

REQUEST FOR COUNCIL ACTION

February 23, 1999

DATEITEM NUMBERORIGINATING
DEPARTMENTAGENDA ITEMCITY MANAGER'S
REVIEWEngineering
J. Stevenson/S. Gronlund**Second reading and adoption of Ordinance No. 609, amending the Municipal Code to include Advanced Technology Systems to the existing Subdivision Section of the Code.****PREVIOUS ACTIONS:**

On February 9, 1999 the City Council of Brentwood waived the first reading of Ordinance No. 609, amending the Municipal Code to include Advanced Technology Systems to the existing Subdivision Section of the Code, and approved the passage of Resolution No. 99-45 authorizing the City Engineer to solicit Request for Proposals from advanced technology firms to assist the City in preparing standard plans, specifications, and testing criteria for installation of a fiber optic system and to develop a Citywide Advanced Technology Master Plan; authorize the City Engineer and City Manager to accept offers of dedications from developers for the current cable conduits and for the future advanced technology system within the public right of way; and authorize the City Attorney to commence work to prepare a Telecommunications Franchisee Agreement for future use, and a Telecommunications Regulatory Ordinance.

RECOMMENDED COUNCIL ACTION:

Second reading and adoption of Ordinance No. 609, amending the Municipal Code to include Advanced Technology Systems to the existing Subdivision Section of the Code.

COMMENTS:

At the previous Council Meeting the Council agreed to include the following sentence to paragraphs C.1 and C.2 of Ordinance No. 609: "The fiber optic system shall be installed in accordance with the Citywide Advance Technology Master Plan and approved by the City Engineer."

Attachment:

Ordinance No. 609

ORDINANCE NO. 609

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD AMENDING A SECTION OF CHAPTER 16.120, LAND DEVELOPMENT PROCEDURE, OF TITLE 16, SUBDIVISIONS AND LAND DEVELOPMENT, OF THE BRENTWOOD MUNICIPAL CODE TO INCLUDE ADVANCED TECHNOLOGY SYSTEMS TO THE EXISTING CABLE TELEVISION SECTION OF THE CODE.

WHEREAS, Government Code Sections 66473.3 and 66473.6 authorize the City to require developer installation and dedication of cable television and advanced technology systems to serve each subdivision in the city; and

WHEREAS, the installation and dedication requirements set forth herein are reasonably related to the City's interest in improving the communications system of the City and are roughly proportional to the impacts of subdividing property in the City; and

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

Section 16.120.120 of the Brentwood Municipal Code is hereby amended in full to read as follows:

16.120.120 Undergrounding—Electric, Communication, Street Lighting and Advanced Technology Systems.

A. General Provisions.

1. Utility distribution facilities, including but not limited to electric, communication, street lighting, and advanced technology systems installed in and for the purpose of supplying service to any development, shall be required to be placed underground. Advanced technology systems shall be defined as: all necessary appurtenances, equipment and facilities required for the provision of Internet, computer, fiber optic, cable television, telephone, and other communication services within the public right of way and upon private property. The design, installation, inspection and testing requirements for City acceptance of said system shall meet the minimum requirements as outlined in the City of Brentwood Standard Plans and Specifications as approved by the City Engineer. The developer shall also dedicate to the City that portion of the system within the public right of way and shall dedicate to the property owner the portion of the system within the private property.

2. All existing facilities except transmission facilities either along abutting streets or within a development shall also be underground at the time of development. Along abutting streets shall mean on the same side of the abutting street as the property being developed, not the other side of the street.

3. The developer is responsible for complying with all requirements of this subsection, and shall make the necessary arrangements with the utility companies for the installation of such facilities.

4. The City Council, following the consideration by the Planning Commission, may waive undergrounding requirements if unusual topographical, soil or any other unusual problems make such underground installations unreasonable or impractical in accordance with the following:

a. If the requirement to underground utilities is waived, the City Council may require the recordation of an improvement agreement, requiring the property owner and any subsequent owner of the subject property to join an underground utility assessment district, reimbursement district or similar improvement district, when such a district is formed, and to guarantee participation in such district by posting an improvement bond and recording a lien on subject property.

b. The affected developer or any utility company may submit information supporting a request for such waivers.

c. No waiver shall be granted in any undergrounding district previously established.

B. Electric, Communication, Street Lighting, and Advanced Technology Systems.

All costs of placing existing or new facilities, required to be undergrounded by the developer, shall be paid for by the developer subject to the current California Public Utility Commission rules and regulations.

C. Advanced Technology Systems.

1. The developer shall design, install, test, and dedicate to the City two advanced technology system conduits, size to be determined, within the public right of way. The developer shall install, in one of the conduits, a fiber optic system designed to serve the subject development for use by the City of Brentwood or one of its licensed franchisee. The fiber optic system shall be installed in accordance with the Citywide Advance Technology Master Plan and approved by the City Engineer. The fiber optic system shall be installed in accordance with the Citywide Advance Technology Master Plan and approved by the City Engineer. The second conduit shall remain empty and shall be reserved to serve the subject development for the use of a City licensed franchisee not wishing to utilize the City's fiber optic system. Both conduits shall be installed to each lot line. The developer shall bear all design, construction, inspection, and testing costs associated with these underground requirements. Furthermore, the developer shall design, install, test and dedicate to the City all necessary components of the advanced technology system as depicted on the Citywide Advanced Technology Master Plan.

2. The developer shall design, install, test, and dedicate to the property owner two advanced technology system conduits, size to be determined, to connect the public advanced technology system to the individual home or building. The developer shall install, in one of the conduits, a fiber optic system designed to serve the subject property. The fiber optic system shall be installed in accordance with the Citywide Advance Technology Master Plan and approved by

the City Engineer. The second conduit shall remain empty and shall be reserved to serve the subject property for the use of a City licensee franchisee not wishing to utilize the City's fiber optic system. The developer shall bear all design, construction, inspection, and testing costs associated with these underground requirements.

3. The cable television or advanced technology company franchisee that elects to install facilities in the City's vacant conduit shall provide plans and specifications to the developer and the City of Brentwood. The licensed franchisee shall also inspect the facilities and certify to the City prior to final approval of the development that the cable television facilities or advanced technology systems are properly installed and serviceable. The design and installation shall meet the minimum criteria as outlined in the City of Brentwood Standard Plans and Specifications.

THIS ORDINANCE was first introduced with first reading waived at a regular meeting of the City of Brentwood City Council on February 9, 1999, and was passed and adopted at a regular meeting of the Brentwood City Council on February 23, 1999 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Quintin L. Kidd, Mayor

ATTEST:

Jon Elam, City Manager