

### THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT (Amendment) is effective as of September 30, 2024, (the Effective Date) and amends the Agreement entered into between the CITY OF FRESNO, a California Municipal Corporation (City), and Fresno Area Hispanic Foundation, a California Non-profit Corporation (Administrator).

#### RECITALS

WHEREAS, City and Administrator entered into an Agreement dated September 28, 2023, for the Business Façade Improvement Program (Agreement); and

WHEREAS, City and Administrator executed the First Amendment to the Agreement dated October 5, 2023, for the Business Façade Improvement Program (First Amendment); and

WHEREAS, City and Administrator executed the Second Amendment to the Agreement dated June 30, 2024, for the Business Façade Improvement Program (Second Amendment); and

WHEREAS, City and Administrator now desire to execute a Third Amendment to the agreement to modify the scope of services and extend the term of the agreement to December 31, 2025; and

WHEREAS, by entry into this Amendment, the Administrator agrees it has no claim, demand or dispute with the City.

#### AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual promises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree as follows:

1. **Term.** The term of the Agreement shall continue in full forth and effect through December 31, 2025.
2. **Revised Exhibit A** is deleted in its entirety and shall be replaced with the "Third Revision of Exhibit A" attached hereto reflect the changes in Scope of Work.
3. In the event of any conflict between the body of this Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.
4. Except as otherwise provided herein, the Agreement entered into by the City and Administrator, dated September 28, 2023, remains in full force and effect.

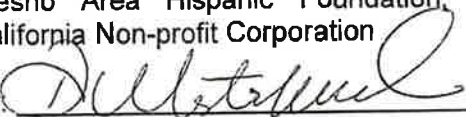
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

CITY OF FRESNO,  
a California municipal corporation

Fresno Area Hispanic Foundation, a  
California Non-profit Corporation

By: \_\_\_\_\_  
Georgeanne A. White  
City Manager

By: 

Name: Dana Westlund

Title: CEO

(If corporation or LLC., Board Chair,  
Pres. or Vice Pres.)

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By:   
for Angela M. Karst Date  
Senior Deputy City Attorney

By: 

Name: Roberto Perez

Title: Treasurer

(If corporation or LLC., CFO,  
Treasurer, Secretary or Assistant  
Secretary)

ATTEST:  
TODD STERMER, CMC  
City Clerk

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

**THIRD REVISION OF  
EXHIBIT A  
SCOPE OF WORK, BUDGET AND METRICS  
EXECUTIVE SUMMARY**

The City of Fresno Small Business Façade Improvement Grant Program for District 1 and District 4 (District 1/District 4 Program) provides \$1,000,000 for façade improvements of buildings and eligible commercial businesses and/or non-profits located in the City of Fresno within Districts 1 and 4. An additional \$400,000 is also allocated for façade improvements for eligible businesses and non-profits in the areas of Chinatown and Downtown (Chinatown/Downtown Program). These programs are designed to fund physical improvements to commercial buildings or business facades visible from public rights-of-way. The intent is to strengthen the economic vitality of Fresno by improving the exterior physical appearances of qualified entities. The appearance of these storefronts is believed to have a significant influence on economic success. By improving their physical appearance, businesses and/or non-profits will have a much greater potential for attracting and retaining customers. Both programs shall be funded by the General Fund.

**DISTRICT 1/DISTRICT 4 PROGRAM:**

Funding of individual façade improvement projects will be provided for project costs that meet specific criteria. The District 1/District 4 Program provides for funding to an approved applicant of 100% of the costs actually paid for certain façade improvements identified in the program with a maximum reimbursement of up to \$25,000 for single storefront properties and up to \$50,000 for properties with multiple storefronts in District 1 and a maximum reimbursement of up to \$40,000 for single storefront properties and up to \$75,000 for properties with multiple storefronts in District 4. Only exterior renovations of existing businesses and non-profits qualify. The funding will be split equally between Districts 1 and 4; of the \$450,000 allocated to District 4; up to \$100,000 shall be prioritized for non-profits.

**CHINATOWN/DOWNTOWN PROGRAM:**

The Chinatown/Downtown Program offers approved applicants in the Chinatown and Downtown areas funding of up to \$20,000 for specific façade improvements. Approved applicants must provide a 25% match of the total approved grant amount. Only exterior renovations of existing businesses and non-profits may qualify.

New construction is NOT eligible under either program.

**GOALS AND OBJECTIVES**

It is anticipated that the District 1/District 4 Program will provide 25 - 50 façade grants and the Chinatown/Downtown Program will provide 18 façade grants. Both programs are dependent on the number and type of qualified applications that are received and selected for funding. Eligible applicants shall be selected on a first come first serve basis.

**BUDGET:**

Façade Improvement Grants to Qualified Businesses	District 1/District 4 Program: \$900,000 to be split equally between Districts 1 and 4.  Chinatown/Downtown Program: \$360,000 to be granted to businesses located in Chinatown and Downtown.
Grant Management and Administration • Marketing • Overhead • Staffing • Other grant management costs • Application assistance	District 1/District 4 Program: \$100,000  Chinatown/Downtown Program: \$40,000
<b>TOTAL</b>	<b>\$1,400,000</b>

**PROGRAM QUALIFICATIONS AND CRITERIA:**

Existing Properties with Single Storefront	District 1/District 4 Program Maximum Reimbursement: District 1 \$25,000/District 4 \$40,000  Chinatown/Downtown Program: up to \$20,000 per business with a required 25% match.
Existing Properties with Multiple	District 1/District 4 Program Maximum Reimbursement: District 1 \$50,000/District 4 \$75,000  Chinatown/Downtown Program: N/A
Other Criteria	<ol style="list-style-type: none"> <li>1. Applicant must be physically located and operating in the City of Fresno in an area designated on the maps attached (Maps - Exhibit B).</li> <li>2. Only EXTERIOR facade renovations of EXISTING businesses and non-profits are eligible.</li> </ol>

3. All historic properties must comply with the Secretary of the Interior Standards for the Rehabilitation of Historic Structures and receive approval from the City of Fresno Historic Preservation Commission.
4. All work must be performed by a verified licensed contractor with a valid City of Fresno Business Tax Certificate.
5. Preference will be given to locally owned and operated applicants.
6. Workforce – eligible applicants will have fewer than 75 employees.
7. Eligible applicants must have a valid City of Fresno Business Tax Certificate and non-profits must provide applicable entity documents.
8. The following types of businesses are not eligible to receive grant funds: smoke shops, cannabis related businesses, liquor stores, banks, law firms and government offices.

**District 1/District 4 Program Additional Criteria:**

1. Businesses with the boundary of the Tower District Design Guidelines shall first obtain approval from the Tower District Design Review Committee prior to commencing any façade improvements.

**Chinatown/Downtown Program Additional Criteria:**

1. Businesses must be currently in operation at the qualified location.
2. A 25% match is required. This requirement can be retroactively fulfilled in the six (6) months prior to application. Proper documentation must be provided.

	<p>3. Priority to be given to businesses in the Infill Infrastructure Grant – Catalytics Qualifying Area (IIGC Project Boundary) (see map)</p>
<p>Other Eligibility Requirements</p>	<p>1. If a tenant business owner is applying, a signed letter from the building owner approving the project must be submitted.  2. Proof of appropriate insurance for the contractor must be provided.  3. Must receive quotes from at least 2-3 potential contractors. Not applicable to the Chinatown/Downtown Program.  4. Application must be completed and approved with all proper documentation and required attachments before work can begin.  5. Businesses that are owned (in whole or part) by City of Fresno Staff, Councilmembers, Fresno Area Hispanic Foundation Staff, or their spouses or domestic partners are NOT eligible.</p>

**TIMELINE**

The program timeline will be implemented as follows:

Months 1 - 2

1. FAHF will design the application and all marketing material for the District 1/District 4 Program. They will work with community partners to develop material in the necessary languages including English, Spanish, Hmong and Punjabi. All material will be approved by City of Fresno Staff, in collaboration with District 1 and 4 Staff (for the District 1/District 4 Program), before it is distributed publicly.
2. FAHF will develop a database for the enrollment and tracking of applicants /businesses that participate in the program using a Google sheet in a secure Google Drive
3. A landing page within the FAHF website will be developed to provide additional information and allow potential participants to apply directly online.

4. Once finalized/approved by the City, in collaboration with Districts 1 and 4; FAHF shall begin marketing the District 1/District 4 Program via multiple media outlets including social media and direct door-to-door outreach, which will begin and will continue until December 31, 2024, or all funding is allocated, whichever comes first.

5. FAHF shall schedule workshops and information sessions at various locations through identified corridors in Districts 1 and 4 for the District 1/District 4 Program, as approved by these council districts, to promote the program and answer questions. Not applicable to the Chinatown/Downtown Program.

Month 3 - program end

1. FAHF will design the application and marketing material for the Chinatown/Downtown Program. FAHF will collaborate with the City of Fresno Economic Development Department to develop and vet materials for approval and distribution.

2. Once all materials for the Chinatown/Downtown Program are finalized and approved by the City, FAHF will launch the marketing plan and begin direct outreach to targeted businesses via door-to-door visits, social media, and phone calls.

3. Applications and documentation will be received and assessed based on the eligibility qualifications above. FAHF must ensure that applications deemed qualified comply with these guidelines before proceeding with a grant.

