



DATE: October 6, 2020

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Adopt a Resolution Approving the Utility Service Agreement and Authorizing the City Manager to File an Application with the Alameda County Local Agency Formation Commission (LAFCo) for Approval of an Out-of-Service Area Agreement and Execute Utility Service and Public Street Improvement Agreements with the Applicant for a Property on Fairview Avenue in Unincorporated Alameda County for Applicants Anthony Barraza & V Anna

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the Utility Service Agreement 20-02 and authorizing the City Manager to file an application with the Alameda County Local Agency Formation Commission (LAFCo) for approval of an out-of-service area agreement and execute Utility Service and Public Street Improvement Agreements with the Applicant.

SUMMARY

The property owners intend to submit an application to Alameda County for a Building Permit to build a new single-family home on their undeveloped land and need water service from the City of Hayward, as there is no other water provider in their close vicinity. The property is located within the City of Hayward's Sphere of Influence (City's SOI) and Water Service Area (Attachment III). The applicant's future water service will be tied to either an 8" water main on Fairview Avenue or a 6" water main on Amyx Court.

Approval of the resolution would authorize the City Manager to file an application with LAFCo for approval of an out-of-service area agreement and to negotiate and execute a Utility Service and Public Street Improvement agreement with the property owners. Upon LAFCo approval of the out-of-service area agreement, the applicant would apply for the necessary building permits with Alameda County.

BACKGROUND AND DISCUSSION

Anthony Barraza & V Anna own the property located within the City of Hayward's Sphere of Influence (City's SOI) and Water Service Area (Attachment III). The City's 8-inch water main located in Fairview Avenue or the City's 6-inch water main located in Amyx Court have capacity to provide water service to this property.

Longstanding City policy allows parcels located in the unincorporated portion of the County to connect to the City's water system where parcels are within the City's SOI and Service Area. Furthermore, State law requires that a city file an application to the applicable LAFCo for approval of an out-of-area service agreement prior to providing its utility service to a property located within its Sphere of Influence but outside its jurisdictional boundaries.

Pursuant to the City policy, the owner has signed a Public Street Improvement Agreement committing to improve Fairview Avenue and Amyx Court to meet the City's standards at a future date and agreeing to a future annexation of the property, if requested by the City. Requiring such an agreement is consistent with past practice for providing utility services to properties outside City of Hayward's jurisdictional boundaries, but within the boundaries of the City's Water Service Area.

ENVIRONMENTAL REVIEW

Environmental review is not required for approval of a utility service agreement and utility service pursuant to Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines.

ECONOMIC IMPACT

The requested action would not have any economic impact.

FISCAL IMPACT

Consistent with the FY2020-21 Master Fee Schedule, the applicant has provided a refundable initial deposit of \$5,000 to the City that will be used to reimburse the city's charges for its staff time and materials expended to process this application. Should Council approve this action and thereafter LAFCo approve the out-of-service area application, the applicant would submit an application and additional deposit to the City for review and approval of Improvement Plan for their water service connection to the City of Hayward's water main and pay for the related water system connection and service charges.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

SUSTAINABILITY FEATURES

This action would not have any sustainability features.

PUBLIC CONTACT

A public hearing is not required for authorizing the city staff to file an application to LAFCo for the Out of Service Area application or executing agreements with the property owners.

NEXT STEPS

Should the Council authorize the filing of an out-of-service area application with LAFCo, staff will submit an application for the out of service area agreement and attend LAFCo's public hearing. Upon receiving LAFCo approval, the agreements with the property owners will be executed. The property owner will be required to submit improvement plans for the water service connection, prepared by a State licensed professional, which will be reviewed and approved by the City Engineer. Property owners will secure the required construction permits, pay for the required fees, and complete water service connection related improvements as per the city approved plans and acceptable to the City's inspectors.

Prepared by: Saeed Saebi, PE, Associate Civil Engineer
Mo Sharma, Interim Development Services Engineer

Recommended by: Laura Simpson, Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager