



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: MAY 20, 2013

FROM: CITY MANAGER

SUBJECT: AN ORDINANCE AMENDING CHAPTER 13.14 OF THE PASADENA MUNICIPAL CODE ENTITLED "UNDERGROUND UTILITIES DISTRICTS" SECTIONS 13.14.020, 13.14.030, 13.14.050, 13.14.100 AND 13.14.110

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 13.14 OF THE PASADENA MUNICIPAL CODE ENTITLED "UNDERGROUND UTILITIES DISTRICTS" SECTIONS 13.14.020, 13.14.030, 13.14.050, 13.14.100 AND 13.14.110

PURPOSE OF ORDINANCE:

This amendment provides two options to properties within underground utility districts. The options provided are: A) a property owner can provide a right of entry to the City and the City will install, at City's expense, the conduits and other necessary materials to convert the property to underground utilities or; B) a property owner can have the work performed by a private contractor and be reimbursed up to \$3,000 by the City. The Chapter is also being updated to eliminate references to the Board of Directors and replacing those references with the City Council. On January 14, 2013, the City Council directed preparation of this Ordinance.

REASON WHY LEGISLATION IS NEEDED:

In the past, the financial hardship of a few property owners has greatly slowed the completion of undergrounding the utilities in districts. This amendment would benefit the property owners within a project area by eliminating financial hardship and enable the City to accelerate the completion of underground projects.

MEETING OF 05/20/2013

AGENDA ITEM NO. 30

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

Adoption of this Ordinance will enable the Public Works department to accelerate the completion of the underground project.

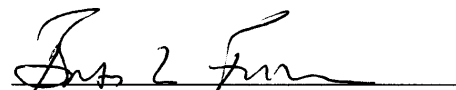
FISCAL IMPACT:

This additional cost to implement this ordinance change will be approximately \$1,500 per property. Sufficient funds in the amount of \$2,372,897 are available in the unencumbered balance of the Underground Utilities Surtax Fund. An increase in appropriations based on the projected number of affected property owners per utility district would be allocated during the FY 2014-2018 Capital Improvement Budget.

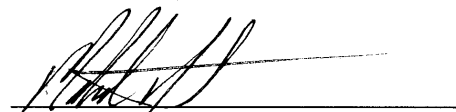
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Brad L. Fuller
Assistant City Attorney

Concurred By:


Michael J. Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 13.14 OF THE PASADENA MUNICIPAL CODE ENTITLED "UNDERGROUND UTILITY DISTRICTS" SECTIONS 13.14.020, 13.14.030, 13.14.050, 13.14.100 AND 13.14.110

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

Ordinance No. _____ amends Chapter 13.14 (Underground Utility Districts) of the Pasadena Municipal Code to provide two options to properties within underground utility districts. The options provided are: A) a property owner can provide a right of entry to the City and the City will do the undergrounding of the equipment on the private property or; B) a property owner can have the work performed by a private contractor and be reimbursed up to \$3,000 by the City. The Chapter is also being updated to eliminate references to the board of directors and replacing those references with the city council.

Ordinance No. _____ shall take effect upon publication."

SECTION 2. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.020, Subsection C, Paragraph 4 is amended as follows:

C. ~~"Board"~~ **"City Council"** means the ~~board of directors~~ **City Council** of the City of Pasadena.

SECTION 3. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.030 is amended as follows:

13.14.030 - Hearing—Called by ~~board~~council.

The ~~board~~council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The city clerk shall notify all affected utilities and affected property owners as shown on the real property records of the city assessor, tax and license collector. The notice shall state the time and place of such hearings and shall be mailed at least 10 days prior to the hearing. Each hearing shall be open to the public and may be continued from time to time. At each such hearing any interested person may appear either in person or by agent and be heard. The decision of the ~~board~~council shall be final and conclusive.

SECTION 4. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.050 is amended as follows:

If, after any such public hearing, the ~~board~~ council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the ~~board~~ council, by resolution, shall declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising the district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be

ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. The time so specified may be extended by the ~~board~~ **council** upon a showing of good cause.

