



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-47**

ROBERT E. SHANNON  
City Attorney

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Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

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*Linda Trang*  
*Theodore B. Zinger*

August 3, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Declare ordinance amending Section 15.48.020 of the Long Beach Municipal Code relating to undergrounding of utilities read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

DISCUSSION

Pursuant to the request of the City Council at its meeting of July 13, 2010, this office has prepared for your consideration the attached above-referenced ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By   
HEATHER A. MAHOOD  
Assistant City Attorney

REDLINE

15.48.020 Hearing.

A. The eCouncil may from time to time call public hearings to ascertain whether it is in the general public interest to replace utility poles, overhead wires and associated overhead structures within designated areas of the eCity with the underground installation of wires and facilities for distributing or supplying electric, communication, or similar or associated service. The criteria for making the determination shall be one or more of the following:

1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; or
2. The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; or
3. The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or.
4. The City has received a request for the undergrounding of utilities from property owners, such request conforms to PUC requirements for Rule 20B projects, and the City Council has established a utility district to provide funding for the undergrounding.

B. The eCity eClerk shall notify by mail all affected property owners as shown on the last equalized assessment roll and utilities concerned of the time and place of the hearings, at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the eCouncil shall be final and conclusive.

C. Prior to holding the public hearing, the eCity eEngineer or his or her

1 designee shall prepare a report for submission at the hearing. The report shall  
2 contain, among other information, a description of the project, a date by which  
3 property owners must complete all electric facility changes on the premises  
4 necessary to receive service from the underground facilities of the utility, and an  
5 estimate of the time required to complete the underground installation and removal  
6 of poles, overhead wires, and associated overhead structures.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTION 15.48.020  
RELATING TO UNDERGROUNDING OF UTILITIES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 15.48.020 of the Long Beach Municipal Code is  
hereby amended to read as follows:

15.48.020 Hearing.

A. The Council may from time to time call public hearings to ascertain whether it is in the general public interest to replace utility poles, overhead wires and associated overhead structures within designated areas of the City with the underground installation of wires and facilities for distributing or supplying electric, communication, or similar or associated service. The criteria for making the determination shall be one or more of the following:

1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; or
2. The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; or
3. The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or
4. The City has received a request for the undergrounding

1 of utilities from property owners, such request conforms to PUC  
2 requirements for Rule 20B projects, and the City Council has established a  
3 utility district to provide funding for the undergrounding.

4 B. The City Clerk shall notify by mail all affected property owners  
5 as shown on the last equalized assessment roll and utilities concerned of  
6 the time and place of the hearings, at least ten (10) days prior to the date  
7 thereof. Each such hearing shall be open to the public and may be  
8 continued from time to time. At each such hearing all persons interested  
9 shall be given an opportunity to be heard. The decision of the Council shall  
10 be final and conclusive.

11 C. Prior to holding the public hearing, the City Engineer or his or  
12 her designee shall prepare a report for submission at the hearing. The  
13 report shall contain, among other information, a description of the project, a  
14 date by which property owners must complete all electric facility changes on  
15 the premises necessary to receive service from the underground facilities of  
16 the utility, and an estimate of the time required to complete the underground  
17 installation and removal of poles, overhead wires, and associated overhead  
18 structures.

19  
20 Section 2. The City Clerk shall certify to the passage of this ordinance by  
21 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
22 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
23 Mayor.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor