

**CITY OF FONTANA
REGULAR SUCCESSOR AGENCY MEETING
November 10, 2020
AVAILABLE REMOTELY
7:00 PM**

Due to the evolving situation with the COVID-19 Novel Coronavirus and the health recommendations for social distancing from the Center for Disease Control (CDC)

**THE CITY OF FONTANA SUCCESSOR AGENCY MEETING
SHALL BE AVAILABLE TO THE PUBLIC REMOTELY.**

The general public is encouraged to watch and participate from the safety of their home while practicing social distancing.

The meeting can be viewed:

On Local Cable: KFON Channel 3

Streaming Online: <https://LIVE.FONTANA.ORG>

To speak during the meeting, you must register at live.fontana.org/RegisterCouncil. Once registered, you will be emailed the call-in information. This registration form will be available after the Agenda is posted publicly.

Members of the public must call in at 7:00 p.m. to speak during the meeting, ****Except for comments related to Closed Session Items (noted below).****

Alternatively, you can leave your pre-recorded public comment by calling (909) 600-5502 and leave your comments in a voice mail message no later than 5:00 p.m., on the day of the meeting, to have it played during the meeting. ****Due to technical constraints, public comments for Closed Session Items will only be available via voicemail, please follow the above instructions.**

Welcome to the meeting of the Fontana Successor Agency. To speak during the meeting, you must register at live.fontana.org/RegisterCouncil. Once registered, you will be emailed the call-in information. This registration form will be available after the Agenda is posted publicly. Members of the public must call in at 7:00 p.m. to speak during the meeting, except for comments related to Closed Session Items (noted below). Alternatively, you can leave your pre-recorded public comment by calling (909) 600-5502 and leave your comments in a voice mail message no later than 5:00 p.m., on the day of the meeting, to have it played during the meeting. *Due to

technical constraints, public comments for Closed Session Items will only be available via voicemail, please follow the above instructions. In compliance with Section 202 of the Americans with Disabilities Act of 1990 42 U.S.C Sec. 12132 and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerks Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número 350-7602.

CALL TO ORDER/ROLL CALL:

- A. 7:00 P.M. Call the Meeting to Order**

PUBLIC COMMUNICATIONS:

This is an opportunity for citizens to speak to the Successor Agency 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 the Agency votes on them, unless a member of the Agency 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**

Approve the Minutes of the May 12, 2020, Regular Successor Agency Meeting.

- B. Ten-Ninety, Ltd. – Third Quarter Statement of Development Costs – July 1, 2020 through September 30, 2020**

Approve the Reimbursement of Ten-Ninety, Ltd., 2020 Third Quarter Statement of Development Costs, in the amount of \$351,490.40 (Jurupa Hills Redevelopment Project).

Approve Consent Calendar Item(s).

ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:

A. Elected Officials Communications/Committee Reports

EXECUTIVE DIRECTOR'S COMMUNICATIONS:

A. Executive Director Communications

ADJOURNMENT:

A. Adjournment

**MINUTES OF THE CITY OF FONTANA
REGULAR SUCCESSOR AGENCY MEETING
May 12, 2020
AVAILABLE REMOTELY**

CALL TO ORDER/ROLL CALL:

A. 7:00 P.M. Call the Meeting to Order

The Regular Meeting of The City of Fontana Successor Agency was held remotley on Tuesday, May 12, 2020. Chairperson Cothran called the meeting to order at 7:57 p.m.

ROLL CALL:

Present: Chairperson Cothran, Vice-Chairperson Armendarez, Agency Members Warren, Roberts, and Sandoval.

Absent: None

PUBLIC COMMUNICATIONS:

A. Public Communications

There were no public communications received.

CONSENT CALENDAR:

ACTION: Motion was made by Agency Member Sandoval, seconded Agency Member Warren, and passed by a vote of 5-0 to approve Consent Calendar Items "A-B" (AYES: Warren, Armendarez, Roberts, Sandoval, and Cothran; NOES: None; ABSENT: None) as follows:

A. Approval of Minutes

Approve the Minutes of the April 28, 2020, Regular Successor Agency Meeting.

B. Appointment of Chairperson and Vice-Chairperson for the Fontana Successor Agency

Adopt **Resolution No. SAR 2020-001**, appointing Phillip Cothran as Chairperson and Jesse Armendarez as Vice-Chairperson of the Fontana Successor Agency for a term of one year.

ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:

A. Elected Officials Communications/Committee Reports

There were no Elected Official communications received.

EXECUTIVE DIRECTOR'S COMMUNICATIONS:

A. Executive Director Communications

There were no Executive Director communications received.

ADJOURNMENT:

The Fontana Successor Agency meeting was adjourned by consensus at 7:58 p.m.

Tonia Lewis
Agency Secretary

Phillip Cothran
Chairperson

**ACTION REPORT
November 10, 2020**

FROM: Administrative Services

SUBJECT: Ten-Ninety, Ltd. – Third Quarter Statement of Development Costs – July 1, 2020 through September 30, 2020

RECOMMENDATION:

Approve the Reimbursement of Ten-Ninety, Ltd., 2020 Third Quarter Statement of Development Costs, in the amount of \$351,490.40 (Jurupa Hills Redevelopment Project).

COMMITTEE GOALS:

- * To practice sound fiscal management by fully funding liabilities and reserves.
- * To 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 2020 Third 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 ⁽¹⁾ ⁽²⁾ | \$ 300,419.14 | 300,419.14 |
| Overhead Reimbursement @ 12% | \$ 36,050.30 | 36,050.30 |
| Management Reimbursement @ 5% | \$ 15,020.96 | 15,020.96 |
| TOTAL DEVELOPMENT COSTS | \$ 351,490.40 | 351,490.40 |

(1) See attached Statement for details.

(2) Excluding allowance for Overhead and Management Reimbursements.

FISCAL IMPACT:

This action will increase the OPA indebtedness to Ten-Ninety, Ltd. in the amount of \$351,490.40 for development costs.

MOTION:


Approve staff recommendation.

SUBMITTED BY:

REVIEWED BY:


Lisa Strong
Management Services Director

APPROVED BY:


Mark Denny
City Manager

ATTACHMENTS:

| Description: | Type: |
|--|-----------------|
| 2020 Q3 Ten Ninety Quarterly Statement | Backup Material |

ITEM: CC-B

TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE
Quarterly Statement of Development Costs
For the period July 1 through September 30, 2020

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

TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE
Quarterly Statement of Development Costs
For the period July 1 through September 30, 2020

| <u>Items</u> | <u>Costs</u> | |
|--|------------------|--------------------|
| | <u>Submitted</u> | <u>Recommended</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%) \$ - @ 35% | \$0.00 | \$0.00 |
| B. Sewer Connection Fees (50%) | \$0.00 | \$0.00 |
| C. Assessments (50%) - DeClez Storm Drain \$ 600,838.29 @ 50% | \$300,419.14 | \$300,419.14 |
| TOTAL ITEM #7 | \$300,419.14 | \$300,419.14 |
| 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 | \$0.00 |
| B. Department of Housing & Urban Development, Title X, Phase III loan interest: | \$0.00 | \$0.00 |
| C. 1994 Refunding Tax Allocation Bonds Costs Per Section 4.1.3.2(i)- San Bernardino County | \$0.00 | \$0.00 |
| TOTAL ITEM #8 | \$0.00 | \$0.00 |

TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE
Quarterly Statement of Development Costs
For the period July 1 through September 30, 2020

| <u>Items</u> | <u>Submitted</u> | <u>Recommended</u> |
|--|------------------|--------------------|
| 9. <u>Phase III</u> | | |
| Fontana Redevelopment Agency - Information Obligation | \$0.00 | \$0.00 |
| Fontana Redevelopment Agency - L/C Fees | \$0.00 | \$0.00 |
| | \$0.00 | \$0.00 |
| TOTAL ITEM #9 | \$0.00 | \$0.00 |
| Total Development Costs for the period <u>REQUIRING</u> approval pursuant to paragraph 2.7 of the Fontana Redevelopment Agency Owner Participation Agreement (Items A,B,1,3 and 5, 6, 8 & 9) | | |
| | \$0.00 | \$0.00 |
| 10. Development Costs for the period <u>NOT</u> <u>REQUIRING</u> approval pursuant to para- graph 2.7 of the F.R.A.O.P.A. | | |
| See Item 7 | \$300,419.14 | \$300,419.14 |
| Total Development Costs for the period excluding the allowance for overhead and management reimbursements. | \$300,419.14 | \$300,419.14 |
| 11. 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 July 1 through September 30, 2020 excluding the allowance for overhead and management reimbursement of 300,419.14 (per above) @ 12% | \$36,050.30 | \$36,050.30 |

TEN-NINETY, LTD. - SOUTHRIDGE VILLAGE
Quarterly Statement of Development Costs
For the period July 1 through September 30, 2020

| <u>Items</u> | <u>Submitted</u> | <u>Costs</u> <u>Recommended</u> |
|--|---|---|
| <p>12. Allowance for management reimbursement as computed pursuant to Amendment No. 1 to Fontana Redevelopment Agency Owner Participation Agreement:</p> <p style="margin-left: 40px;">Development Costs for the period For the period July 1 through September 30, 2020 excluding the allowance for overhead and management reimbursement of 300,419.14 (per above) @ 5%</p> | <p style="margin-left: 40px;">\$15,020.96</p> | <p style="margin-left: 40px;">\$15,020.96</p> |
| TOTAL DEVELOPMENT COSTS FOR THE PERIOD | <p>\$351,490.40</p> | <p>\$351,490.40</p> |