

000901

204
7/23**REQUEST FOR COUNCIL ACTION**
CITY OF SAN DIEGO1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

AC2700849

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
ENGINEERING AND CAPITAL PROJECTS3. DATE:
June 1, 2007

4. SUBJECT:

PUBLIC HEARING: LA JOLLA MESA VISTA UNDERGROUNDING UTILITY DISTRICT

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

Afshin Oskoui / Nathan Bruner MS 614

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

533-3102 / 533-3777

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND	30101	63022		9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	30244			Proposed Assessment District \$690,412
ORGANIZATION	106			
OBJECT ACCOUNT	4279	9544		City Fund Sources (Fund 30100) \$380,000
JOB ORDER	370270			
C.I.P. NUMBER	375350 370270			
AMOUNT	\$380,000	10,000		TOTAL \$1,070,412

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	6/15/07	8	DEPUTY CHIEF	<i>[Signature]</i>	6-26-07
2	EOCP	<i>[Signature]</i>	6/22/07	9	CCO	<i>[Signature]</i>	6/28/07
3	EAS	<i>[Signature]</i>	6/25/07	10	CITY ATTORNEY	<i>[Signature]</i>	6/27/07
4	LIAISON OFFICE	<i>[Signature]</i>		11	ORIG. DEPT	<i>[Signature]</i>	6/26/07
5	FM	<i>[Signature]</i>	6/25/07		DOCKET COORD:	<i>[Signature]</i>	
6	AUDITOR	<i>[Signature]</i>	6/25/07		COUNCIL LIAISON	<i>[Signature]</i>	
7					COUNCIL PRESIDENT	<i>[Signature]</i>	

SPOB CONSENT ADOPTION
 REFER TO: _____ COUNCIL DATE: 7/23/07

11. PREPARATION OF:

 RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

(SEE BACK)

11A. STAFF RECOMMENDATIONS:

ADOPT THE RESOLUTION(S).

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 2

COMMUNITY AREA(S): La Jolla

ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

HOUSING IMPACT: None

CITY CLERK INSTRUCTIONS: Print Docket supporting information both at the time of the Resolution and at the time of the hearing. Send copy of adopted resolution to Nathan Bruner, MS 612, and print and mail Docket Supporting information to the following: CAUSE, c/o Hal Tyvoll, 1511 29th Street, San Diego, CA 92102; Karen Johanson, c/o Charles Wolfinger, 4655 Cass Street, Suite 314, San Diego, CA 92109; Pamela Wayne, 5142 Seagrove Ct., San Diego, CA 92130; and Joan Tukey, 4528 Exbury Court, San Diego, CA 92130.

ATTACHMENTS: Map and general boundary description of the district.

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(Continuation of Page 1) 11. PREPARATION OF:

1. Set a date for a public hearing to consider creating an Underground Utility District (District); and
2. Create said District; and
3. Authorizing a \$380,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund; providing the City Auditor and Comptroller first certifies with one or more certificates that the funds are or will be on deposit with the City Treasurer; and
4. Authorizing the transfer of \$380,000 from CIP 37-028.0, Annual Allocation Undergrounding City Utilities to CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund 30101, Underground Surcharge Fund; and
5. Authorizing the Auditor and Comptroller to appropriate and expend \$380,000 from CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098; and
6. Authorizing the Mayor to accept \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Underground Utility Assessment District and;
7. Authorizing a \$10,000 increase in the Fiscal Year '08 Capital Improvements Program Budget in CIP 370-27.0, La Jolla Mesa Vista Assessment District, in Fund 63022, Private Donations.
8. Authorizing the Auditor and Comptroller to appropriate and expend \$10,000 from CIP 370-27.0, La Jolla Mesa Vista Assessment District, Fund 63022, Private Donations, for the purpose of the undergrounding utilities project, and;
9. Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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**REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET**

DATE REPORT ISSUED: June 1, 2007 REPORT NO.: n/a (1472)
ATTENTION: Council President and City Council
ORIGINATING DEPT.: Engineering and Capital Projects
SUBJECT: Public Hearing: La Jolla Mesa Vista Undergrounding Utility District
COUNCIL DISTRICTS: 2
STAFF CONTACT: Nathan Bruner (619) 533-3777

REQUESTED ACTIONS:

At July 23, 2007 Council Hearing:

1. Set a date for a public hearing date of September 10, 2007 to consider creating an Underground Utility District (District); and
2. Authorizing a \$380,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund; providing the City Auditor and Comptroller first certifies with one or more certificates that the funds are or will be on deposit with the City Treasurer; and
3. Authorizing the transfer of \$380,000 from CIP 370280, Annual Allocation Undergrounding City Utilities to CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund 30101, Underground Surcharge Fund; and
4. Authorizing the Auditor and Comptroller to appropriate and expend \$380,000 from CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098; and
5. Authorizing the Mayor to accept \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Underground Utility Assessment District and;
6. Authorizing a \$10,000 increase in the Fiscal Year '08 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Assessment District, in Fund 63022, Private and Other Contributions.
7. Authorizing the Auditor and Comptroller to appropriate and expend \$10,000 from CIP 37-027.0, La Jolla Mesa Vista Assessment District, Fund 63022, Private and Other Contributions, for the purpose of the undergrounding utilities project, and transfer excess funds, if any, to the appropriate reserves.

At September 10, 2007 Council Hearing:

- 1 Hold Noticed Public Hearing and Create said District;

STAFF RECOMMENDATION:

Adopt the requested actions.

EXECUTIVE SUMMARY:

On June 5, 2007, the City Council passed Resolutions initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and the commencement of an assessment ballot procedure. The Council passed a Resolution which set a public hearing date of July 23, 2007 for formation of the proposed assessment district. Should the proposed *Assessment District* be formed, it is recommended that the Council consider the formation of an *Underground Utility District* at a future public hearing. These actions would set a date for a public hearing to consider creation of an *Underground Utility District*. The creation of an Underground Utility District is not a necessary action in order to consider creation of the Assessment District. Underground Utility Districts require the removal of overhead utilities and prohibits future overhead utilities within said Districts.

**REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET**

In addition, the Council has previously expressed its desire to cost share \$380,000 from the Underground Surcharge Fund as part of the FY 2005 and FY 2006 Annual Allocation of Undergrounding Projects. These actions would provide the necessary appropriations of those funds to the La Jolla Mesa Vista project concurrent with the creation of the Assessment District.

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the La Jolla Mesa Vista Underground Utility District and will underground all overhead utilities within the designated District.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary, replacement of street lighting and street restoration.

The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs and will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572.

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits and compliance with minimum conformance as outlined in the SDMC Chapter 14, Article 6, Division 2. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; (3) have appropriate operating clearances; and (4) are sufficient load capacity.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$1,070,412 for work within the public right-of-way, will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572. Property owners are solely responsible for all work on private property necessary to convert their property to underground utility systems.

PREVIOUS COUNCIL COMMITTEE ACTION:

1. Allocation of Underground Conversion Projects for Fiscal Year 2005, Resolution 300051, January 11, 2005, Managers Report 05-001, provided for \$280,000 in cost sharing for the LJMV project.
2. Allocation of Underground Conversion Projects for Fiscal Year 2006, Resolution 300572, June 21, 2005, Managers Report 05-149, provided for \$100,000 in cost sharing for the LJMV project.
3. Approved City Council Resolutions of June 5, 2007 initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and setting a

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**REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET**

public hearing date of July 23, 2007 for formation of the proposed assessment district, and the commencement of the assessment ballot procedure.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

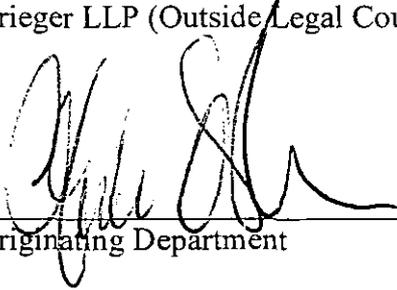
LJMV property owner representatives have worked with Engineering & Capital Projects / Undergrounding Program staff to coordinate with the various utilities to define the project and estimate the costs. At the request of district proponents, Debt Management staff and the City Attorney's Office helped formulate the Petition that was circulated by a primary district proponent.

In addition, the Underground Program Manager and the Debt Management Department sent letters to the LJMV property owners providing information regarding the project and the proceedings being undertaken by the City to consider the formation of the district and the levy of assessments on properties for the purpose of undergrounding the overhead utility lines.

At the point the Petition was prepared and distributed to the community, the Underground Program Manager met with the community at two different locales and times, both at resident's homes, one during the day and one in the evening, to provide information and answer questions regarding the underground process and information regarding the assessment district formation process.

KEY STAKEHOLDERS:

Property owners within the proposed La Jolla Mesa Vista Underground Utility Assessment District. Business entities involved in the formation of the proposed assessment district include Bureau Veritas North America, Inc. (Assessment Engineer) and Best, Best and Krieger LLP (Outside Legal Counsel).


Originating Department


Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION CALLING FOR A PUBLIC HEARING TO DETERMINE WHETHER THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE REQUIRES THE FORMATION OF UNDERGROUND UTILITY DISTRICTS FOR THE LA JOLLA MESA VISTA COMMUNITY PLANNING AREA.

WHEREAS, Chapter VI, Article 1, Division 5 of the San Diego Municipal Code establishes a procedure for the creation of underground utility districts and requires as an initial step in such procedure the holding of a public hearing to determine whether the public health, safety, or general welfare requires removal of poles, overhead wires, and associated structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in any such district; and

WHEREAS, it has been recommended that the following underground utility district be formed:

- a. Lots 2 through 31 & 33 through 52 of Map of La Jolla Mesa Vista Unit No.2
Subdivision Map No. 4551
- b. Portion Lot 1 and Portion Lot 1782 of Pueblo Lands Partition CC 7634
- c. Parcel 1 of PM 17336
- d. Lot 1 of La Jolla Valley Vista Unit No. 3 Map 3742
- e. Lots 26 & 27 of La Jolla Valley Vista Unit No. 2 Map 3494

- f. Candlelight Dr. between a line from the Northeastern corner of 5565 Candlelight Dr. and to the Southeastern corner of 5572 Candlelight Dr. to the Northerly line of Candlelight Place.
- g. Lamplight Dr. between a line parallel to +/- 60 feet east of La Jolla Mesa Dr. to the westerly line of Candelight Dr.
- h. Moonlight Ln. between the southeasterly line of Candlelight Dr. to a line parallel to +/- 25 feet east of 5402 Moonlight Lane.; and

WHEREAS, Exhibit Attachment A, Map, and Exhibit Attachment B, Legal Description, depicts the above District with greater specificity; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on _____, 2007 at the hour of _____ in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety or general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the District described above.

2. At such hearing, all persons interested shall be given an opportunity to be heard and the hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the Districts as described above shall be final and conclusive.

3. The Mayor shall notify all affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

4. That the Fiscal Year 2008 Capital Improvement Program Budget is amended by adding CIP No. 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District.

5. That the City Auditor and Comptroller is authorized to increase the Capital Improvements Program Budget for CIP No. 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund No. 30101, Underground Surcharge Fund, by \$380,000.

6. That the City Auditor and Comptroller is authorized to transfer \$380,000 from CIP No. 37-028.0, Annual Allocation of Undergrounding City Utilities, to CIP No. 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund No. 30101, Underground Surcharge Fund.

7. That the appropriation and expenditure of an amount not to exceed \$380,000 from CIP No. 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund, is authorized solely and exclusively for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098., provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

8. That the Mayor is authorized to accept the \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Undergrounding Utility Assessment District.

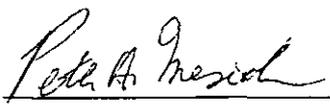
9. That the City Auditor and Comptroller is authorized to increase the Fiscal Year 2008 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Underground Assessment District, in Fund 63022, Private and Other Contributions- CIP.

10. That the City Auditor and Comptroller is authorized to appropriate and expend \$10,000 from CIP 37-027.0, La Jolla Mesa Vista Underground Assessment District, Fund 63022, Private and Other Contributions- CIP, for the purpose of the La Jolla Mesa Vista Underground Utilities project.

11. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess budgeted funds, if any, to the appropriate reserves.

BE IT FURTHER RESOLVED, that this activity is categorically exempt from CEQA Guidelines Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Peter A. Mesich
Deputy City Attorney

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(R-2007-1208)
(COR.COPY)

PAM:cfq
06/05/07
07/10/07 **COR.COPY**
Or.Dept:E&CP
R-2007-1208
Aud.Cert.:

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor