

Agenda Item: File 20-00461 (1-AA)

Date: 04/09/2020 RECEIVED

FRESNO CITY COUNCIL



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CITY OF FRESNO
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Late Submission Information Packet

Agenda Related Item(s) – File ID 20-00461 (1-AA)

ITEM(S)

File ID 20-00461 (1-AA) – Approve Access with Saint Rest Baptist Church for public green space in an amount up to \$58,000.

Contents of Supplement: Updated Title and Staff Report

Item(s)

Supplemental Information:

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REPORT TO THE CITY COUNCIL

April 9, 2020

FROM: WILMA QUAN, City Manager
Office of Mayor and City Manager's Office

BY: ALDI DODDS, Deputy City Manager
Office of Mayor and City Manager's Office

SUBJECT

..Title

Actions pertaining to Saint Rest Baptist Church:

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301 and 15304 of the California Environmental Quality Act guidelines
2. Approve Access Agreement with Saint Rest Baptist Church for public green space in an amount up to \$58,000.

..Body

RECOMMENDATION

Staff recommends that City Council approve Access Agreement with Saint Rest Baptist Church for public green space in an amount up to \$58,000.

EXECUTIVE SUMMARY

On January 31, 2019, City Council approved an appropriation to Saint Rest Baptist Church in an amount up to \$58,000 for public green space. Staff has since drafted an Access Agreement between Saint Rest Baptist Church, a California nonprofit corporation, and the City of Fresno (City). The Access Agreement defines the following:

- Maximum financial commitment from the City is \$58,000;
- Term is ten years from the completion of the Project;
- Property shall remain open to the general public for the entire term daily from 8:00am to close at sunset;
- Owner agrees to develop the Property in accordance with the site plan set forth in Exhibit A of the agreement;
- Funds shall only be used for the approved list of improvements, detailed in the agreement, and any change to the improvement list is subject to the City's review and approval;
- Owner shall pay for the improvements up front and seek reimbursement.

BACKGROUND

The City Council appropriated funds for public green space on January 31, 2019, to Saint Rest Baptist Church. The City worked with Saint Rest Baptist Church to negotiate an Access Agreement. The Access Agreement allows Saint Rest Baptist Church to receive funds, up to \$58,000, for improvements set for in the agreement. Saint Rest Baptist Church is required to keep the green space open to the public daily for a total of ten years.

To complete the improvements, Saint Rest Baptist Church (Assignor) entered into an Assignment and Assumption Agreement with Saint Rest Economic Development Corporation (Assignee). The Assignment and Assumption Agreement allows Saint Rest Economic Development Corporation, the assignee, to accept all rights, titles, interests, and obligations of the Access Agreement. The City is not a party to the Assignment and Assumption Agreement, but received the executed agreement.

ENVIRONMENTAL FINDINGS

By the definition in the California Environmental Quality Act (CEQA) Guidelines Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities, with no further expansion of existing use and 15304 which exempts minor alterations in the condition of the land, such as grading, gardening and landscaping that do not affect sensitive resources. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project, therefore the project is exempt.

LOCAL PREFERENCE

Approval of this agreement is not subject to local preference.

FISCAL IMPACT

Not applicable. Council appropriated the funds for this purpose on January 31, 2019.

Attachment:
Access Agreement