SECTION 5. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.060, Subsection A, Paragraph 1, is amended as follows:

A. Whenever the ~~board~~ **council** creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 13.14.050, no person or utility shall erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated structures in the district after the date when the overhead facilities are required to be removed by such resolution, except where such overhead facilities are necessary to provide utility service to affected property prior to his performance under Sections 13.14.010 and 13.14.020

SECTION 6. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.100 is amended as follows:

~~A. If underground construction is necessary to provide utility service within a district, each utility shall furnish that portion of the conduit, conductors and associated equipment required to be furnished by it under applicable ordinances of the city and the applicable rules, regulations and tariffs on file with the Commission.~~

~~B. City shall remove at its expense city owned equipment from all poles~~

~~required to be removed hereunder in sufficient time to enable the owner or user thereof to remove such poles within the time specified in the resolution adopted pursuant to Section 13.14.050~~

A. If construction is necessary to install underground infrastructure to provide utility service within a district, each utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under applicable ordinances of the city and the applicable rules, regulations and tariffs on file with the Commission.

B. City shall provide at its expense the necessary conduits, wiring, conductors and associated equipment required for the conversion of all affected property owners identified with existing electrical overhead service within the district for connection to the underground system.

C. City shall remove at its expense city-owned equipment from all poles required to be removed hereunder in sufficient time to enable the owner or user thereof to remove such poles within the time specified in the resolution adopted pursuant to Section 13.14.050

SECTION 7. Pasadena Municipal Code, Title 13, Chapter 13.14, Section 13.14.110 is amended as follows:

Every person identified owning, operating, leasing, occupying or renting a building or structure within a district, through written notification from the city, shall be required to convert to underground in accordance with Section 13.14.100 and with any other applicable ordinances of the city and the rules, regulations and tariffs of each affected utility on file with the Commission. There

shall be two options available to the owners of property within a district to comply with this requirement. Within 45 days of the date on which the city mails, delivers, or otherwise transmits written notification to the owners within a district, each owner shall notify the city of which option she/he prefers. The two options are as set forth below in subsections A and B.

A. 1. Every person owning, operating, leasing, occupying or renting a building or structure within a district boundary shall provide written authorization to access the affected property through execution of Right of Entry authorizing the city's electrical contractor to install the necessary conduits, wiring, conductors, and associated equipment required for the underground conversion.

2. City shall provide at its expense in accordance with Section 13.14.100 the contractor labor, permit fees, necessary conduits, wiring, conductors and associated equipment required for the conversion of all affected properties identified with existing electrical overhead service within the district boundary for connection to the underground system.

B. 1. Every person owning, operating, leasing, occupying or renting a building or structure within a district boundary may opt to hire at her/his own expense an electrical contractor to construct and provide that portion of the service connection on her/his property between the facilities referred to in Section 13.14.100 and the termination facility on or within the building or structure being served in accordance with any applicable ordinances of the city

and the rules, regulations and tariffs of each affected utility on file with the Commission.

B. 2. The city shall provide, at its expense, the necessary wire for converting each electrical overhead service within the district to underground service.

C. 3. Upon completion and approval by city of such undergrounding of electrical utilities as is required by ~~subsection A of this section~~ **this chapter**, the city shall pay the property owner of each separately recorded property the lesser of either three thousand dollars (\$3,000.00) or the actual cost of the work in accordance with procedures established by the city manager.

~~D. Notwithstanding the provisions of subsection A and B of this section, the city may, at the time of formation of the district, agree to pay the property owner of each separately recorded property all costs in excess of an amount determined by the council if the council finds that there are special circumstances, namely:~~

~~1. There is a significant and unique benefit to the city from the proposed district over and above the public necessity, health, safety, or welfare required to designate the area as an underground utility district; and~~

~~2. There are unusual topographical or other physical conditions that make that cost of undergrounding excessive.~~

SECTION 8. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 9. This ordinance shall take effect upon publication.

Signed and approved this ____ day of _____, 2013.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this ____ day of _____, 2013, by the following vote:

AYES:

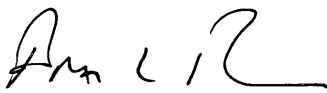
NOES:

ABSENT:

ASTAIN:

Published:

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney

Mark Jomsky, CMC
City Clerk