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**Title:** 10:00 A.M. HEARING to consider formation of Underground Utility District No. FRE-93 on the north side of Nees Avenue from Maple Avenue to Hayston Avenue (Council District 6)  
1. RESOLUTION - Establishing Underground District No. FRE-93 along the north side of Nees Avenue from Maple Avenue to Hayston Avenue

**Sponsors:** Public Works Department

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**Attachments:** 1. Resolution - FRE93.pdf

Date	Ver.	Action By	Action	Result
7/17/2014	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**July 17, 2014**

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**SUBJECT**

**10:00 A.M. HEARING** to consider formation of Underground Utility District No. FRE-93 on the north side of Nees Avenue from Maple Avenue to Hayston Avenue (**Council District 6**)

**1. RESOLUTION** - Establishing Underground District No. FRE-93 along the north side of Nees Avenue from Maple Avenue to Hayston Avenue

**RECOMMENDATION**

Staff recommends Council establish an Underground Utility District No. FRE-93 (UUD FRE-93) located on the north side of Nees Avenue from Maple Avenue to Hayston Avenue.

## EXECUTIVE SUMMARY

The proposed UUD FRE-93 is generally located on north side of Nees Avenue from Maple Avenue to Hayston Avenue alignment as shown on Exhibit "A" of the attached Resolution. Overhead utilities are already undergrounded along the south side of Nees Avenue and the east side of Maple Avenue. Staff is requesting the adoption of UUD FRE-93 along Nees Avenue so that the existing overhead utilities will be placed underground along 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 Pacific Gas and Electric (PG&E) overhead electrical facilities is funded by the utility company funds set aside pursuant to the Public Utility Commission Rule 20A.

## BACKGROUND

On June 12, 2014, the Council adopted Resolution No. 2014-89, which set today's public hearing to consider the formation of UUD FRE-93.

The City proposes to construct an additional westbound travel lane and bike lane along East Nees Avenue between North Maple Avenue and North Hayston Avenue alignment. The construction is planned for 2015 and includes constructing curb, gutter, sidewalk, drive approaches, an ADA ramp and the installation of new streetlights, underground utility facilities, modification of northwest traffic signal at North Maple Avenue and East Nees Avenue intersection. The existing overhead utilities are in conflict with the proposed widening project along Nees Avenue west of Maple Avenue. By undergrounding the existing utilities, the number of trees and the impact to residents will be reduced. Utility companies may be able to begin construction as early as the first quarter of 2015. The street construction project is tentatively scheduled to start in the fall of 2015.

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 were notified by mail of the public hearing in accordance with provisions of the Code.

Also, the code requires the City to identify all residences that will be required to modify their existing overhead services to accept underground utility service. At this time, no overhead utility services have been identified.

Underground installation of PG&E overhead electrical facilities is funded by funds set aside pursuant to the California Public Utility Commission Rule 20A. The Rule 20A specifically identifies funding for undergrounding existing overhead utilities only. The other utility companies provide the funding to convert their existing overhead facilities to underground.

The formation of the Underground Utility District requires utility companies to convert their existing overhead 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, at the discretion of the City, the City may request Rule 20A funds be utilized to convert each property to underground service. Currently, it is the policy of the City to utilize Rule 20A funds for the cost of the conversion.

The PG&E cost to place the existing overhead facilities underground within UUD FRE-93 is estimated to be \$380,000.

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 along the north side of Nees Avenue. The pole line on the north side of Nees Avenue west of Maple Avenue would have to be relocated or moved to the proposed right-of-way. This will impact not only the limits of the demolition for the proposed road widening, but it will have significant impact to the residents within the limits of the district.

## ENVIRONMENTAL FINDINGS

Environmental Assessment Application No. EA-12-018 was filed by City of Fresno Public Works Department Capital Management Section. The City proposes to construct an additional westbound travel lane and bike lane along Nees Avenue between Maple and Hayston Avenues. On October 24, 2013, the City of Fresno, as the lead agency, approved the Mitigated Negative Declaration prepared for Environmental Assessment No. EA-12-018. This Mitigated Negative Declaration considered and evaluated the potential effects associated with the proposed street improvements.

Subsequently Staff determined that an addendum to Environmental Assessment No. EA-12-018 would be appropriate to specifically list the utility undergrounding in the project description. An addendum, rather than a new EA, is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent negative declaration have occurred and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA.

Since the Staff proposed project will not result in additional impacts because the project area has not changed and because fewer trees will be impacted, it may be determined that; (1) the project falls within the scope of Environmental Assessment No. EA-12-018; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and (4) No new information, which was not known and could not have been known, at the time the environmental finding for Environmental Assessment No. EA-12-018 was adopted, has become available.

### **LOCAL PREFERENCE**

Local preference was not considered because the actions pertaining to the formation of an Underground Utility District does not include a bid or award for construction or services contract.

### **FISCAL IMPACT**

This \$380,000 Rule 20A undergrounding project in Council District 6 will have 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 California Public Utility Commission Rule 20A. The other utility companies provide the funding to convert their existing overhead facilities to underground.

Attachment:  
Resolution