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Title: RESOLUTION - A Resolution of the Council of the City of Fresno, California granting authority to the City Manager or designee to execute Uniform Relocation Act Rental Assistance Program packages for commercial tenants being relocated as a result of the Blackstone McKinley BNSF Grade Separation Project (Council Districts 1 and 7).

Sponsors: Capital Projects Department, Public Works Department

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Attachments: 1. 24-630 Resolution.pdf, 2. 24-630 Vicinity Map.pdf

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5/23/2024	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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SUBJECT

RESOLUTION - A Resolution of the Council of the City of Fresno, California granting authority to the City Manager or designee to execute Uniform Relocation Act Rental Assistance Program packages for commercial tenants being relocated as a result of the Blackstone McKinley BNSF Grade Separation Project (Council Districts 1 and 7).

RECOMMENDATION

Staff recommends that City Council adopt a Resolution authorizing the City Manager or their designee to sign and approve payment of Uniform Relocation Act Rental Assistance Program benefits for statutorily eligible commercial tenants impacted by the acquisition of commercial parcels for the Blackstone McKinley BNSF Grade Separation Project, in an amount not to exceed \$125,000 per tenant relocation, paid through Measure C and California Local Partnership Program Formulaic grant funds.

EXECUTIVE SUMMARY

The Blackstone McKinley BNSF Grade Separation Project includes acquisition of residential and commercial properties. Appraisals of the properties within the Project area began in July 2022, and most of the City's first written offers to purchase have been presented to the property owners. Staff is requesting that the City Council authorize the City Manager or their designee to approve and execute the Rental Assistance Program (RAP) benefits packages for the tenants currently occupying the commercial properties who are being displaced as a result of the acquisitions for the Blackstone McKinley BNSF Grade Separation Project. These tenants qualify for relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs (URA). The individual RAP benefits packages contain sensitive, personal, and confidential information, such as copies of drivers' licenses, birth certificates, certifications regarding legal residence, and source and amount of business income, including tax returns. The proposed authorization will protect the sensitive information within each package from needing to be placed on the Council agenda.

BACKGROUND

The Blackstone Avenue and McKinley Avenue corridors serve as primary routes for the community, the City's Bus Rapid Transit system, emergency vehicles, and is also part of the Blackstone Smart Mobility Plan providing Class IV protected bicycle facilities along Blackstone Avenue through the project area. The project location has experienced the highest traffic volumes and number of accidents of any at-grade crossing on the BNSF corridor. The Blackstone McKinley BNSF Grade Separation Project will eliminate two existing at-grade crossings by grade separating North Blackstone Avenue and East McKinley Avenue under the BNSF Mainline Track. The City is progressing through the engineering design stage and right of way acquisition stage of the project.

Nineteen commercial properties will be acquired as part of the Project; up to twenty-four leasable spaces are occupied by commercial tenants who qualify for relocation assistance pursuant to the URA. The formula to calculate the compensable amount of relocation assistance for which each tenant is statutorily entitled, as derived by the URA RAP, includes personal and sensitive information that needs to be kept confidential. City Staff recommends that to maintain the necessary confidentiality of the tenants' private information, the City Manager or their designee be granted authority to review, approve, and execute the RAP benefit packages to maintain confidentiality on sensitive documents and expedite payment to the displaced tenants in a timely manner. The City Attorney's Office has reviewed and approved the Resolution as to form.

ENVIRONMENTAL FINDINGS

This Project was found to be statutorily exempt by Fresno City Council on June 25, 2020, pursuant to California Public Resources Code Section 21080 .13(a) and 15282(g) of the California Environmental Quality Act (CEQA) Guidelines. The Notice of Exemption was thereafter recorded with the Fresno County Clerk on July 30, 2020. The statute of limitations for challenges to this exemption has run pursuant to CEQA Guideline Section 15062(d). This project will eliminate two railroad crossings and grade separate North Blackstone Avenue and East McKinley Avenue under the BNSF Mainline Track.

LOCAL PREFERENCE

Local preference was not considered because this item does not include a bid for or an award of a construction or services contract.

FISCAL IMPACT

The proposed Blackstone McKinley BNSF Grade Separation Project is within Council Districts 1 and 7. These acquisitions will have no impact to the General Fund. All project costs for the right of way phase are funded with Measure C and California Local Partnership Program Formulaic grant funds. All funds necessary for these anticipated acquisitions and relocation assistance services are included in the current fiscal year budget as previously adopted by the City Council.

Attachments:

Resolution
Vicinity Map