

AGENDA ITEM NO.

COUNCIL MEETING

March 4, 2008

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

March 4, 2008

FROM: PATRICK N. WIEMILLER, Director 
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director 
Public Works Department, Engineering Division

SUBJECT: ADOPT A RESOLUTION SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-91 (WILLOW AVENUE SOUTH OF NEES AVENUE ACROSS APN 404-481-18, PROPERTY LOCATED IN COUNCIL DISTRICT 6)

KEY RESULT AREA

One Fresno

RECOMMENDATION

Adopt the attached Resolution setting the time and place for the public hearing to consider formation of Underground Utility District No. FRE-91, located on Willow Avenue south of Nees Avenue across APN 404-481-18.

EXECUTIVE SUMMARY

Underground Utility District (UUD) No. FRE-91 is generally located on Willow Avenue south of Nees Avenue across APN 404-481-18 as shown on Exhibit A of the attached Resolution. The Underground Utility District (UUD) is in conjunction with a proposed capital improvement project and County of Fresno Underground Utility District.

The formation of underground utility districts imposes the requirement upon utility companies to convert their existing overhead electrical and communication facilities to underground service. The formation of an underground utility district also requires affected property owners to modify their existing overhead services to accept utility service from underground facilities. It is proposed that the costs associated with the conversion of public facilities in street right of way be included in the proposed capital improvement project.

Underground installation of transmission facilities is funded by utility company funds set aside pursuant to Public Utility Commission Rule 20A. PG&E estimates a cost of \$135,000 for the proposed UUD No. FRE-91 undergrounding project using Rule 20A funds.

KEY OBJECTIVE BALANCE

The proposed Three-Year Underground Utility District Plan balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. The proposed UUD No. FRE-91 provides for Customer Satisfaction by providing a safer and more attractive environment for the City of Fresno. Financial Management is enhanced by utilizing the CPUC Rule 20A allocation eliminating the need to use public funds to make these improvements.

BACKGROUND

In 2006, the City of Fresno applied for and received Federal Regional Surface Transportation Program (RSTP) grant funding through the Fresno County Council of Governments (COG). This grant was for the widening of Willow Avenue from Nees Avenue to Decatur Avenue (0.25 miles south of Nees Avenue). Design is underway with construction funds available through Caltrans in summer 2009. The widening project is in conflict with the overhead utilities along this segment of Willow Avenue.

On August 21, 2007, the Council approved the Revised Three Year Underground Utility District (UUD) Plan (see Attachment 1) which includes UUD No. FRE-91. UUD No. FRE-91 is generally located on Willow Avenue south of Nees Avenue across APN 404-481-18 as shown on Exhibit A of the attached Resolution. The Underground Utility District (UUD) is in conjunction with the proposed widening of Willow Avenue and County of Fresno Underground Utility District from Nees Avenue to 0.25 miles of Nees Avenue.

The formation of underground utility districts imposes a requirement upon the utility companies to convert their existing overhead electrical and communication facilities to underground service, including the removal of poles, overhead wires and associated overhead structures within the district.

The formation of an underground utility district also requires affected property owners to modify their existing overhead services to accept utility service from underground facilities installed by the utility companies. No services have been identified by PG&E as needing to convert from overhead to underground service. It is proposed that the costs associated with any conversion of public facilities in street right of way be included in the proposed capital improvement project.

Underground installation of transmission facilities is funded by utility company funds, set aside pursuant to Public Utility Commission Rule 20A. PG&E estimates a cost of \$135,000 for the proposed UUD No. FRE-91 undergrounding project using Rule 20A funds.

Chapter 13, Article 6 of the Fresno Municipal Code establishes the procedures for the creation of an underground utility district. The initial step of this procedure is the setting of a public hearing for the determination of whether public necessity, health, safety or welfare requires the underground installation of existing overhead wires and associated overhead structures within the proposed district area. All property owners and utility companies in the proposed district will be mailed a notice of the public hearing in accordance with the provisions of the Code.

Should the Council not approve the formation of this district, overhead services will continue in the area and the wood poles will have to be moved by PG&E to accommodate the street widening.

Report to the City Council
Adopt Resolution Setting Time/Place for Public Hearing To Consider
Formation of Underground Utility District No. FRE-91
(Willow Avenue South of Nees Avenue Across APN 404-481-18)
March 4, 2008
Page 3

FISCAL IMPACT

There will be no impact to the City's General Fund. All costs associated with the conversion of public facilities in street right of way will be included as part of the proposed capital improvement project.

PNW/SLM/JCP/eam
UUD FRE-91 3-4-08

Attachments: 1. Attachment "1" - Three Year Conversion Plan
2. Resolution

ATTACHMENT "1"

3-Year Plan (August 2007)

UNEXPENDED ALLOCATIONS

Allocation carryover from previous years through 2005
 Allocation for FY 2006
 Projected Allocation for FY 2007 and 2009

\$13,409,613
 2,406,808
 7,220,424
TOTAL \$23,036,845

\$23,036,845

DISTRICT NAME FY 2007/08 Projects	PROJECT LOCATION	RULE 20A CONTRIBUTION	CITY COST	PROJECT STATUS	REMAINING ALLOCATION
FRE 78	Elm Ave. - Jensen to North Aves.	1,793,307	Funded by RDA Project	Under Construction	
FRE 81	Willow Ave - Nees to Shepherd Avenue	1,000,000	Funded by Willow widening project	Under Construction	
FRE 83	Shaw and Cedar Avenues	914,854	Funded by Capital Project	Under Construction	
	<u>FY 01 TOTAL</u>	<u>\$3,648,161</u>			<u>-\$3,648,161</u>
FRE 74 Phase 3	Kings Canyon - Maple to Willow Aves.	1,750,000	\$410,000	Pending Project Start	
FRE 69	Ventura - "H" St. to Frwy 99	850,000	Funded by RDA Project	Pending Project Start	
FRE 87	Orange Ave - North Ave to Fwy 99	800,000	Funded by RDA Project	Pending Project Start	
	<u>FY 02 TOTAL</u>	<u>\$3,400,000</u>			<u>-\$3,400,000</u>
FRE 84	Blackstone - Shields to Fwy 180	1,500,000	Funded by RDA Project	Pending Project Start	
FRE 85	Belmont - Fwy 41 to Chestnut	4,000,000	Funded by RDA Project	Pending Project Start	
FRE 77	Peach - Belmont to Butler Aves.	1,600,000	Funded by Peach widening project	Pending Project Start	
FRE 80	North - Fwy 99 to Frwy 41	1,250,000	Pending PG&E determination	Pending Project Funding	
FRE 86	Willow Ave - Shepherd to Copper Avenue	2,700,000	Funded by Capital Project	Proposed Project	
FRE 88	Herndon - Fruit to West	650,000		Pending Project Start	
FRE 89	West - Bullard to Sierra	385,000	County joint project	New	
FRE 90	Sierra - Fruit to e/o Safford	275,000	County joint project	New	
FRE 91	Willow - s/o Nees	135,000	County joint project	New	
	<u>FY 03 TOTAL</u>	<u>\$12,495,000</u>			<u>-\$12,495,000</u>
				<u>REMAINING ALLOCATION</u>	<u>\$3,493,684</u>

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CALLING A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY OR WELFARE REQUIRES THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-91

RESOLVED, by the Council of the City of Fresno, California, as follows:

WHEREAS, Chapter 13, Article 6, of the Fresno Municipal Code, establishes a procedure for the creation of underground utility districts and requires as the initial step in such procedure the holding of a public hearing to ascertain whether public necessity, health, safety or welfare requires the full removal of poles, overhead wires and associated overhead structures and the full underground installation of wires and facilities for supplying electric, communication, cable television or similar or associated service in any such district; and

WHEREAS, it has been recommended that such an underground utility district, hereinafter called District, be formed on Willow Avenue south of Nees Avenue across APN 404-481-18 as shown on the map entitled "Underground Utility District No. FRE-91", which is attached as Exhibit A and on file in the Office of the City Clerk of the City of Fresno, at the Fresno City Hall, 2600 Fresno Street, Fresno, California.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. Notice is hereby given that a public hearing will be held by the Council of the City of Fresno on April 1, 2008, at the hour of 10:00 a.m., in the Council Chamber of City Hall, 2600 Fresno Street, Fresno, California to ascertain whether the public necessity, health, safety or welfare requires the full removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, cable television or similar or associated service in the district hereinabove described.

2. At such hearing, all persons interested shall be given an opportunity to be heard. Said hearing may be continued from time to time as may be determined by the Council.

3. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and concerned utilities of the time and place of such hearing by mailing a copy of this Resolution to such property owners and utilities concerned at least 10 days prior to the date thereof.

4. The area proposed to be included in the District is shown upon that certain map entitled "Underground Utility District No. FRE-91", which is on file in the Office of the City Clerk of the City of Fresno, and is attached hereto as Exhibit A, and incorporated herein by reference.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor Approval: _____, 2008

