

TO: James L. App, City Manager
FROM: Doug Monn, Interim Public Works Director
SUBJECT: Amendment of Undergrounding District No. 5 for Overhead Utilities
DATE: October 18, 2005

NEEDS: For the City Council to consider adopting Resolution 05-xx amending an established Undergrounding District within the City of Paso Robles.

FACTS:

1. The City of Paso Robles accrues funds through Pacific Gas and Electric Company (PG&E) for the purpose of undergrounding utilities. These are commonly referred to as Rule 20A funds.
2. As of July 18, 2005, the City had accrued \$657,077.00 in Rule 20A funds that could be applied to undergrounding projects.
3. In August of 2004, the City Council created Undergrounding District No. 5 for the purpose of undergrounding the utilities between Pine and Spring Streets, north to 10th Street and south to 9th Street.
4. It was later determined that allocation of design time and Rule 20A funding by PG&E was directly related to project size. Undergrounding District No. 5 as created is a very small district; therefore, it was relegated to a low priority. To date, no money has been allocated to this project and no design work has been performed.
5. In order to move the undergrounding project forward, staff is recommending Undergrounding District No. 5 be amended to include the undergrounding of overhead utilities from the north side of 10th street to the south side of 9th street, between the east side of Park Street and the west side of Spring Street, and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street.
6. The attached Resolution would amend Undergrounding District Area No. 5 to include the area as follows:

District Area No. 5 – From the north side of 10th street to the south side of 9th street, between the east side of Park Street and the west side of Spring Street, and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street. The affected parcels are listed on Exhibit A of the attached Resolution.
7. Adoption of the amended District would increase the project area, resulting in it being given a higher priority.
8. This item was continued from the September 20th meeting.

**ANALYSIS
AND**

CONCLUSION: The use of Rule 20A funds for this undergrounding project would be consistent with the City's desire to mitigate unsightly overhead utilities within the downtown area.

POLICY

REFERENCE: None

FISCAL

IMPACT: The amendment of Undergrounding District No. 5 would diminish the Rule 20A funds currently available to the City by an estimated \$350,000.00.

OPTIONS:

- a.** Adopt Resolution No. 05-xx:
 - (1) Amending Undergrounding District No. 5 to include the area from the north side of 10th street to the south side of 9th street, between the east side of Park Street and the west side of Spring Street, and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street; and
 - (2) Directing the City Clerk to notify all affected utilities and property owners of said amendment; and
 - (3) Waiving any applicable electrical permit and inspection fees associated with any undergrounding, modification, or changeover caused as a result of the implementation of these Districts; and
 - (4) Setting dates related to the undergrounding of the utilities.
- b.** Amend, modify, or reject the above option.

Attachments (3):

- 1) Resolution No. 05-xx
- 2) Exhibit A – List of affected parcels
- 3) Exhibit B - Map of Proposed Amended Undergrounding District

THE Newspaper of the Central Coast TRIBUNE

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD #6256461
CITY OF PASO ROBLES

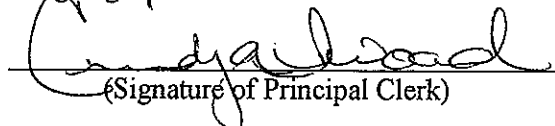
STATE OF CALIFORNIA,

SS.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to OCTOBER 5, 2005 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: OCT. 5, 2005
AD COST: \$73.83

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE OF INTENT TO CONSIDER AMENDMENT OF UNDERGROUNDING DISTRICT

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing on Tuesday, October 18, 2005, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider amendment of an Undergrouding District No. 5 as follows:

From the north side of 10th street to the south side of 9th street, between the east side of Park Street and the west side of Spring Street, and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street.

Written comments on the proposed amendment may be mailed to the Public Works Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this amendment, please call Doug Monn at (805) 237-3861.

If you challenge the planned amendment in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to the public hearing.

Doug Monn
Interim Public Works Director
Oct. 5, 2005

6256461

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AMENDING UNDERGROUND DISTRICT NO. 5, DIRECTING NOTIFICATION OF ALL
AFFECTED PROPERTY OWNERS AND UTILITIES, WAIVING PERMIT AND INSPECTION
FEES RELATED TO UNDERGROUNDING IN AMENDED DISTRICT NO. 5, AND SETTING
DEADLINES FOR COMPLETION OF UNDERGROUNDING OF ALL UTILITIES WITHIN
AMENDED DISTRICT NO. 5

WHEREAS, the City Council of the City of El Paso de Robles desire to have certain utilities undergrounded within the areas described as;

The north side of 10th street to the south side of 9th street, between the east side of Park Street and the west side of Spring Street, and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street, as illustrated on the attached map, Exhibit "B"

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

WHEREAS, notice of such hearing has been given by Certified Mail to all affected property owners (as listed on Exhibit "A") shown on the last equalized assessment roll, and to all utilities concerned within the time required by law; and

WHEREAS, all persons interested have been given an opportunity to be heard.

THEREFORE BE IT RESOLVED by the City Council of the City of Paso Robles, that:

SECTION I

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 documents marked Exhibit "B", is hereby expressly incorporated herein by reference and is hereby amended and designated as *Underground Utility District Area No. No. 5 of the City of Paso Robles*.

SECTION II

That the City Council of Paso Robles hereby amends Underground Utility District No. 5, which was created in the public interest for the following reasons:

- a. Such undergrounding 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 III

That the City Clerk is hereby directed 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 IV

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 V

- a. Rules 20A conversion allocation funds shall be available for conversion of electric service panels not exceeding \$1,500 per panel, and excluding City Permit Fees to accept the new underground service facilities pursuant to the Public Utilities Commission of the State of California, Advice Letter 1930-E.
- b. The City of Paso Robles hereby waives any applicable electrical permit and inspection fees associated with any undergrounding, modification, or changeover caused as a result of the implementation of these Districts.

SECTION VI

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. 5 must be completed, to-wit:

District No. 5

- a. The date of January 1, 2007 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 1, 2007 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. 5 on or before June 30, 2007.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 18th day of October 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Frank R. Mecham, Mayor

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A
Proposed Amended Underground District #5
Affected Parcels

9151002	9201012
9151006	9202006
9151007	9202007
9151008	9202008
9152005	9203001
9152006	9203003
9152007	9203004
9154007	9203006
9154008	9203007
9154009	9203009
9154016	9203011
9154019	9203012
9154023	9203015
9154024	9203016
9154025	9203017
9154026	9203018
9156006	9203019
9156008	9204001
9156009	9205002
9156010	9205003
9201001	9206001
9201002	
9201003	
9201005	
9201008	
9201009	
9201010	
9201011	

EXHIBIT B

PROPOSED AMENDED UNDERGROUNDING DISTRICT NO. 5

