

APPENDIX N

NORTHPOINTE DRIVE SETTLEMENT AGREEMENT IMPLEMENTATION STATUS SUMMARY

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July 8, 2021

TO: THOMAS C. ESQUEDA, City Manager
FROM: JENNIFER K. CLARK, Director
SUMMER ROOKS, Project Manager

SUBJECT: Northpointe Development Settlement Agreement July Status Report

The purpose of this Memorandum is to provide a status report on the implementation progress of the above mentioned settlement agreement. Please find attached a matrix outlining the section, date, task, task description, and status as of the date of this letter.

Feel free to forward any questions, comments, or materials to Summer Rooks, Project Manager at Summer.Rooks@fresno.gov or (559) 621-8166.

Sincerely,



Summer Rooks
Project Manager

Attachments:

Implementation Matrix

cc: Talia Kolluri, Assistant City Attorney
Sophia Pagoulatos, Planning Manager

**Northpointe Settlement Agreement Implementation Matrix - July 2021
Status Report**

Section	Date	Task	Description	Progress as of 7/8/21
1	Within 24 hours of the Effective Date – March 17, 2021	SFCA and LC Abandonment of Appeal of P20-03406	SFCA and LC shall issue and deliver to the City a letter withdrawing and forever abandoning the appeal of the project and forever abandoning all objections thereto. (<i>Settlement Agreement, Section 1.</i>)	COMPLETE
2a	Within 15 business days of the Effective Date - March 17, 2021 Agreement	Establishment of CBF and CBF Expenditure Plan	<ul style="list-style-type: none"> City will schedule a series of meetings with representatives from SFCA, LC, and sensitive receptors regarding the establishment, operation, & administration of a Community Benefits Fund ("CBF") & CBF Expenditure Plan. City must work with these representatives to mutually develop the CBF and CBF Expenditure Plan. (Section 2a.) 	IN PROGRESS - First meeting held 5/20/21; series agreed upon by committee. - Meetings scheduled every two weeks. Next meeting is scheduled for July 13, 2021. Draft is in progress.
2a	Within sixty (60) business days of the first meeting with representatives or as soon as practicable thereafter First Meeting - May 20, 2021	Council Consideration of CBF and CBF Expenditure Plan	<ul style="list-style-type: none"> City shall make recommended CBF and plan available for public review and comment and shall present recommendations to City Council for consideration. (<i>Section 2a.</i>) City must translate the CBF and CBF expenditure plan into English and Spanish and post the documents on the City website. (Section 2a.) <i>Note: If City is unable to develop the terms of a CBF and CBF expenditure plan within ninety (90) business days of the first meeting then the Parties may mutually agree in writing to an extension beyond ninety days from the first meeting. (Section 2a.)</i>	IN PROGRESS <ul style="list-style-type: none"> Plan drafting in process - Potential Council dates are in July or August
2b	Within 15 business days of the Effective Date - March 17, 2021 Agreement	Establishment of CBF and CBF Expenditure Plan	City must explore the legal basis to include a requirement that the property owner of tenant occupied properties will agree to rent control measures after mitigation improvements are constructed. (Section 2b.)	COMPLETE <ul style="list-style-type: none"> Legal memo is written and will be provided to CBF committee for meeting scheduled July 13, 2021.
2c	As soon as practicable	Establishment of CBF and CBF Expenditure Plan	City must manage and administer the CBF. (Section 2c.)	PENDING
2d	Following creation of CBF (Fall 2021)	Facilitation and Acceptance of Payment to CBF	City must facilitate and accept an initial deposit to the CBF in the amount of \$300,000 provided by the developer pursuant to a separate agreement between the developer and SFCA. (Section 2d.)	COMPLETE 5/24/21
3	As soon as practicable, with work completed no later than completion of the Project	Water and Sewer Service Extensions	<ul style="list-style-type: none"> City must submit applications as soon as practicable to appropriate agencies and other eligible funding sources to pay 100% of the cost of the extension and connection of City water and sewer to specified residential properties. City must take all steps necessary to achieve the extension of water and wastewater services to these residences, including serving as lead agency for applications and for any environmental review. Upon completion of construction, City must offer water and wastewater infrastructure and service extensions to the residential properties. These terms are subject to LAFCO approval. (Section 3.) 	IN PROGRESS April 28, 2021 – Council approved resolution authorizing the preparation and submission of financial assistance applications to the California State Water Resources Control Board for planning, design, and construction of sewer infrastructure for the Daleville residential community. With the support of the Fresno County Local Agency Formation Commission (LAFCo), the CSWRF program will provide the opportunity for approximately 60 properties to connect to the City's sewer collection system, as well as provide funding for removal of residential septic systems and replumbing of sewer lines on each property.

