
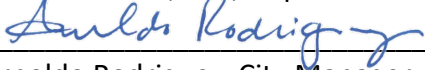


REPORT TO CITY COUNCIL

Approved by:



Keith Helmuth, P.E., Department Director



Arnaldo Rodriguez, City Manager

Council Meeting of: January 20, 2021

Agenda Number: E-3

SUBJECT:

Consideration of Options Relative Rule 20B/C Undergrounding of Utilities Designated Real Property Located Within and Adjacent to Pecan Avenue Between Monterey Avenue and a Point Approximately 700 Feet West of Monterey Avenue.

RECOMMENDATION:

Consider options and provide direction to staff.

SUMMARY:

As part of the Conditions of Approval (Conditions) for the Tentative Subdivision Map (TSM) 2016-01 for the Varbella Estates Subdivision (Varbella) approved on October 11, 2016, the developer was required to underground all utilities adjacent to the subdivision. The developer has in good faith attempted to move forward with undergrounding along Pecan Avenue through a combination of PG&E processes individually referred to as a Rule 20B and Rule 20C. The developer however has encountered opposition to one component of the undergrounding that results in an inability to underground in compliance with the Conditions. Formation of an Underground Utility District (UUD) by the City as provided for in Chapter 8 of Title III of the Madera Municipal Code may assist the developer in complying with Conditions. If a UUD is not formed, there are a number of other options to be considered.

Chapter 8 of Title III of the Madera Municipal Code establishes a procedure for the creation of UUD's. The Ordinance, adopted by City Council in 1968, provides for the City Council to call for public hearings to determine public necessity and requirements for formation of UUDs. Whenever the Council creates a UUD, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires, and associated overhead structures in the district except as may be required to continue to receive service until the underground work has been performed.

Attached "Exhibit A" indicates boundaries of an Underground Utility District should Council direct staff to pursue this option.

DISCUSSION:

The developer of Varbella has completed underground design drawings that will, when constructed, comply with the Conditions. One component of the design, which is also a requirement of PG&E unless the City specifically excludes it, is to underground a power line that provides service to a meter on the south side of the street. Prior to proceeding with this component, PG&E requires approval from the affected property owner. The property owner however has refused to allow for this component to proceed because it will result in loss of power to the property for several hours. This loss of power will also result in loss of internet service. In the interest of providing the developer the ability to move forward with the full project, the property owner has offered that if night work is performed after about 5 or 6 pm, he will allow for work to proceed as proposed.

Options that the City, and by default developer, currently have considered or pursued are as follows:

- 1) Form UUD in conformance with Chapter 8 (Underground Utilities) of the Madera Municipal Code. One aspect of Chapter 8 is that formation of UUD allows staff to compel a property owner to make necessary provisions to accept undergrounding. Following formation of a UUD, a notice can be submitted to a property owner that they "shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility at a new location". If a property owner refuses, the City can, with 30 days' notice, disconnect property from power.

For the purposes of this option if selected, the property owner would only be asked to allow the service to be undergrounded in accordance with that designed by PG&E for the Varbella undergrounding. If Council chooses this option and owner continues to reject improvements to his service connection, it is only then that staff would rely on Chapter 8 to ensure the undergrounding proceeds as called for in the Conditions as the City wishes to avoid such circumstance if avoidable.

Of note, as of this writing, staff is continuing to work with PG&E to confirm this option is viable. If it is not found to be viable, the other options would still be available. Regardless of other options, staff will be in contact with property owner to explore other options as discussed in Option 3 below.

- 2) Perform nightwork - This is not typically accommodated by PG&E and seems to have been summarily dismissed as an option by PG&E.

- 3) Work with owner to provide other options if available to minimize property owner concerns.
- 4) Inform developer that current design must be modified to allow overhead service to property on south side of street be maintained. This will leave one or more poles and power line on north side of street adjacent to Varbella along with a pole line that crosses the street.
- 5) Relieve developer of undergrounding requirement in its entirety thus leaving all above ground power lines in place.

At present, staff feels Option 1 above is the most appropriate selection if code requirements to underground power poles adjacent to subdivisions are to be honored. In addition, the requirement for undergrounding is consistent with the following General Plan policy:

To improve the appearance of the City's commercial and residential neighborhoods, the City will require that all utility lines be placed underground in conjunction with new development projects, unless determined by the City to be infeasible. Additionally, the City will seek to place existing above-ground utility lines underground in the parts of the City which have been largely built-out.

If Council elects to form a UUD, staff will return to the next meeting with a resolution of intent to set a public hearing at a subsequent meeting. If the property owner chooses to approve of the changes to his service connection the formation of a UUD will not proceed.

