



## Legislation Details (With Text)

**File #:** ID17-1526    **Version:** 1    **Name:**

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**File created:** 11/2/2017    **In control:** City Council

**On agenda:** 11/9/2017    **Final action:** 11/9/2017

**Title:** Actions related to constructing a BMX track at Mary Ella Brown Community Center:  
1. Adopt a Class 32 Categorical Exemption prepared for Environmental Assessment No. EA-17-030 dated October 12, 2017.  
2. Approve a Memorandum of Understanding with Fresno Building Healthy Communities to construct a permanent BMX track at Mary Ella Brown Community Center (District 3).

**Sponsors:** Office of Mayor & City Manager

**Indexes:**

**Code sections:**

**Attachments:** 1. Fresno BHC BMX MOU.PDF, 2. EA-17-030 Cat Exempt.pdf

Date	Ver.	Action By	Action	Result
11/9/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**November 9, 2017**

**FROM:** BRUCE RUDD, Interim Assistant City Manager  
Office of the Mayor & City Manager

**SUBJECT:**

Actions related to constructing a BMX track at Mary Ella Brown Community Center:

1. Adopt a Class 32 Categorical Exemption prepared for Environmental Assessment No. EA-17-030 dated October 12, 2017.
2. Approve a Memorandum of Understanding with Fresno Building Healthy Communities to construct a permanent BMX track at Mary Ella Brown Community Center (District 3).

## RECOMMENDATIONS

Staff recommends that Council, 1) adopt the Categorical Exemption prepared for Environmental Assessment No. EA-17-030; 2) approve a Memorandum of Understanding (MOU) with Fresno Building Healthy Communities (BHC) to construct a BMX track facility at Mary Ella Brown Community Center, and 3) authorize the Director of the Parks, After School, Recreation and Community Services (PARCS) Department, or designated representative, to execute and submit all necessary documents related to the project, including the MOU with Fresno BHC.

## **EXECUTIVE SUMMARY**

PARCS proposes to partner with Fresno BHC to construct a BMX track at Mary Ella Brown Community Center. The City will contribute \$200,000 toward the design and construction related costs, and Fresno BHC will be responsible for providing matching funding needed to construct the track as well as monitoring its construction. The total cost of design, engineering and construction is estimated to be \$350,000. In accordance with the MOU, Fresno BHC will indemnify the City for all claims that may occur as a result of this project.

## **BACKGROUND**

Mary Ella Brown Community Center is located at 1350 E. Annadale Ave., west of State Highway 41 and south of State Highway 99. The property currently contains two parking lots and basketball courts. Fresno BHC and the City have collaborated to construct a BMX track at this location. The proposed BMX track would provide opportunities to engage youth and promote the benefits of healthy exercise.

This project was originally funded from the General Fund as part of the Fiscal Year 2017 budget and was subsequently included in the Adopted Fiscal Year 2018, although the source of funding was changed to Community Development Block Grant funds. Due to additional administrative issues related to environmental review and grant reporting, it is staff's recommendation to use General Fund revenues as originally envisioned rather than from CDBG funds. The \$200,000 in General Fund revenues will be derived from existing appropriations that will be included as part of the annual mid-year adjustments. The City's Annual Action Plan will also be amended accordingly.

As was the case in Fiscal Year 2017, the City will contribute \$200,000 toward the construction of the BMX track, which is estimated to cost \$350,000. Fresno BHC will be responsible for generating the additional resources needed for design, engineering and construction related expenses. Per the attached MOU, Fresno BHC will also indemnify the City against any claims that are associated with this project and will be required to comply with all applicable federal, State, and local laws. Once the MOU is executed, Fresno BHC will work with its consultant to finalize a timeline, scope and budget for the project. Once completed the BMX track will belong to the City of Fresno and the PARCS Department will be responsible for the ongoing cost of maintaining the track.

The attached MOU was reviewed and approved by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

Staff has performed an environmental assessment (EA-17-030) of the project at Mary Ella Brown Community Center and has determined this project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. The project qualifies for a Class 32 exemption because it is characterized as infill development and meets the conditions described in Section 15332: (a) the project is consistent with Fresno General Plan designation and all applicable general policies as well as the applicable zoning designation and regulations; (b) the project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

## **LOCAL PREFERENCE**

Local preference was not considered because approval of this MOU is not an award of a construction or consultant services contract, and construction of the BMX track will be completed partially with grant funds in accordance with the MOU.

## **FISCAL IMPACT**

The \$200,000 in General Fund revenues will be derived from existing appropriations rather than from CDBG funds as contained in the Approved Fiscal Year 2018 Budget. Subsequent changes to reflect the shift in funding will be included in the City's Annual Mid-Year Budget Adjustment and an amendment to the City's HUD/CDBG Annual Action Plan. Fresno BHC will be responsible for providing the additional funds needed to design, engineer and construct this project.

### **Attachments:**

Memorandum of Understanding with Fresno BHC  
Environmental Assessment No. EA-17-030