

Regular Council Meeting

September 28, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-LL (ID 23-1434)

Approve the First Amendment to an agreement with the Fresno Area Hispanic Foundation.

RECEIVED
2023 SEP 26 P 4: 31
CITY OF FRESNO
CITY CLERK'S OFFICE

Contents of Supplement: First Amendment to Agreement

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.

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this ____ day of _____ 2023, amends the Agreement entered into between the CITY OF FRESNO, a California municipal corporation (the City), and Fresno Area Hispanic Foundation, (Administrator).

RECITALS

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

WHEREAS, City and Administrator now desire to modify the scope of services; and

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

AGREEMENT

NOW, THEREFORE, the parties agree that the Agreement be amended as follows:

1. Exhibit A is deleted in its entirety and shall be replaced with the “Revised Exhibit A” attached hereto to reflect the changes in Scope of Work.

2. 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.

3. Except as otherwise provided herein, the Agreement entered into by City and Administrator, dated _____, 2023, remains in full force and effect.

[Signatures follow on next page.]

IN WITNESS WHEREOF, the parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a California municipal corporation

Fresno Area Hispanic Foundation,
a California nonprofit corporation

By: _____
Georgeanne A. White Date
City Manager, City of Fresno

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

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

ATTEST:
TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

By: _____
Name: **Dora Westerlund**

Title: **CEO**
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

By: _____
Name: **Yery Olivares**

Title: **COO**
(If corporation or LLC., CFO,
Treasurer, Secretary or Assistant
Secretary)

Attachment: Exhibit A

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 (Program) provides a total of \$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. The Program is 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 businesses and/or non-profits. The appearance of individual business and/or non-profits 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. This program shall be funded by the General Fund.

Funding of individual façade improvement projects will be provided for project costs that meet specific criteria. The 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 qualify. New construction is **NOT** eligible under the Program. 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.

GOALS AND OBJECTIVES

It is anticipated that the Program will provide 25 – 50 façade grants. This is dependent on the number and type of qualified applications that are received and selected for funding. Eligible program applicants shall be selected on a first come first serve basis.

BUDGET:

Façade Improvement Grants to Qualified Businesses	\$900,000 (To be split equally between Districts 1 and 4.)
Grant Management and Administration <ul style="list-style-type: none">• Marketing• Overhead• Staffing• Other grant management costs• Application assistance	\$ 100,000
TOTAL	\$1,000,000

PROGRAM QUALIFICATIONS AND CRITERIA:

Existing Properties with Single Storefront	Maximum Reimbursement: District 1 \$25,000/District 4 \$40,000
Existing Properties with Multiple Storefronts	Maximum Reimbursement: District 1 \$50,000/District 4 \$75,000
Other Criteria	<ol style="list-style-type: none">1) Applicant must be physically located and operating in the City of Fresno in an area designated on the maps attached in Districts 1 and 4 (Maps - Exhibit B).2) Only EXTERIOR façade renovations of EXISTING businesses and/or non-profits are eligible.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) Businesses within 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.5) All work must be performed by a verified licensed contractor with a valid City of Fresno Business Tax Certificate.6) Preference will be given to locally owned and operated businesses and/or non-profits.7) Workforce – Businesses and non-profits must have 75 or fewer employees within the eligible district.8) The following types of businesses are not eligible to receive grant funds: smoke shops, cannabis, and liquor stores, banks, law firms, government offices.

Other Eligibility Requirements	<ol style="list-style-type: none"> 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 contractor must be provided. 3. Must receive invoices from at least 2-3 potential contractors. 4. Application must be completed and approved with all proper documentation and required attachments before work can begin. 5. Business 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.
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TIMELINE

The program timeline will be implemented as follows:

Months 1 - 2

1. FAHF will design the application and all marketing material. 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, before it is distributed publicly.
2. FAHF will develop a database for the enrollment and tracking of applicants/businesses that participate in the program.
3. A landing page within the FAHF website will be developed to provide additional information and allow potential participants to enroll directly online.
4. Once finalized/approved by the City, in collaboration with Districts 1 and 4; FAHF shall begin marketing the 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, as approved by these council districts to promote the program and answer questions.

Month 3 – program end

1. 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.
2. FAHF Staff will track all applicants/applications.
3. 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.
4. Once the project is completed, and proof of all work and costs is submitted, the remainder of the will be provided to the applicant.

Marketing and technical assistance 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.

PROJECT REPORTING AND METRICS

1. 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 façade 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' façade 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.

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. An annual reporting template will be provided. Annual reporting will be required if project is operational during the performance period.

Performance Period	Quarterly Report Due
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

Performance Period	Final Report Due
Grant Execution – 7/21/2024	8/15/2024

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

ALL FUNDING MUST BE ALLOCATED BY 12/31/2023 for District 1 and 01/31/2024 for District 4; and EXPENDED by 6/30/2024 for District 1 and 7/31/2024 for District 4.