Section	Date	Task	Description	Progress as of 7/8/21
4a	No specified timeframe	East Central Avenue Pedestrian Safety Improvements	<ul style="list-style-type: none"> City must pursue the installation of a) a crosswalk and pedestrian signage buttons at the intersection of East Central Ave. and South Orange Avenue and b) the installation of a high-intensity activated crosswalk ("HAWK"). The HAWK installation must include signage in advance of the intersection advising traffic of the upcoming stop. The City Manager must issue a written request to the County CAO to cooperate on the attainment of East Central Avenue Pedestrian Safety Improvements, and the City must make best efforts to work proactively with the County to complete these improvements. (Section 4b.) 	PENDING
4b	By July 2022	Pedestrian and Cyclist Safety Plan	<ul style="list-style-type: none"> City must initiate a public process and work proactively with the County for the development and adoption of a plan to determine pedestrian and bicycle safety needs and priorities in the area bounded by Highways 41, 99 and to the Southern border of the City's Sphere of Influence. City must take all steps necessary for the completion of the plan without undue delay. (The plan will include an implementation schedule with cost estimates and potential funding sources, which may include funding from a voter-approved Community Facilities District, Mello-Roos, state and federal grants, and other available funding as necessary to allow for project implementation.) City must implement the projects described in the plan at the earliest time that the City has legal authority and available funding to implement such projects. The City will ensure that any updates to its Active Transportation Plan include consideration of and identify implementation measures and projects to address active transportation needs in the SCSP area. (Section 4b.) 	PENDING
5	By December 31, 2021	Mitigating Traffic Impacts on Local Homes	<ul style="list-style-type: none"> City must initiate preparation and take all steps necessary for completion of the necessary financial studies to determine the property assessment amount required to fund the installation and maintenance of traffic and roadway improvements to address traffic impacts associated with development in the SCSP Area as well as safety improvements to protect pedestrians and bicyclists. (The studies must evaluate the costs for improvements and ongoing maintenance needs within the defined boundary of the property tax assessment area.) Improvements and maintenance needs to be considered by the voters may include roadway repair, traffic calming measures, lane reductions, and landscaping. The City must provide opportunities for and consider community input during the development of the financial studies and the adoption of a voter-approved property assessment, and the creation of the CFD. (The process for establishing the CFD shall include the required proceedings set forth in California Government Code Section 53321 and all applicable law, including, without limitation, voter approval requirements, the outcome of which is not within the control of the City.) (Section 5) 	PENDING
6	No later than the initiation of Project operations	Proactive Traffic Checks and Monitoring	<ul style="list-style-type: none"> City must assign a traffic officer to monitor the area surrounding the North Pointe business park. The traffic officer will enforce traffic rules, vehicle and truck parking restrictions on local streets, and truck idling restrictions and will respond promptly to resident complaints. No later than the initiation of Project operations, the City must install traffic monitors on East Central Avenue between Highways 41 and South Orange Avenue to monitor and enforce compliance with traffic regulations in the area. (Section 6.) 	IN PROGRESS Police department and Department of Public Works internally developing implementation strategy of monitoring plan.

Section	Date	Task	Description	Progress as of 7/8/21
7	No specified timeframe	Phone Number to Report Traffic Violations	City must train 311 call center staff to receive calls from the public to report complaints about traffic violations in the SCSP area. (Section 7.)	IN PROGRESS June 2021 - Information Services Department currently in user-testing for recently updated FresGo application. New update will include a new record type specific to the specific plan area that will provide 311 call center operators the right tools to receive and document stakeholder concerns/complaints. This new reporting mechanism will immediately alert to the CMO upon receipt of complaint for delegation. Public launch expected by July 13.
8	No specified timeframe	Acquiring Portions of E. Central and S. Cherry Avenues	<ul style="list-style-type: none"> City must take all steps legally available to it to pursue funding to pay for upgrades of portions of E. Central and S. Cherry Avenues and the acquisition of these roadways. The City Manager or designee must submit a written request to the County to acquire the roadway and transfer ownership to the City. City must expeditiously identify and pursue sources of funds at the City's discretion to pay for the upgrades to meet City standards. City must make best efforts to seek the County's cooperation. (Section 8.) 	IN PROGRESS Draft letter to Fresno County is undergoing internal review
9	By December 31, 2021	Installation of Signs to Direct Truck Traffic to Roadways with Fewer Sensitive Uses.	Subject to public review and comment, coordination with the County, and Council approval, City must provide for the installation of traffic control signs on East Central Avenue, East North Avenue, and South Cherry Avenue directing truck traffic to preferred truck routes on East North Avenue and South Orange Avenue and away from East Central Avenue and South Orange Avenue. City staff shall take all steps necessary to facilitate the installation of said traffic control signs. (Section 9.)	IN PROGRESS Police department and Department of Public Works internally developing implementation strategy.
10	Upon completion of the San Joaquin Valley Air Pollution Control District's San Joaquin Fresno Truck Routing Study	Truck Re-Routing Study	<ul style="list-style-type: none"> City shall engage proactively to mitigate the impact of existing truck routes on sensitive receptors, including in the SCSP Area and adjacent properties, and identify alternative truck routes that avoid and minimize impacts on sensitive receptors, including using routes with fewer sensitive receptors and adequate roadway infrastructure to accommodate additional traffic. City shall use reasonable efforts to create opportunities for and consider community input in the development of the study. (Among other roadways, the City must specifically examine the current and anticipated usage of East Central Avenue between Highways 99 and 41 by truck traffic and will consider alternate truck routes with adequate roadway infrastructure to accommodate additional traffic, including considering redirecting truck routes away from East Central Avenue.) City must diligently pursue the adoption, implementation and enforcement of the recommendations of the truck routing study, including but not limited to new traffic routes that minimize the exposure of sensitive receptors adjoining roadways to truck traffic routes, after it is complete. (Section 10.) 	IN PROGRESS April-May 2021 - Staff drafted RFP scope in collaboration with AB617 Steering Committee; follow-up meeting scheduled 6/9/21; planning to release RFP in late July. May 12, 2021 - Air District AB617 Community Steering Committee voted to pause funding to Truck Re-routing Study until an MOU between the City and Air District is achieved. RFP Scope will be presented to AB617 committee on July 14, 2021. City is awaiting a reimbursement agreement related to the study.
11	By December 31, 2021	Evaluate City Policy to Support Local Hire	<ul style="list-style-type: none"> City must evaluate its development impact fee waiver programs and other existing and potential policies, programs, requirements, and incentives for new development to identify policy changes that would promote, incentivize or require the employment of residents who live within, and immediately adjacent to, the South Central Specific Plan Area boundaries. City must consider public input on the proposed policy changes. City must make diligent efforts to solicit input by residents who live within or adjacent to the SCSP Area boundaries. (Section 11.) 	IN PROGRESS Internal research currently being compiled to conduct outreach in summer 2021.
12	No specified timeframe	Electrification to Support Onsite Equipment and Vehicles	The City must work with various entities to develop requisite charging stations and ensure sufficient grid capacity and reliability for trucks and onsite equipment and electric vehicles. (Section 12.)	PENDING

Section	Date	Task	Description	Progress as of 7/8/21
13	As soon as practicable, but no later than sixty (60) business days after approval of Agreement	Modification of Air District Rule 9510 (Indirect Source Rule)	City shall consider approval of a resolution for the incorporation of emission reduction measures into development projects to reduce emissions occurring during construction and operational phases of the project to meet or exceed compliance with the emission reduction requirements of District Rule. (Section 13.)	IN PROGRESS Expected council date 7/29/21 or as soon thereafter as possible
14	No specified timeframe	Air Monitor Installation	City must make available to SJVAPCD and/or CARB a City-owned public water supply well site near the project for placement of air monitoring equipment. (Section 14.)	PENDING
15	No specified timeframe (but must be no later than prior to commencement of work on project)	Enforcement of Municipal Code for Project Construction and Operation Impacts	City must train 311 call center staff to receive calls from the public to report complaints related to project construction and operation. (Section 15.)	IN PROGRESS June 2021 - Information Services Department currently in user-testing for recently updated FresGo application. New update will include a new record type specific to the specific plan area that will provide 311 call center operators the right tools to receive and document stakeholder concerns/complaints. This new reporting mechanism will immediately alert to the CMO upon receipt of complaint for delegation. Public launch expected by July 13.

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