

TO: JAMES L. APP, CITY MANAGER
FROM: MEG WILLIAMSON, INTERIM PUBLIC WORKS DIRECTOR
SUBJECT: RESOLUTION ESTABLISHING UNDERGROUNDING
DISTRICTS FOR OVER HEAD UTILITIES

DATE: AUGUST 17, 2004

Needs: For the City Council to consider the attached resolution establishing an undergrounding district within the City of Paso Robles.

- Facts:
1. The City of Paso Robles accrues funds through Pacific Gas and Electric Company for the purpose of undergrounding of utilities. These are commonly referred to as Rule 20 funds.
 2. As of May 3, 2004, the City has available \$521,205.00 in Rule 20 Funding.
 3. The City Council may allocate these funds for the undergrounding of overhead utilities providing they have established Undergrounding Districts.
 4. As required by Municipal Code, the utilities associated with the County of San Luis Obispo's County Courthouse Project are to be under grounded.
 5. Adoption of an undergrounding district associated with the proposed site would allow the cost of undergrounding of the utilities associated with the Court House Project to be covered by Rule 20 monies rather than out of the construction budget.
 6. The City has used Rule 20 Funds to underground utilities at the Public Safety Center, Senior/Veteran's projects and Golden Hill Road.
 7. The attached resolution would establish the district.

District Area #5 – From the north side of 10th Street to the south side of 9th street; from the west side of Spring Street to the east side of Park Street (the effected parcels are listed on exhibit A of the attached resolution)

Analysis
and

Conclusion: The formation of District Area #5, would impact those surrounding property owners who have not already migrated from overhead to underground utilities. Specifically, the Car Wash, Poor Richard's Press and Jack's coffee house. Rule 20 funds cannot be used to offset the cost of labor or equipment necessary to re-establish utility service's on private property. Should Council wish to offset the cost of service change over for these establishments, a funding source other than Rule 20 monies would need to be found.

Policy
Reference: None

Fiscal Impact: The formation of Undergrounding District Area #5 would not impact the General Fund.

Options:

1. Adopt Resolution No. 04-xx establishing Undergrounding District Area #5, thereby allowing undergrounding work to be accomplished using Rule 20 Funds
2. Council may amend, modify, or reject the above option.

Attachments:

Resolution establishing Undergrounding District Area #5

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ESTABLISHING DISTRICTS FOR THE UNDER GROUNDING
OF OVERHEAD UTILITIES

WHEREAS, , the City Council of the City of El Paso de Robles desires to have certain utilities underground within the areas described as:

District Area #5 – From the north side of 10th Street to the south side of 9th street; from the west side of Spring Street to the east side of Park Street (the effected parcels are shown on Exhibit A.

WHEREAS, a public hearing has been duly held this date concerning the underground of said utilities, the City Council of the City of Paso Robles, State of California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires, associated overhead structures, and underground installation of wires and facilities for supplying electric, communication or similar or associated service within the territory herein above referred to; and

WHEREAS, notice of such hearing has been given to all affected property owners shown on the last equalized assessment roll by Certified Mail, and to all utilities concerned, in the inner and within the time required by law; and

WHEREAS, all persons interested have been given an opportunity to appear before City Council and be heard.

THEREFORE BE IT RESOLVED by the City Council of the City of El Paso de Robles, as follows:

SECTION 1. That pursuant to Chapter 15.00 of the City of Paso Robles Municipal Code, that territory of the City of Paso Robles which is more particularly described on the attached document marked Exhibits "A" which is hereby expressly incorporated herein by reference, is hereby declared an underground utility district, and is designated as *Underground Utility District No. #5 of the City of Paso Robles*. Attached hereto marked Exhibits "A" and incorporated by reference as though here fully set forth, is a map delineating the boundaries of said District.

SECTION 2 That the City Council of Paso Robles hereby establishes the underground utility district herein created is in the public interest for the following reasons:

- a. Such under grounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities;
- b. Such right-of-way is extensively used by the general public and carries a heavy volume of vehicular traffic;
- c. Subject right-of-way adjoins or passes through an area of unusual scenic interest to the general public.

SECTION 3. That the City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within said underground utility district of the adoption of this resolution within ten (10) days after the date of such adoption.

SECTION 4. That said City Clerk shall further notify said property owners of the necessity that, if they or any person occupying such property desires to continue to receive electric communication or other similar or associated service, they or such occupants shall, by the date fixed in this resolution, provide all necessary facility changes on their premises so as to receive such service from the lines of supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this resolution together with a copy of said Chapter Section 15.04.030 of the Paso Robles City Code to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

SECTION 5. The City of Paso Robles hereby waves any applicable electrical permit and inspection fees associated with any under grounding, modification, change over, caused as a result of the implementation of these Districts.

SECTION 6. That said, the City Council of Paso Robles does hereby order and fix the following dates as dates by which said affected property owners must be ready to receive underground service, and by which the removal of all poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar or associated service within said Special Underground Utility District No.1 must be completed, to-wit:

District Area #5 (County Court House)

- a. The date of *January 01, 2005*, is the date by which the underground utilities shall be installed and hooked up, and the date by which affected property owners must be ready to be hooked up to underground utility service.
- b. The date of *January 01, 2005*, is the date by which services to the public are to be completed and the date by which affected property owners must be receiving underground service; and
- c. The City Council of Paso Robles does hereby order the removal of all poles, Overhead wires and associated overhead structures and underground installation of wires and facilities for the supplying of electric, communication or similar or associated service within Special Underground Utility District No.1 on or before *January 01, 2005*.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of August 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT: _____

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"

