

RESOLUTION NO. RES-2017-026

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ON FULTON ROAD BETWEEN GUERNEVILLE ROAD AND PINER ROAD

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32; and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground; and

WHEREAS, the City of Santa Rosa, has adopted an ordinance, codified as Chapter 13-12 UNDERGROUND UTILITIES in the Santa Rosa City Code, authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, each year the City of Santa Rosa is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, the City of Santa Rosa has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project; and

WHEREAS, the City of Santa Rosa is currently in the process of preparing a preliminary design for the widening of Fulton Road, which would include the relocation of utilities underground consistent with City Code Chapter 13-12 and Rule 20A, and conducting environmental review of the proposed project as required pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, prior to PG&E entertaining any request to commence any analysis and design work necessary for the undergrounding of utilities, which work requires several month lead time, the City of Santa Rosa must establish an underground utilities district (Underground Utilities District) and enter into an agreement with PG&E for such work; and

WHEREAS, as part of the Rule 20A work, PG&E will conduct any necessary environmental review as required pursuant to CEQA for the design and construction of the Underground Utility District facilities; and

WHEREAS, the City of Santa Rosa will complete its environmental review pursuant to CEQA for the Fulton Road Project prior to commencement of construction of the underground facilities; and

WHEREAS, the name of the proposed Underground Utility District is “The Underground Utility District on Fulton Road between Guerneville Road and Piner Road”; and

WHEREAS, the City of Santa Rosa has consulted with the affected utilities regarding the responsibility that each utility shall complete the engineering of their respective portion of the Underground Utility District; and

WHEREAS, the City of Santa Rosa and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project; and

WHEREAS, to the extent required, the City of Santa Rosa has agreed to provide easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities; and

WHEREAS, the continued advancement of the Underground Utility District is subject to the City of Santa Rosa’s determination that it is appropriate to pursue the Underground Utility District and the Fulton Road Widening Project; and

WHEREAS, a public hearing was called for on Tuesday, February 14, 2017, at or after the hour of 5:30 p.m. in the City Council Chambers, City Hall, Santa Rosa, California, to ascertain whether the public necessity, health, safety or welfare require the removal of poles, overhead wires and associated structures and the underground installation of wires and facilities for supplying electric, communication or similar or associated service within the certain area of the City of Santa Rosa and County of Sonoma described in the attached Exhibit "A"; and

WHEREAS, notice of the public hearing has been given to all affected property owners, as shown on the last equalized assessment roll, and to the utility companies concerned, in the manner and for the time required by law; and

WHEREAS, the public hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

WHEREAS, the City Council determined after hearing all comments on the subject that the Underground Utility District herein is created in the general public interest for one or more for the following reasons:

1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; and
2. The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic (including bicycles); and

3. The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; and
4. The street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines and in the adopted General Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santa Rosa that:

Section 1. The public necessity, health, safety, and welfare require the removal of all existing utility poles (except those poles solely supporting streetlights or traffic signals), overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit A, attached hereto, with such area being designated as Underground Utility District; and

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Underground Utility District, and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines; and

Section 3. The electric utility shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Underground Utility District, a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Underground Utility District; and

Section 4. The electric utility shall use said underground conversion allowance allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Underground Utility District, and the City of Santa Rosa shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served; and

Section 5. That upon notification as specified in Section 2, all property owners in Underground Utility District, shall have underground electrical entrance facilities installed and inspected pursuant to the City of Santa Rosa Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Transportation Public Works who shall, within thirty (30) days direct the electric utility in writing to discontinue

electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements; and

Section 6. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Underground Utility District, by **March 2020**.

BE IT FURTHER RESOLVED that the City Clerk or designee, within ten days after the adoption of this resolution, shall mail a copy of this resolution and a copy of the Chapter 13-12 of the Santa Rosa City Code to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

IN COUNCIL DULY PASSED this 14th day of February, 2017.

AYES: (7) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney