

February 7, 2013

AGENDA ITEM NO.	1B
COUNCIL MEETING	02/07/13
APPROVED BY	
	
DEPARTMENT DIRECTOR	
CITY MANAGER 	

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

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

PETE CALDWELL, Senior Real Estate Agent
Public Works Department, Traffic and Engineering Services Division

SUBJECT: ADOPT A RESOLUTION SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-92 ON THE NORTH SIDE OF NEES AVENUE FROM 0.2 MILES WEST OF WILLOW AVENUE TO WILLOW AVENUE (COUNCIL DISTRICT 6).

RECOMMENDATION

Staff recommends the Council adopt the attached Resolution setting the time and place for the public hearing to consider formation of Underground Utility District (UUD) No. FRE-92, on the north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue.

EXECUTIVE SUMMARY

The proposed UUD FRE-92 is generally located on north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue as shown on Exhibit "A" of the attached Resolution. Arrangements are already in place for the undergrounding of overhead utilities along the south side of Nees Avenue and the west side of Willow Avenue immediately south of Nees Avenue. Staff is requesting the adoption of UUD FRE-92 along Nees Avenue so that overhead utilities will be undergrounded along those portions of Nees Avenue in conjunction with the planned road improvement project funded by Measure "C" Tier 1 and Federal Regional Surface Transportation Program (RSTP) dollars. Underground installation of PG&E overhead electrical facilities is funded by the utility company funds set aside pursuant to the Public Utility Commission Rule 20A. The PG&E cost to place the existing overhead facilities underground within UUD FRE-92 is estimated to be \$375,500. The other utility companies, AT&T and Comcast Cable, will provide 100 percent of the funding to convert the existing overhead facilities to underground. Adoption of the resolution will set the time and place of the public hearing for February 28, 2013, at 10:00am.

BACKGROUND

The improvement of Willow Avenue to a six-lane superarterial has been the goal of the City of Fresno, City of Clovis and County of Fresno for many years. In 2006, the City of Fresno applied for and received approval for Regional Surface Transportation Program (RSTP) grant funding through the Fresno Council of

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Governments (COG). This grant was for the widening of Willow Avenue from Shepherd Avenue to Decatur Avenue (0.25 miles south of Nees Avenue). This operational improvement project will reconstruct and widen portions of Willow and Nees Avenues within an existing corridor to fill in segments of single lanes between signals. The project right-of-way acquisition is near completion. The construction is planned for 2014 and includes the installation of new streetlights, underground utility facilities, modification of traffic signal at Willow Avenue and Nees Avenue intersection, placing new asphalt pavement, concrete curb and gutter, median curb, sidewalk, driveway approaches, and segments of pedestrian trail on the west side of Willow Avenue. The existing overhead utilities are in conflict with the proposed widening project along Willow Avenue and Nees Avenue. Utility companies may be able to begin construction as early as the second quarter of 2013, but possibly the third quarter of 2013. The street construction project is tentatively scheduled to start during Summer 2014.

The County of Fresno Department of Public Works and Planning and the City of Fresno Public Works Department are working together to widen the streets and to underground the utilities along Nees and Willow Avenues. The County Board of Supervisors has taken the necessary actions to approve resolutions to form the undergrounding district within the County's jurisdiction, through adoption of Resolution No. 10-314 on August 24, 2010, and Resolution No. 08-456 on October 8, 2008. Thus the arrangements are already in place for undergrounding on the south side of Nees Avenue and along the west side of Willow Avenue between Nees Avenue and Decatur Avenue.

In 2012, PG&E approached the City concerning a short segment along the north side of Nees Avenue between Willow Avenue and 0.2 miles west of Willow Avenue. Although overhead utilities were placed underground by the developers of a residential subdivision and a commercial shopping center, there is an existing wood pole and overhead line along the frontage of a 5 acre rural residential parcel. It is recommended by PG&E staff and City of Fresno Public Works Department staff to include this property so as to eliminate the overhead lines crossing Nees Avenue and the single wood pole along the frontage. The estimated additional cost for the north side of Nees Avenue (UUD FRE-92), to be borne by Rule 20A funds, is \$375,500.

The formation of the Underground Utility District imposes the requirement upon utility companies to convert their existing overhead electrical and communication facilities to underground service. The formation of the Underground Utility District also requires affected property owners to modify their existing overhead services to accept utility service from the underground facilities. However, the City can make the cost of the conversion for each property owner a cost covered by the allocated funds from the Rule 20A. City policy is now and has historically been to utilize Rule 20A funds for the cost of the conversion. Underground installation of PG&E overhead electrical facilities is funded by the utility company funds set aside pursuant to the Public Utility Commission Rule 20A. The other utility companies, AT&T and Comcast Cable, will provide 100 percent of the funding to convert the existing overhead facilities to underground.

Chapter 13, Article 6, of the Fresno Municipal Code, establishes a procedure for the creation of the Underground Utility District. The initial step requires a public hearing to determine whether public necessity, health, safety or welfare require the full underground installation of existing overhead wires and associated structures within the proposed district. All property owners and utility companies in the proposed district will be mailed a notice of the public hearing in accordance with provisions of the Code.

The notices also identify those property owners who will be required to modify their existing overhead services to accept utility service from underground facilities installed by the utility companies. The underground utility district funds will be used to convert the property owner's existing overhead utility service connections to receive service from the underground facilities of the respective utility companies.

