



## Legislation Details (With Text)

**File #:** ID 24-386      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 3/7/2024      **In control:** City Council

**On agenda:** 3/21/2024      **Final action:** 3/21/2024

**Title:** Actions pertaining to an Extraterritorial Service and Offsite Infrastructure Agreement between Sandra R. Deazevedo and David M. Lantis and the City of Fresno (City of Fresno Sphere of Influence and County of Fresno):

1. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines section 15301(c)/Class 1,
2. Approve an Extraterritorial Service and Offsite Infrastructure Agreement between Sandra R. Deazevedo and David M. Lantis and the City of Fresno.

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. 21-386 Extraterritorial Service and Offsite Infrastructure Agreement.pdf, 2. 24-386 Vicinity Map.pdf, 3. 24-386 Property Owner's Letter.pdf

Date	Ver.	Action By	Action	Result
3/21/2024	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** BROCK D. BUCHE, PE, PLS, Director  
Department of Public Utilities

**BY:** DEJAN PAVIC, PE, Projects Administrator  
Department of Public Utilities - Utilities Planning & Engineering

## SUBJECT

Actions pertaining to an Extraterritorial Service and Offsite Infrastructure Agreement between Sandra R. Deazevedo and David M. Lantis and the City of Fresno (City of Fresno Sphere of Influence and County of Fresno):

1. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines section 15301(c)/Class 1,
2. Approve an Extraterritorial Service and Offsite Infrastructure Agreement between Sandra R. Deazevedo and David M. Lantis and the City of Fresno.

## RECOMMENDATIONS

Staff recommends that the City Council: adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines section 15301(c)/Class 1; approve an Extraterritorial Service and Offsite Infrastructure Agreement between Sandra R. Deazevedo and David M. Lantis (collectively referred to as 'Property Owner') and the City of Fresno (City); and

authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City.

## **EXECUTIVE SUMMARY**

The Department of Public Utilities (DPU) seeks to enter into an Extraterritorial Service and Offsite Infrastructure Agreement (Agreement) with the Property Owner pertaining to the property at 4715 West Dakota Avenue, Fresno, CA 93722, which is associated with Assessor's Parcel Number (APN) 511-220-37-S (Property). The Agreement is a modification of a Standardized Extraterritorial Agreement (Standardized Agreement) previously approved by the City Council on December 12, 2019. The modification would permit the Property Owner to keep the existing water well for irrigation purposes. The Property is located outside the City's corporate boundaries, but within the City's Sphere of Influence (SOI). Due to its proximity to the City corporate limits and the availability of the existing water main fronting the Property, the Property Owner has requested to connect to the existing water facilities to serve the Property. In order for the City to provide water to the Property, the Property Owner submitted an extension of service application to Fresno Local Agency Formation Commission (LAFCo) and must enter into a service agreement with the City. LAFCo has approved the Property Owner's extension of service application.

## **BACKGROUND**

Pursuant to Section 56133 of the Government Code, a City or District principally in Fresno County may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives approval from LAFCo. In order for the City to provide water and sewer service to the Property, the Property Owner submitted an extension of service application to LAFCo, and it must enter into a service agreement with the City. Due to the Property Owner's decision to not annex the Property to the City at this time, LAFCo has required the Property Owner to apply for an extension of services to obtain water services from the City. LAFCo has subsequently reviewed and approved the Property Owner's extension of service application. By its Resolution No. 127, LAFCo delegated to its Executive Officer the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries. Pursuant to Government Code section 56133 (b), LAFCo may authorize a city to provide new or extended services outside of its jurisdictional boundaries in anticipation of a later change in organization.

When a resident outside of the City's corporate boundaries but within its SOI desires to connect to the public water or sewer system an extraterritorial agreement is required. For the most part, these cases involve residents whose private water wells are failing or onsite septic systems have exceeded their useful life. The Agreement is a modification of the Standardized Agreement previously approved by the City Council on December 12, 2019. The modification would permit the Property Owner to keep the existing water well for irrigation purposes, while installing and certifying all necessary backflow prevention and cross-connection control devices and paying the appropriate fees for domestic and irrigation water uses per the City's Master Fee Schedule. All other stipulations of the Standardized Agreement remain in effect and are unchanged. The Standardized Agreement streamlined the process of providing City services to customers located outside the City's service area, but within the SOI. The executed Standardized Agreement also puts forth the applicant's consent not to oppose or protest, in any way, future City annexation. Lastly, the City Council granted the Director of Public Utilities the authorization to execute Standardized Agreements regarding water and sewer services concerning properties that do not require a CEQA Study nor offsite infrastructure expansion.

The Property is located outside the City's corporate boundaries, but within the City's SOI. The site will not be annexed to the City in conjunction with the approval of this Agreement. The Property Owner wanted to connect to City water main for domestic (potable) water use due to the unreliable power source (which adversely impacts their family) and the cost of operating the well pump (Property Owner's letter is attached for reference). Due to its proximity to the City corporate limits and the availability of the existing water main fronting the Property along West Dakota Avenue, the Property Owner requested to connect to the existing water facilities to serve the Property. Since the Property is adjacent to the existing City limits and fronts along the existing City water main in West Dakota Avenue, DPU agrees that the Property be provided City water services through the approval of an extraterritorial service agreement between the Property Owner and the City. City staff has negotiated an Extraterritorial Service and Offsite Infrastructure Agreement with the Property Owner. The Agreement outlines the installation and maintenance of water facilities to serve the Property, and the payment of appropriate fees and charges for water services.

Considering the foregoing, staff recommends that the City Council approve the Agreement between the Property Owner and the City, and authorize the Director of Public Utilities, or designee, to sign the Agreement on behalf of the City.

The Agreement has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

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(c)/Class 1 (existing facilities), which exempts the minor alterations to existing utilities, and no further expansion of existing use, because the project includes only the connection to the City's existing public water system. There is an existing 14-inch City water main in West Dakota Avenue fronting the Property, to which the Property will connect with a 1.5-inch diameter water service for domestic (potable) water use. Under the current conditions, the City has sufficient capacity to provide the above-referenced potable water service to the Property. 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.

## **LOCAL PREFERENCE**

Local preference was not implemented because this Extraterritorial Service and Offsite Infrastructure Agreement does not include a bid, an award of a construction contract, or approval of a services contract.

## **FISCAL IMPACT**

Approval of this Agreement will not impact the General Fund. Future extraterritorial customers will agree to pay all required water fees as determined by the City prior to connecting to the City's public water system.

### **Attachments:**

- Extraterritorial Service and Offsite Infrastructure Agreement
- Vicinity Map
- Property Owner's Letter

