

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 PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 436-260-22 (3876 NORTH BLACKSTONE AVENUE) FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the 0.91 acre parcel of land identified as Assessor's Parcel Number 436-260-22 and addressed as 3876 North Blackstone Avenue (Property) was previously declared exempt surplus in December 2023 by Resolution Number 2023-308, and proper noticing to the California Department of Housing and Community Development (HCD) was completed in compliance with the Surplus Land Act; and

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

WHEREAS, pursuant to FMC Section 4-204(d)(4), the City shall not approve any purchase and sale agreement, disposition and development agreement, or any other

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Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: AMK

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agreement that would cause or allow City owned real property to be conveyed, except upon specified terms and conditions; and

WHEREAS, an exception to the RFP process may be provided where 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, the City Council adopted Resolution Number 2023-097 on April 20, 2023, authorizing the City to jointly apply with Fresno Mission Communities Inc. (Co-Applicant) for the California Department of Housing and Community Development (HCD) Homekey Round 3 Grant Program, for the acquisition, rehabilitation, and operation of the Property as permanent affordable housing for qualified individuals and youth experiencing or at risk of homelessness (City Studios Project); and

WHEREAS, on April 20, 2023, the City Council approved a Purchase and Sale Agreement for the purchase of the subject Property, with the intent to develop permanent affordable housing on the Property for individuals and families experiencing or at risk of homelessness; and

WHEREAS, the City Council adopted Resolution Number 2023-255 on September 28, 2023, authorizing the use of Encampment Resolution Funding Program Round 2 (ERF-2) Funds in the amount of \$4,401,709 for the acquisition of the Property and to facilitate timely close of escrow for Seller; and

WHEREAS, the City and Co-Applicant received a Conditional Award Commitment and Acceptance of Terms and Conditions of Homekey 3 Program Funds from HCD on February 14, 2024, in the amount of \$9,598,131 (Program Funds) for the development of

the Property, which is time sensitive based on HCD's Program timeline set forth in the Conditional Award Commitment Letter; and

WHEREAS, upon the City and Co-Applicant's acceptance of the Homekey Award and receipt of the Program Funds, City staff will work with the City Manager's Office to facilitate the transfer of ownership of the subject Property to the Co-Applicant to manage and operate the City Studios Project for the purpose of sustaining and rapidly expanding housing for persons experiencing or at risk of homelessness; and

WHEREAS, Council recognizes the development of the Property into permanent affordable housing will address the City's homelessness and housing crisis; and

WHEREAS, Council recognizes the importance of developing affordable housing for individuals and youth experiencing or at risk of homelessness; and

WHEREAS, the City has a significant interest in encouraging the development of the City Studios Project with Co-Applicant for the redevelopment project of the Travelodge into a permanent affordable housing development for families and youth experiencing or at risk of homelessness; and

WHEREAS, the rehabilitation, and operation of the Property as permanent affordable housing for qualified individuals and youth experiencing or at risk of homelessness and confer further substantial benefit to the public by providing housing to those disproportionately impacted by and at risk for medical diseases or conditions due to the COVID-19 pandemic and other communicable diseases..

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

1. The City 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 bypass the RFP process and allow the City Manager or designee to execute a sales agreement and any associated documents with the Co-Applicant for the transfer of the Property at upon completion of the rehabilitation of the Property for affordable housing.

3. This resolution shall be effective upon final approval.

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

I, TODD STERMER, 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 _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

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