

## **RESOLUTION NO. 2018-073**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ESTABLISHING THE EAST COTATI AVENUE UNDERGROUND UTILITY DISTRICT ALONG A PORTION OF EAST COTATI AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN AGREEMENTS WITH PG&E RELATING TO THE UNDERGROUNDING OF UTILITIES**

**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 Tariff 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 Rohnert Park has adopted an ordinance 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 (Ordinance 101, 1968); and

**WHEREAS**, the City Engineer for the City of Rohnert Park has consulted with the affected public utilities, including PG&E, Comcast, and AT&T (collectively the "utility companies") and such utility companies have agreed that the proposed underground conversion district, designated the East Cotati Avenue Underground Utility District meets the criteria established by the rules of the CPUC; and

**WHEREAS**, each year the City of Rohnert Park 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 Engineer for City of Rohnert Park 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 Engineer of the City of Rohnert Park and the utility companies 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 Rohnert Park 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 City Council of the City of Rohnert Park has now received the report from the City Engineer recommending that the area identified in Exhibit A, attached hereto and hereinafter incorporated by reference, should be designated as 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

**WHEREAS**, removal of overhead utilities and relocation of the utilities underground within the proposed District will advance the health, safety, and welfare of City residents and businesses by providing an improved pedestrian and bicycle environment, increasing foot traffic, and improving aesthetics within the East Cotati Avenue Underground Utility District; and

**WHEREAS**, the City of Rohnert Park has notified all affected property owners within the proposed East Cotati Avenue Underground Utility District pursuant to the notice requirements of Rohnert Park Municipal Code section 12.12.020 and inviting same to attend a public hearing to discuss formation of the proposed district; and

**WHEREAS**, the City Council of the City of Rohnert Park held a public hearing on May 8, 2018 at which time the Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district and considered all relevant evidence.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Rohnert Park makes the following findings pursuant to Rohnert Park Municipal Code section 12.12.030:

**Section 1.** The public necessity, health, safety and welfare require the removal and underground installation within the area designated as the East Cotati Avenue Underground Utility District and undergrounding is in the general public interest, as confirmed by the following:

1. The undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities by undergrounding the only remaining overhead utilities on East Cotati Avenue and within the City limits and in an area where all adjacent service connections have been undergrounded.
2. East Cotati Avenue is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic. East Cotati Avenue is a significant local corridor that serves the cities of Rohnert Park and Cotati. It is the main access point to Sonoma State University. The Cotati SMART station is located on this corridor and there are pedestrian and bicycle connections the full length of the corridor. Some of the utility poles proposed for removal are located in the sidewalk, presenting a barrier, particularly to pedestrians.
3. East Cotati Avenue adjoins or passes through a civic recreation area and has scenic interest to the general public. This area of East Cotati Avenue adjoins Sunflower Park which is a civic public recreation area. This area of East Cotati also adjoins a well-landscaped parkway strip between Snyder Lane and Camino Colegio, which would have high scenic value if the overhead utilities were removed.
4. East Cotati Avenue is considered an arterial street. East Cotati Avenue is designated as a "Major Arterial" in the Rohnert Park General Plan.

**Section 2.** The East Cotati Avenue Underground Utility District is hereby established with boundaries and more particularly described in Exhibit A, *East Cotati Avenue Underground Utility District*, which is attached hereto and incorporated herein by this reference.

**Section 3.** The East Cotati Avenue Underground Utility District is categorically exempt from environmental review pursuant to the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

**Section 4.** PG&E 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 East Cotati Avenue Underground Utility District a maximum of one hundred feet of individual electric service trenching and conduction (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 Rohnert Park.

**Section 5.** PG&E 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 East Cotati Avenue Underground Utility District, and the City of Rohnert Park 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.

**Section 6.** That upon notification of the need for panel conversions by PG&E, all property owners in East Cotati Avenue Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to the City of Rohnert Park 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 City Engineer 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 conduction and have passed the necessary inspection requirements; and

**Section 7.** 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 and associated overhead facilities in East Cotati Avenue Underground Utility District, no later than April 1, 2021.

