

**Regular Council Meeting**  
**01/13/2022**

RECEIVED



**Information Packet**

**ITEM(S)**

**File ID 22-74, 1-K**

**RESOLUTION - Finding good cause and clear and convincing benefit to vary from the Request for Proposals process outlined in the Fresno Municipal Code Section 4-204 relating to the disposition of real surplus property APN 507-030-48ST (Herndon & Brawley) (Council District 2) (Requires 5 Affirmative Votes).**

**Contents of Supplement:**

**Revised Resolution (#4 added to third page of resolution)**

**Item(s)**

**Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

**Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, FINDING GOOD CAUSE AND  
CLEAR AND CONVINCING BENEFIT TO THE PUBLIC  
PURSUANT TO FRESNO MUNICIPAL CODE SECTION 4-  
204 RELATING TO THE DISPOSITION OF REAL SURPLUS  
PROPERTY 507-030-48ST (HERNDON & BRAWLEY)

WHEREAS, the property located at the southwest corner of West Herndon and North Brawley Avenues (APN 507-030-48ST) was previously declared surplus in March 2020 by Resolution No. 2020-056 and proper noticing to developers was thereafter completed in compliance with the Surplus Land Act; and

WHEREAS, Fresno Municipal Code (FMC) Section 4-204 details the additional steps which may be required to dispose of real property and conduct a request for proposals (RFP) process; and

WHEREAS, FMC 4-204 states, in part: “Real property may be sold, encumbered by an option, or leased for period exceeding five years only after an open and competitive request for proposals (RFP) process initiated by Council action and in compliance with state law concerning disposition of surplus land; exclusive negotiating agreements shall not be permitted.”

WHEREAS, FMC 4-204(a)(1) states: “An evaluation committee, to be selected prior to publication of the RFP, shall interview proposers, review and rank all proposals based on a predetermined set of criteria as set forth in the RFP, and make recommendations for selection to present to Council for approval. The committee at a minimum shall consist of two employees from the affected department as well as at least two employees and/or members of the public. The composition of the committee shall be

at the discretion of the City Manager. Information provided to and prepared by the committee shall not be deemed a public record until such time as a contract shall be placed on the agenda for Council consideration.”

WHEREAS, prior to the passing of this new ordinance, the City through its real estate broker had listed and advertised the property for sale and since then has received multiple offers to purchase the parcel; and

WHEREAS, an exception to the RFP process may be provided where the Council finds good cause and clear and convincing benefits to the public to do so with a supermajority approval of at least five votes; and

WHEREAS, Council recognizes that this parcel in particular has been historically undevelopable due to restrictions related to the proximity to Sierra Sky Park Airport which severely limits the density and eligible uses of the property; and

WHEREAS, there is good cause to expedite the RFP process and bypass the selection of a formal committee and allow the City Manager’s Office to work with the Economic Development Department to issue the RFP; and

WHEREAS, the City has a significant interest in encouraging development and eliminating blight whenever possible; and

WHEREAS, development of this property would also generate revenue for the City through the tax rolls and confer further benefit to the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council hereby makes findings of good cause and clear and convincing benefit to the public to vary from the provisions contained within FMC Section 4-204 and make an exception to the RFP process as detailed below.

2 Staff is directed to expedite the RFP process, bypass the selection of a formal committee, and allow the City Manager's Office to work with the Economic Development Department to issue the RFP and allow 14 days for additional RFP's to be submitted.

3. Staff shall request proposers to submit their "Last, Best and Final" offer, which will be used to support a recommendation to the Council as to which proposer should be selected to purchase the property, or to reject all proposals, including rankings of the top three proposers, along with a written explanation for the rankings, and/or rejection of the proposals.

4. All proposals received by the City shall be made public and provided to the Council.

5. Staff will continue negotiations and return to Council for approval of a Formal Agreement when terms and conditions have been finalized.

6. This resolution shall be effective upon final approval.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Taylor W. Rhoan Date  
Deputy City Attorney



# Exhibit Map



Aerial Imagery by Nearmap July 21st, 2021

Prepared by Planning and Development Department

Disclaimer: This map is believed to be an accurate representation, however we make no warranties for correctness of this data.

APN: 507-030-48ST  
6785 N Brawley Avenue

## Legend

 Subject Property

0 200 400 800 Feet

