



Legislation Details (With Text)

File #: ID18-1495 **Version:** 1 **Name:**

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

File created: 11/27/2018 **In control:** City Council

On agenda: 12/13/2018 **Final action:**

Title: Actions related to an Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement with Fresno Humane Animal Services:
 1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Extraterritorial Water and Sewer Services for Fresno Humane Animal Services;
 2. Approve an Agreement for Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement with Fresno Humane Animal Services (County of Fresno).

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. LAFCo Resolution No. OS-18-03.pdf, 2. Extraterritorial Water and Sewer Agreement (Attachment 2).pdf, 3. Letter from Wanger Jones Helsley PC.pdf

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

REPORT TO THE CITY COUNCIL

December 13, 2018

FROM: MICHAEL CARBAJAL, Director
Department of Public Utilities

BY: KEVIN GRAY, Supervising Engineering Technician
Department of Public Utilities - Utilities Engineering & Planning

SUBJECT

Actions related to an Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement with Fresno Humane Animal Services:

1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Extraterritorial Water and Sewer Services for Fresno Humane Animal Services;
2. Approve an Agreement for Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement with Fresno Humane Animal Services (County of Fresno).

RECOMMENDATION

Staff recommends that the City Council adopt a finding of Class 1 Categorical Exemption, pursuant to Section 15301(c) of the CEQA Guidelines, and approve an agreement between the City of Fresno (City) and the Fresno Humane Animal Services (FHAS) for Extraterritorial Water and Sewer Services and Offsite Infrastructure at a new facility in the County of Fresno (County).

EXECUTIVE SUMMARY

FHAS has filed an application with the County to develop an animal shelter in the vicinity of North Grantland Avenue and North Parkway Drive (Project). The Project lies outside the City's corporate boundaries but within the City's Sphere of Influence (SOI). The attached agreement outlines the provisions for water and sewer service and offsite infrastructure requirements for the proposed project.

BACKGROUND

FHAS desires to develop an animal shelter, including veterinary services and kennels, located along the east side of North Grantland Avenue south of North Parkway Drive (APNs 504-081-02S and -03S). The Project lies outside the City's corporate boundaries but within the City's SOI. An application to develop the project was filed by FHAS with the County. Pursuant to the City-County Memorandum of Understanding, the Project application was referred to the City for annexation but upon review, it was determined that annexation of the property was not practical at this time and the Project application was released back to the County for processing.

FHAS has requested domestic water and sewer services to be provided by the City. Pursuant to Government Code section 56133 (c), the Local Agency Formation Commission (LAFCo) may authorize a city to provide new or extended services outside of its jurisdictional boundaries in anticipation of a later change in organization. The City submitted an application to LAFCo on April 12, 2018, to extend adjacent water and sewer service outside of the City's corporate boundaries to the proposed Project. On May 17, 2018, LAFCo approved a resolution authorizing the City to extend water and sewer services to the Project subject to consent of future annexation by the property owners and a limitation of service as specifically identified in the LAFCo administrative record of OS-18-03 (attached). If approved by Council, DPU will permit FHAS to connect to the City's public water and sewer systems once all approvals, permits, and easements are legally obtained and all requirements of the agreement are fulfilled.

The attached Extraterritorial Agreement outlines the provisions for City water and sewer service and consent to construct offsite improvements to City Standards. Upon execution of the agreement, the document will be recorded with the Fresno County Clerk. Once the property is annexed to the City, the utility service provisions of the agreement will no longer be enforceable and the property will receive utility service per the Fresno Municipal Code. 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) (existing facilities), which exempts the minor alternations to existing utilities, and no further expansion of existing use, because the project includes connection to the City's existing public water and sewer systems. 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.

The extension of water and sewer services to the Project will be included in the County's service and environmental analysis of the applications submitted by FHAS for the new facility in the County.

LOCAL PREFERENCE

Local preference was not considered because this extraterritorial service agreement does not include award of a construction or services agreement.

FISCAL IMPACT

The General Fund will not be negatively impacted by the Extraterritorial Agreement. FHAS has agreed to pay all required water and sewer fees as determined by the City prior to connecting to the City's public water and sewer systems.

Attachments:

LAFCo Resolution No. OS-18-03 (Attachment 1)

Extraterritorial Agreement (Attachment 2)