**Section 8.** The City Clerk is hereby directed to mail the following documents to each property owner within the District, as shown on the most recent equalized assessment roll, and all affected utilities, within 10 days after the adoption of this resolution pursuant to Municipal Code section 12.12.070, a copy of this resolution; a copy of Municipal Code Chapter 12.12; and a notice stating that if the property owner, or any person occupying the property, desires to continue to receive services from PG&E, Comcast, and AT&T or any similar service, the property owner or occupant shall provide necessary facility changes on the property and/or grant utilities a permit-to-enter, as specified in the resolution, so as to receive that utility service after the utility-undergrounding work is completed, subject to

applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Public Utilities Commission.


BE IT FURTHER RESOLVED, that Council hereby authorizes and directs the City Manager to execute and take all actions necessary to effectuate the following agreements attached hereto and incorporated by reference as Exhibits B, C and D, with PG&E in a substantially similar form approved by the City Attorney:

1. Agreement to Perform Tariff Scheduled Related Work, Rule 20A General Conditions,
2. Wheelchair Access Agreement, Rule 20A,
3. Streetlight Agreement, Rule 20A.

**DULY AND REGULARLY ADOPTED** this 8<sup>th</sup> day of May, 2018.

**CITY OF ROHNERT PARK**

**ATTEST:**

  
Caitlin Saldanha, Assistant City Clerk

  
Pam Stafford, Mayor

Attachments: Exhibits A-D

AHANOTU: Absent BELFORTE: Absent MACKENZIE: Aye CALLINAN: Aye STAFFORD: Aye  
AYES: ( 3 ) NOES: ( 0 ) ABSENT: ( 2 ) ABSTAIN: ( 0 )

# EXHIBIT A



PROPOSED EAST COTATI AVENUE  
UNDERGROUND UTILITY DISTRICT

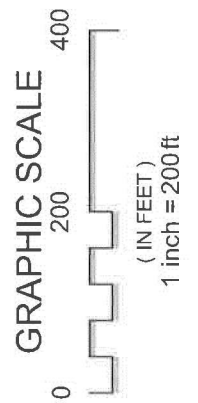


EXHIBIT A

EAST COTATI AVENUE UNDERGROUND UTILITY DISTRICT



www.firmadesigngroup.com  
4118 B Street, Third Floor  
Santa Rosa, California 95401  
Telephone: 707.572.1800

DATE: MM/DD/2018  
JOB NO. 0680-010





Pacific Gas and Electric Company

Agreement to Perform  
Tariff Scheduled Related Work,  
Rule 20A General Conditions

Lizette Burtis, Program Liaison  
PROJECT MGR.  
PM #

PROJECT NAME: E COTATI AVE ROHNERT PARK R20ALOCATION: E Cotati Ave, CALIFORNIACity: Rohnert Park

City/County of Rohnert Park, (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E) to perform the tariff scheduled related work as located and described herein.

**General Conditions:**

PG&E will, at its expense, replace its existing overhead electric facilities with underground electric facilities as outlined in the Rule 20 Tariff. To ensure the success of this program, the Applicant agrees to support the Rule 20A Program as follows:

**Responsibilities of the Applicant:**

1. Consult with PG&E to confirm the requirements and location of the project.
2. Provide a resolution and boundary map as required in Electric Rule 20.
3. Provide a list of all recorded property owners, APN#, phone number and address.
4. Provide a list of the most recent tenant (for rental properties).
5. Provide Base Map (in AutoCAD) showing the following: boundary, roads, future road improvements, sidewalks, curbs, property lines, buildings, existing water and sewer, easements, and any other known utilities or obstacles.
6. Secure all required rights-of-way and easements, which must be satisfactory to and approved by PG&E.
7. Own and manage all contaminated soils. (Rule 20A funding cannot be used for environmental remediation costs)
8. Own and manage all cultural resource findings. (Rule 20A funding cannot be used for managing cultural resource findings).
9. Provide recent pot holing/core samplings and soils/paving information from projects that were recently completed.
10. Provide acceptable construction yard for materials and equipment storage.
11. Pay for paving and restoration costs beyond the standard excavations and restorations necessary for the construction of the project. Joint trench participants will replace paving, landscaping, sidewalk, etc. that is removed during construction. (Rule 20A funding cannot be used for additional restoration costs).
12. Waive paving moratorium requirements, or pay for additional costs above PG&E's responsibility for restoration.
13. Stake and survey for any associated future grade changes.
14. Should applicant require additional traffic control beyond that which PG&E provides (per California Joint Utility Traffic Control Committee), Applicant will pay for the additional costs.
15. Should Applicant require a traffic control plan, Applicant will prepare or pay to prepare such a plan.
16. Pay for streetlight costs per Street Light Agreement.
17. Remove Applicant owned streetlights attached to utility poles and located within the underground district at Applicant cost.
18. Issue and waive cost of encroachment permit.
19. Waive work hour restrictions for construction, including holiday and/or special construction limitations.
20. Waive all permit fees and other incidental project specific costs, including but not limited to: parking charges; rental cost of city or county properties; and lost revenues.

**Responsibilities of PG&E:**

1. Provide consultation to Applicant to establish resolution and boundary map.
2. If designated as the design/trench lead, prepare the Intents, Composite and Form B (costs will be shared by all joint trench participants).
3. Provide electric design to the design/trench lead agency, if lead is other than PG&E.
4. Identify all locations that require an easement.
5. Prepare easement documents for signature.
6. Upon request of the Applicant, Rule 20A allocation may be used for the installation of no more than 100 feet of each customer's underground electric service lateral.
7. Upon request of the Applicant, the Rule 20A allocation may be used for the conversion of electric service panels to accept underground service, up to \$1,500 per service entrance (excluding permit fees). Alternatively, if the Applicant requests that PG&E manage the panel conversion work, perform such conversions by agreement (Form 79-1113, Agreement to Perform Tariff Schedule Related Work, Rule 20A).



Pacific Gas and Electric Company

Agreement to Perform  
Tariff Scheduled Related Work,  
Rule 20A General Conditions

Lizette Burtis, Program Liaison  
PROJECT MGR.  
PM #

8. Provide inspection services for the installation of PG&E facilities.
9. Remove poles, or portions of poles, from the underground district as required by the Joint Pole Utility Agreement.
10. Provide proper notification to all affected customers when electrical outages are necessary to complete project conversion to the new underground system.

We have read the above information and understand and agree with the provisions and responsibilities as described above/.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

City/County of : Rohnert Park  
Applicant

PACIFIC GAS AND ELECTRIC COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print or Type Name)

Andrea Miller  
(Print or Type Name)

\_\_\_\_\_  
Title:

Program Manager  
Title:

Mailing Address: \_\_\_\_\_

City/County of : Rohnert Park



Pacific Gas and Electric Company

Exhibit C

**Wheelchair Access Consideration  
Rule 20A**

PROJECT NAME: E COTATI AVE ROHNERT PARK R20A

LOCATION: E Cotati Ave Rohnert Park, CALIFORNIA

Applicant: City of Rohnert Park

Electric Rule 20, Section A1C of the tariff reads as follows:

Acknowledged that wheelchair access is in the public interest and will be considered as a basis for defining the boundaries of projects that otherwise qualify for Rule 20A under the existing criteria set forth in Section A(1)(a) above.

This agreement is to document the communication regarding this section of the tariff and note the outcome.

Based on the information above:

- ☒ Decided to leave the boundary the same.
- ☐ Allocations do not allow expansion of the boundary.
- ☒ The wheelchair access will be part of the road improvement project.

☐ Other/Comments

Comments: \_\_\_\_\_

☐ Project boundary was expanded to accommodate wheelchair access.

Comments: \_\_\_\_\_

Applicant: CITY OF ROHNERT PARK

PACIFIC GAS AND ELECTRIC COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

Darrin Jenkins  
(Print or Type Name)

Lizette Burtis  
(Print or Type Name)

City Manager  
Title:

Rule 20A Program Liaison  
Title:

Date

Date



Project Manager: Lizette Burtis  
PM #:

## Letter of Streetlight Agreement

Dear valued customer,

As we approach the beginning of your Rule 20A project, one issue that you will need to address is your choice of the available streetlight options. The streetlights located within the Rule 20A project are currently community owned (PG&E or community owned) and on Rate Schedule LS2 (LS1, LS2, LS3, streetlights OL1 outdoor lighting, TC1 traffic signals).

Rule 20A funding covers the costs of converting existing PG&E owned streetlight services on a one-for-one basis, but does not provide for the upgrading of facilities. Therefore, if the existing streetlights are on wood poles, the Rule 20A funding will cover the cost of providing an underground service and riser up the existing wood pole to the existing streetlight and the topping of the wood pole just above the streetlight.

You have the option under Rate Schedule LS1 (PG&E owned streetlights); to install new-galvanized steel streetlights that meet PG&E's standards or have PG&E install these new streetlights for you at your cost, in place of leaving the existing wood pole mounted streetlights. If you choose to have PG&E install these new streetlights standards the costs which you will be responsible for will include the installation and purchase of the new streetlight, replacement of any necessary landscaping, pavement and/or concrete and ITCC tax at a current rate of 34%. If you choose to install new streetlights that do not meet PG&E's standards, you may do so but PG&E will no longer own and maintain them.

If the existing streetlights are customer owned (rate schedule LS2 or LS3), you as the streetlight owner will be responsible for the cost to underground the streetlights. A portion of your streetlight undergrounding cost will include a share of the joint trenching costs (based on the conduit occupancy of the joint trench) and streetlight conduit installation costs should you choose to participate in the joint trench. When estimating begins we will provide you with an estimate of the approximate cost of this portion of your streetlight conversion costs for your budgeting purposes. You will also be responsible for any connection and removal costs associated with your customer owned streetlights. All of the provisions of customer owned streetlights also apply to traffic signals (rate schedule TC1) and outdoor lighting (rate schedule OL1).

Please note that the existing streetlights and supporting overhead electrical system cannot be removed prior to the new streetlights being installed and energized. If you are the streetlight owner or they are PG&E owned and you choose to perform the streetlight work yourself, then the new streetlights should be installed and ready to be energized prior to the completion of trenching. Streetlight standard leads times can be three to four months, so please coordinate your work to ensure the streetlights do not delay removal of the overhead system.



Please check the boxes below that represent how your community would like to proceed regarding streetlights.

- ☐ Streetlights will remain on existing wood poles.
- ☐ Install new galvanized steel streetlight poles at our expense.
- ☐ We choose to purchase and install our own new streetlights poles.
- ☐ We choose to participate in the joint trench installing our own streetlight conduit.
- ☐ We choose to participate in the joint trench, but would like PG&E to install our streetlight conduit.
- ☐ We choose not to participate in the joint trench, and instead will do our own trenching for streetlights.
- ☐ The current streetlights are in conflict with our road improvements and we would like PG&E to replace them on a one-for-one basis.

**NOTE:** LS1 = Owned & maintained by PG&E; LS2 = Customer owned & maintained or PG&E maintained; LS3 = Customer owned metered; OL1= Outdoor lighting private property; TC1 = Government owned metered traffic signals or signal lighting systems.

**I request PG&E to proceed with the design of this project based on the above marked choices and understand I will have a chance to review the estimate prior to agreeing on any associated cost. If applicable, contracts will be executed based on the above decisions and associated cost.**

City/County of: City of Rohnert Park  
Applicant

PACIFIC GAS AND ELECTRIC COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print or Type Name)

Andrea Miller  
\_\_\_\_\_  
(Print or Type Name)

\_\_\_\_\_  
Title:

Program Manager  
\_\_\_\_\_  
Title:

Mailing Address: 130 Avram Avenue, Rohnert Park, CA  
94928

City/County of: City of Rohnert Park

Date: \_\_\_\_\_

Project Description: E COTATI AVE ROHNERT PARK R20A