FINANCIAL IMPACT:

There will be no impact to the City's General Fund as a result of this action.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Action 126 – The project supports the strategy for providing clean attractive streets that are safe and aesthetically pleasing. The requested action is for the improvement of infrastructure and is not in conflict with any of the actions or goals contained in the plan.

ALTERNATIVES:

Multiple alternatives are presented as part of this staff report.

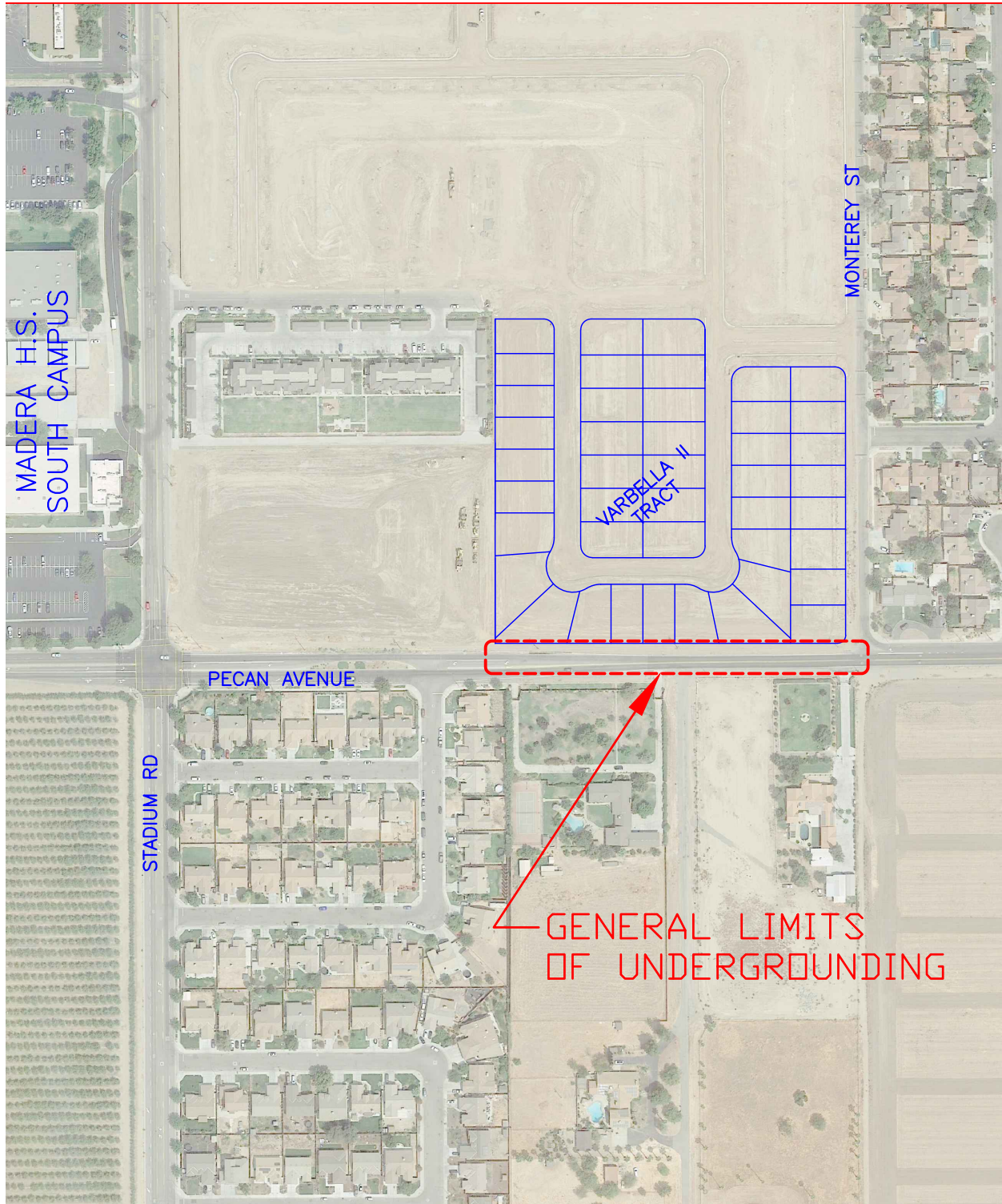
ATTACHMENTS:

1. Exhibit A

Attachment 1

Exhibit

EXHIBIT "B" - LOCATION MAP



CITY OF MADERA
ENGINEERING DEPARTMENT
205 W. 4TH STREET
MADERA, CA 93637

VARBELLA II TRACT
LIMITS OF UNDERGROUND CONSTRUCTION
ON PECAN AVENUE

DR BY: EP
CH BY: KH
DATE: 1/14/21
SCALE: NTS
SHT 1 OF 1