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Should the Council not approve the formation of the District, overhead services will continue in the area and the overhead facilities would remain in place across Nees Avenue

FISCAL IMPACT

There will be no impact to the City's General Fund. Underground installation of PG&E overhead electrical facilities are funded by the utility company funds set aside pursuant to the Public Utility Commission Rule 20A. The other utility companies, AT&T and Comcast Cable, will provide 100 percent of the funding to convert the existing overhead facilities to underground.

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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-92

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 the boundary of underground utility district, hereinafter called District, be formed on north side of Nees Avenue from less than one-quarter mile west of Willow Avenue, as shown on the map entitled "Underground Utility District FRE-92," which is attached hereto as Exhibit A and incorporated herein by this reference, and is on file in the Office of the City Clerk of the City of Fresno, at 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 February 28, 2013 at the hour of 10:00 AM, in the Council Chambers of the City Hall,

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



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Resolution Establishing Underground
District No. 92

Resolution No.

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 full underground installation of wires and facilities for supplying electric, communication, cable television or similar or associated service in the District herein above 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 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 the certain map entitled "UUD FRE-92," which is on file in the office of the City Clerk of the City of Fresno, and attached hereto as Exhibit A, and incorporated herein by this reference.

* * * * *

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2013.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2013
Mayor Approval/No Return: _____, 2013
Mayor Veto: _____, 2013
Council Override Vote: _____, 2013

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

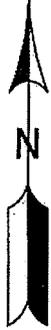
APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Raj Singh Badhesha, Deputy [date]

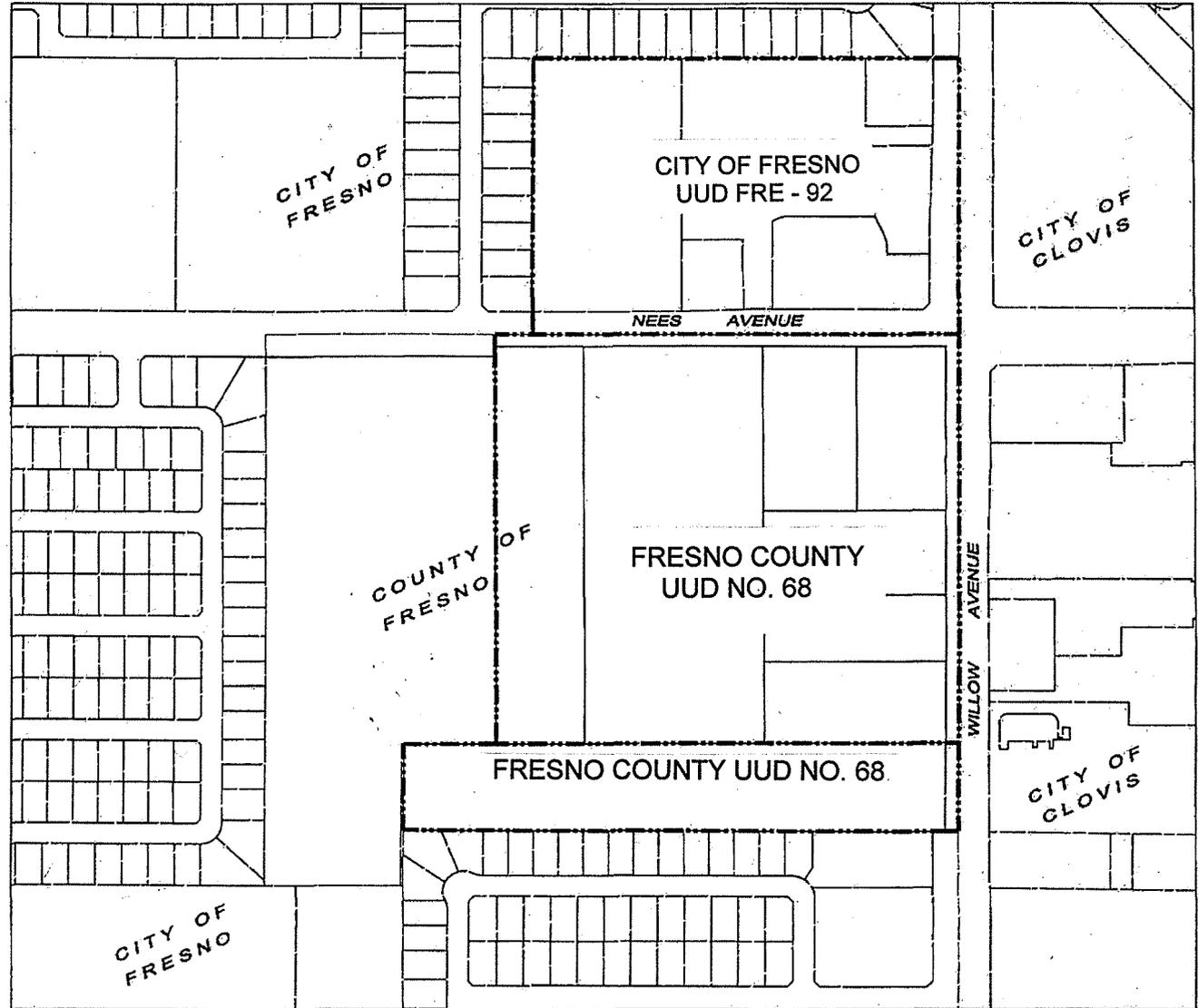
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EXHIBIT "A"

NEES AVENUE FROM LESS THAN ONE QUARTER MILE
WEST OF WILLOW AVENUE TO WILLOW AVENUE



SCALE: 1"=400'



LEGEND

- U.U.D. BOUNDARY 
- CITY OF FRESNO 
- CITY OF CLOVIS 