4. FAHF Staff will track all applicants/applications.

5. Once approved, a portion of the grant amount (up to \$12,500 for District 1 and up to \$20,000 District 4 for singular storefronts; and \$25,000 for District 1 and \$37,500 for District 4 for multiple storefronts) will be provided up front to the qualified business and/or non-profits.

6. Recipients located in Chinatown or Downtown, after approval, will receive 50% of the approved grant amount of up to a maximum of \$10,000 to begin façade projects.

7. Once the project is completed, and proof of all work and costs is submitted, the remainder of the grant funds will be provided to the applicant.

8. Marketing and technical assistance for the District 1/District 4 Program may be subcontracted to partner organizations as needed in an effort to effectively market to and assist qualified businesses in Fresno, only upon prior written approval of City. Not applicable to the Chinatown/Downtown Program.

## **PROJECT REPORTING AND METRICS**

## **District 1/District 4 Program**

FAHF will keep track of the following program metrics and will provide the City of Fresno and Districts 1 and 4 with reports as needed showing, at a minimum, the following:

- a. Number of small businesses reached.
- b. Number of applications received and status of each.
- c. Names and relevant information (address, ownership info, Council District and demographic information) for each business that submits an application (funded AND not funded).
- d. Detailed information on businesses that have been awarded including reimbursements received/due, work done or planned, before and after photos, demographic information, address, ownership info, Council District... etc.
- e. Number of applicants/businesses that accessed loan funds from FAHF to cover additional costs of facade improvements.
- f. Number of one-on-one consultation hours provided.
- g. Number of businesses that received technical assistance.
- h. Information on outreach methods used.
- i. Industries of businesses awarded.
- j. Number of applicants/businesses that have received reimbursements from the City of Fresno and corresponding dollar amounts/amounts due.
- k. Status of applicants'/businesses' facade improvement projects.
- l. Any other information deemed necessary by the City of Fresno.

FAHF will track the processes within their management system and provide monthly updates to staff.

## **Chinatown/Downtown Program**

FAHF will keep track of the following program metrics and will provide the City of Fresno for the Chinatown and Downtown Program:

- a. Number of small businesses reached.
- b. Number of applications received and status of each.
- c. Names and relevant information (address, ownership info, Council District, and demographic information) for each business that applies (funded AND not funded).
- d. Number of applicants/businesses that accessed loan funds from FAHF to cover additional costs of facade improvements or 25% match.
- e. Number of businesses that received technical assistance.
- f. Information on outreach methods used.



- g. Industries of businesses awarded.
- h. Number of applicants/businesses that have received reimbursements from the City of Fresno and corresponding dollar amounts/amounts due.
- i. Status of applicants'/businesses' facade improvement projects.  
Proof of 25% grant match fulfillment.

FAHF will track the processes within their management system and provide monthly updates to staff.

**PROGRAM REPORTING**

All program reporting will be separate and specific to either the District 1/District 4 or the Chinatown /Downtown portion of the funding. FAHF will provide Quarterly and Final reports for each specific areas of influence.

**Quarterly Reports** - will be required on the dates listed below and will include required narrative, program metrics and expenses to date. A quarterly reporting template will be provided. Quarterly reporting will be required if project is operational during the performance period.

**Final Annual Reports** - will be required on the dates below and are not dependent on when your project started. A final/annual reporting template will be provided. Annual reporting will be required if project is operational during the performance period. If the project is operational for more than one year, an annual report and final annual report will be required. Same reporting template will be used.

**District 1/District 4 Program**

<b>Performance Period</b>	<b>Quarterly Report Due</b>
Grant Execution - 10/31/2023	11/16/2023
11/1/2023 - 1/31/2024	2/15/2024
2/1/2024 - 4/30/2024	5/15/2024
5/1/2024-7 /31/2024	8/15/2024
8/1/2024 – 10/31/2024	11/15/2024

<b>Performance Period</b>	<b>Final/Annual Report Due</b>
Grant Execution – Program Completion	1/15/2025

## **Chinatown/Downtown Program**

<b>Performance Period</b>	<b>Quarterly Report Due</b>
Grant Execution – 12/31/2024	1/15/2025
1/1/2025 – 3/31/2025	4/15/2025
4/1/2025 – 6/30/2025	7/15/2025
7/1/2025 – 9/30/2025	10/15/2025

<b>Performance Period</b>	<b>Final/Annual Report Due</b>
Program Execution – Program Completion	12/15/2025

In order to disburse additional funding, an audit will be done to show the progress of the programs.

**EXHIBIT B**  
**Maps of Qualified Area**

# District 1



**District 4**





# Chinatown/Downtown Façade Grant Program Qualified Area Map