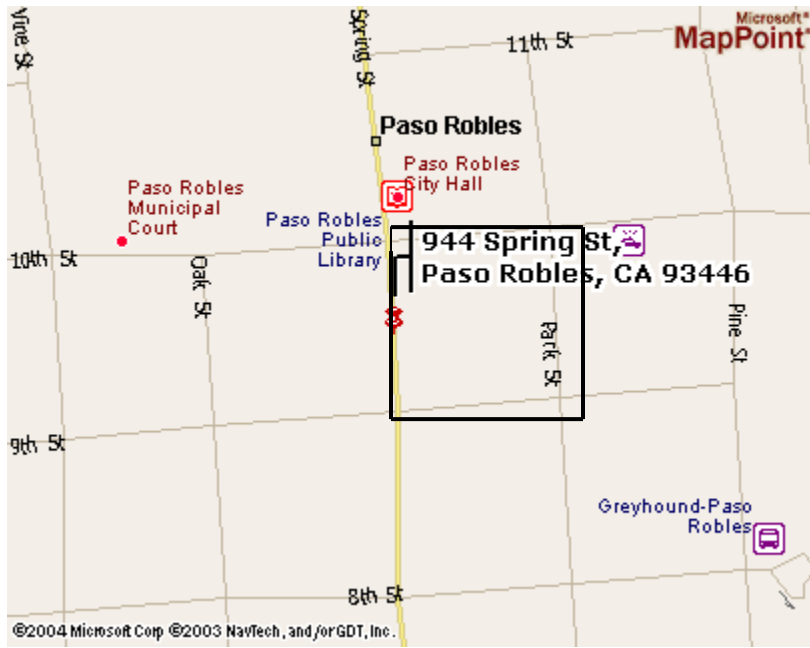


EXHIBIT "A"

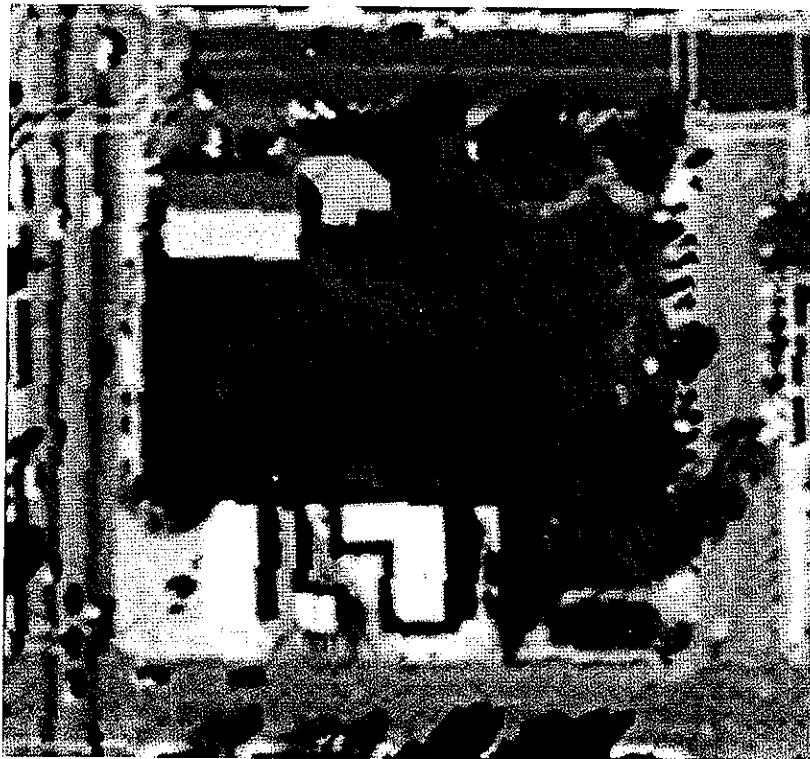
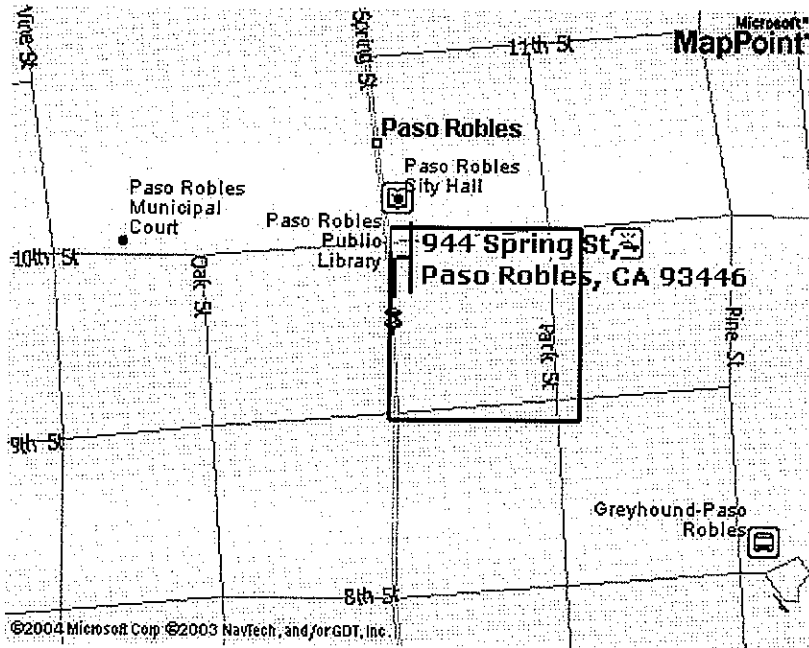


EXHIBIT A