes:**

**Agenda Date:** 04/23/2024

**Agenda Number:** C.

**Sponsors:**

**Enactment Date:**

**Attachments:** SAR Resolution Approve Amendment to LRPMP-c1.docx, SAR Resolution sell RP to City Draft-c1.doc

**Enactment Number:**

**Recommendation:**

**Hearing Date:**

**Entered by:** rebert@fontana.org

**Effective Date:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result: