

CITY OF FAIRFIELD

ORDINANCE 2020-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD CREATING THE WEBSTER AND EMPIRE STREET UNDERGROUND UTILITY DISTRICT IN THE CITY OF FAIRFIELD

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. A public hearing was duly held on July 7, 2020, at the hour of 6:00 p.m. at the Fairfield-Suisun Unified School District, 2490 Hilborn Road, Fairfield, California, or in any other manner as specified on the agenda for the July 7th meeting to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles and 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 boundaries of that certain property particularly set forth on the map, entitled, "Webster and Empire Street Underground Utility District," on file in the office of the City Clerk.

SECTION 2. Notice of the public hearing was mailed to all affected property owners as shown on the last equalized assessment roll of the County of Solano and utilities concerned, in the time and manner required by law.

SECTION 3. At the public hearing, all persons interested were given an opportunity to hear and be heard.

SECTION 4. The City Council does hereby find that the public necessity, health, safety, or welfare requires the removal of poles and 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 boundaries of that certain property particularly set forth on the map, entitled, "Webster and Empire Street Underground Utility District", on file in the office of the City Clerk.

SECTION 5. Pursuant to Section 7.9 of Article II of Chapter 7 of the City of Fairfield Municipal Code, the area described in Section 4 hereof is hereby established as the "Webster and Empire Street Underground Utility District Underground Utility District."

SECTION 6. The City Council does hereby order the removal of poles and overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated services within the Webster and Empire Street Underground Utility District on or before December 31, 2022, and does hereby fix June 1, 2022, as the date on which affected property owners must be ready to receive the underground service, which date the City Council hereby finds is reasonable.

SECTION 7. The City Engineer of the City of Fairfield is hereby instructed to notify all affected utilities and all persons owning real property within the Webster and Empire Street Underground Utility District of the adoption of this Ordinance within ten (10) days after the date of such adoption. Said City Engineer 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 similar or associated service, they or such occupant shall provide all necessary facility changes on their premises, so as to receive such service from the lines of the supplying utility or utilities as a new location, subject to applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notifications shall be made by mailing a copy of this Ordinance, together with reference to the appropriate sections of the City of Fairfield Municipal Code, to the affected utilities and to affected property owners as such are shown on the last equalized tax roll of the County of Solano.

SECTION 8. The City Council hereby determines after consultation with the affected utilities and after holding a public hearing on the subject that the Webster and Empire Street Underground Utility District herein created is in the general public interest for all of the following reasons:

- (a) The undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities; and
- (b) The streets, roads or rights-of-way in the Webster and Empire Street Underground Utility District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and
- (c) The said streets, roads, or rights-of-way adjoin or pass through a civic area.

SECTION 9. The City Council hereby finds that the undergrounding within the Webster and Empire Street Undergrounding Utility District extends for a minimum distance of one block or 600 feet, whichever is the lesser.

SECTION 10. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15302(d) (conversion of overhead electric utility distribution system facilities to underground) of the State CEQA Guidelines (Title 14 of the California Code of Regulations).

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 7th day of July, 2020.

PASSED AND ADOPTED this 4th day of August, 2020, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK