

Resolution No.

## STOCKTON CITY COUNCIL

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**RESOLUTION AUTHORIZING THE AMENDED BOUNDARY TO BE ADDED TO THE ESTABLISHED UNDERGROUND UTILITY DISTRICT IN THE STOCKTON DOWNTOWN AREA, APPROVING THE NOTICE OF EXEMPTION NO. CE01-19 UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND AUTHORIZING THE CITY CLERK TO NOTIFY ALL AFFECTED UTILITIES AND REAL PROPERTY OWNERS WITHIN THE DOWNTOWN UNDERGROUND UTILITY DISTRICT OF THE ADOPTION OF THIS RESOLUTION**

On November 7, 2017, the City Council of the City of Stockton adopted Resolution No. 2017-11-07-1503 and established an underground utility district in the Stockton downtown area bound by Miner Avenue, Sutter Street, Weber Avenue, and Aurora Street; and

On February 5, 2019, the City Council adopted Resolution No. 2019-02-05-1120 to set a public hearing to determine whether public necessity, health, safety, or welfare requires an amendment of the established underground utility district in the Stockton downtown area; and

Notice of the public hearing that was held on March 5, 2019, was duly and regularly published in The Record in the time, form, and manner required by law as evidenced by the declaration on file with the City Clerk; and

A Notice was mailed to all affected property owners in the amended boundary based on the last equalized assessment roll and to all respective utilities concerned; and

At the March 5, 2019, public hearing, the City Council afforded to every interested person an opportunity to make a protest either in writing or orally, and this City Council has considered each protest and all matters and things pertaining to the formation of an underground utility district in the Stockton downtown area bound by Miner Avenue, Sutter Street, Weber Avenue, and the western boundary of the Union Pacific Railroad Corridor were fully heard and considered by this Council; and

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

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

The City has adopted an ordinance, codified as Chapter 13.36 Regulations and Procedures for the Removal of Overhead Utility Facilities and the Installation of

Underground Facilities in Underground Utility Districts of the Stockton Municipal Code (SMC), 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

The Director of Public Works for the City has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, as designated in this resolution meets the criteria established by the rules of the CPUC; and

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

The City's Public Works Department consulted with PG&E and determined that the City has accumulated Rule 20A work credits and are sufficient to complete the proposed overhead to underground conversion project; and

The City and the affected utilities have agreed that each utility shall complete the engineering of their respective portion of Downtown Underground Utility District Conversion Project; and

The City and the affected utilities have agreed that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work; and

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

The City has received a Public Works Department recommendation that the area identified by Exhibit 1 and described by Exhibit 2 to this resolution be designated an underground utility district 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

The City as Lead Agency under the California Environmental Quality Act (CEQA) has determined the proposed Downtown Underground Utility District is categorically exempt, under section 15302(d), from environmental review pursuant to the CEQA and is also in conformance with the City's General Plan pursuant to the California Government Code; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. Pursuant to SMC Chapter 13.36 Regulations and Procedures for the Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Underground Utility Districts, the public interest requires the removal of all existing utility poles [excepting those poles 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 1, which is attached and incorporated by this reference, with such area being designated as the Downtown Underground Utility District of the City of Stockton.

2. The Downtown Underground Utility District, is shown upon that certain map entitled "Downtown Underground Utility District" and meets the criteria established by the rules of the CPUC, as particularly described in Exhibit 2 which is attached and incorporated by this reference including:

- a. The street adjoins or passes through a civic area, recreation area, or an area of unusual scenic interest to the general public; and
- b. 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.

3. The City Council approves and does hereby fix July 1, 2019, as the dates on which affected property owners must be ready to receive underground service and does hereby order 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 the Downtown Underground Utility District on or before December 31, 2020.

4. The City Clerk is hereby authorized and instructed to notify all affected utilities and persons owning real property within Downtown Underground Utility District of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desire to continue to receive electric, communication, or other similar or associated service, they or such occupant shall, by the date fixed in this resolution, permit PG&E and their subcontractors to provide all necessary facility changes on the premises so as to receive such service from the lines of the 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 CPUC. Such notification shall be made by mailing a copy of this resolution together with a copy of said Chapter 13.36 of the SMC to all affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

5. The utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Downtown 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.

6. The electric utility shall use the underground conversion allocation computed pursuant to decisions of the CPUC for the purpose of providing to each premises requiring it in the Downtown 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 serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the CPUC or as required by its Franchise Agreement with the City of Stockton.

7. City of Stockton selects the option that the entire cost to adapt the electric panels to receive underground service will be covered by the community's Rule 20A allocation. However, the cost to bring any non-code compliant electrical panel to code will be borne by the respective property owner. PG&E is responsible to make all necessary modifications to property owner's electric panels to enable them to receive underground service. The City is responsible for obtaining a signed right-of-entry for each property to enable PG&E's contractor to complete the panel modifications.

8. Upon notification as specified in Section 4, all property owners in Downtown Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to Building Codes within sixty (60) days and that should any property fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, electric utility shall notify the Director of 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.

9. Once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all pole (except as specified above) and associated overhead facilities in Downtown Underground Utility District no later than three (3) months after completion of all conversions within each phase.

10. The City Manager is authorized to approve the filing of Notice of Exemption No. CE01-19 under CEQA for the Downtown Underground Utility District, a copy of which is attached as Exhibit 3 and incorporated by this reference.

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11. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED March 5, 2019.

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MICHAEL D. TUBBS, Mayor  
of the City of Stockton

ATTEST:

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CHRISTIAN CLEGG, Deputy City Manager  
and Interim City Clerk of the City of Stockton