



Legislation Details (With Text)

File #: ID 20-001582 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 11/12/2020 **In control:** City Council

On agenda: 11/19/2020 **Final action:** 11/19/2020

Title: APPROVE - Second Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc.

Sponsors: Mayor's Office

Indexes:

Code sections:

Attachments: 1. Exhibit A - Map, 2. Additional Information 20-001582 - Second Amendment to ENA_Tutelian.pdf, 3. Additional Information ID 20-001582 Public Comment Emails.pdf

Date	Ver.	Action By	Action	Result
11/19/2020	1	City Council	approved as amended	Pass

REPORT TO THE CITY COUNCIL

November 19, 2020

FROM: MAYOR LEE BRAND

BY: TIM A. ORMAN, Chief of Staff to the Mayor
Mayor's Office

SUBJECT

APPROVE - Second Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc.

RECOMMENDATION

The Mayor recommends the City Council approve the Second Amendment to the Exclusive Negotiation Agreement (ENA) by and between the City of Fresno (City) and Tutelian & Company, Inc. (Developer) for the development of north Fulton Street. The Second Amendment to the ENA extends the term of the negotiating agreement by 90 days to March 6, 2021.

EXECUTIVE SUMMARY

On March 5, 2020, the City Council approved the First Amendment to the ENA, extending the term of the negotiating period by 9 months, from March 8, 2020 to December 7, 2020. The ENA grants the Developer exclusive rights to negotiate terms for a subsequent Disposition and Development Agreement (DDA) for the development of proposed Project.

On March 4, 2020, Governor Gavin Newsom declared a state of emergency as a result of COVID-19 and on March 18, 2020, City Manager Wilma Quan issued an emergency order calling for all residents of Fresno to shelter-in-place. The resulting disruptions in private and public business matters caused by the COVID-19 pandemic is the main impetus for extending this agreement for an additional 90 days. Were it not for the pandemic, it is likely the City and Developer would have reached agreement on a DDA to be presented to Council.

BACKGROUND

As stated in the February 27 and March 5, 2020 staff reports for the previous extension ENA, the Developer has invested a significant sum of his own funds in furthering this project and has made significant progress with this project and has engaged the City in meaningful discussions of the terms of a DDA. The Mayor believes that extending the ENA for an additional 90 days will allow the City and Developer to finalize their negotiations and he further believes that the request for an additional 90 days is more than reasonable given the unprecedented disruptions caused by the COVID-19 pandemic over the past 90 days.

ENVIRONMENTAL FINDINGS

This is not a project for the purposes of CEQA.

LOCAL PREFERENCE

Approval of this resolution is not subject to local preference.

FISCAL IMPACT

There is no fiscal impact to the City.

Attachments:

Second Amendment to ENA

Exhibit A - Map