Mayor Approval/No Return: _____, 2008

Mayor Veto: _____, 2008

Council Override Vote: _____, 2008

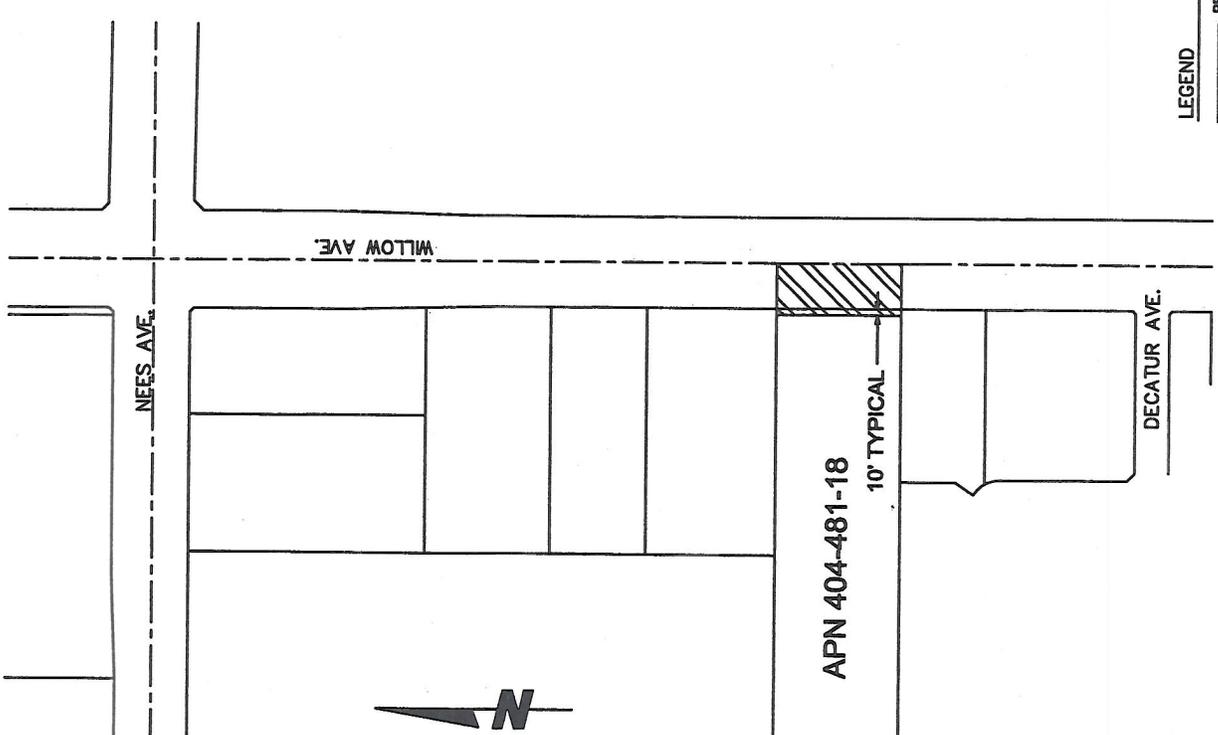
REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Laurie A. Avedisian
Deputy
Laurie A. Avedisian

UUD FRE-91



IN ACCORDANCE WITH ARTICLE 8 OF CHAPTER II OF THE FRESNO MUNICIPAL CODE, THE
 COUNCIL OF THE CITY OF FRESNO ON _____ ADOPTED
 RESOLUTION NUMBER _____ CREATING UNDERGROUND UTILITY DISTRICT
 NUMBER FRE-91.

THE WITHIN DESCRIBED UNDERGROUND UTILITY DISTRICT WAS ESTABLISHED BY THE ADOPTION
 OF THE ABOVE INDICATED RESOLUTION. IT INCLUDES ALL OF THE AREA WITHIN THE BOUNDARY
 AND ALSO INCLUDES ALL YARDS REQUIRED BY THE ZONING ORDINANCE OF THE CITY OF
 FRESNO ALONG THE STREETS OR ALLEYS ON ALL PROPERTIES ABUTTING ANY STREETS OR
 ALLEYS WITHIN THE DISTRICT.

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF FRESNO, STATE OF CALIFORNIA
 THIS _____ DAY OF _____ 2008.

REBECCA E. KURSCH
 CITY CLERK OF THE CITY OF FRESNO

BY: _____

FILED IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR OF THE CITY OF FRESNO. THIS
 _____ DAY OF _____ 2008.

PATRICK M. WEDMULLER
 PUBLIC WORKS DIRECTOR
 OF THE CITY OF FRESNO

BY: _____

DOCUMENT NO. _____

FILED THIS _____ DAY OF _____ 2008, AT THE HOUR OF _____ O'CLOCK, AM
 IN BOOK _____ AT PAGE _____ OF UNDERGROUND UTILITIES DISTRICT MAPS IN THE OFFICE
 OF THE COUNTY RECORDER OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

ROBERT C. WERNER
 COUNTY RECORDER OF THE
 COUNTY OF FRESNO

BY: _____

EXHIBIT A

CITY OF FRESNO		DEPARTMENT OF PUBLIC WORKS	
UNDERGROUND UTILITY		DISTRICT NUMBER	
FRE-91		FRE-91	
APPROVED	DATE	OFFICE USE	DATE
_____ CITY CLERK	_____ DATE	_____ OFFICE USE	_____ DATE

LEGEND

PROPERTY LINE

▨
LIMITS OF UNDERGROUND UTILITY DISTRICT FRE-91