



Legislation Text

File #: 19-0470, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

SUBJECT:

Consider Second Reading and Adopting an Ordinance Amending Manhattan Beach Municipal Code Chapter 7.28 - Undergrounding of Public Utility Facilities (Public Works Director Katsouleas).

ADOPT ORDINANCE NO. 19-0017

RECOMMENDATION:

Staff recommends that City Council adopt Ordinance No. 19-0017 amending Manhattan Beach Municipal Code (MBMC) Section 7.28 - Undergrounding of Public Utility Facilities.

FISCAL IMPLICATIONS:

Should City Council approve the proposed amendments to MBMC Section 7.28, the City, and ultimately residents, will save approximately \$200-\$400 for each Underground Utility Assessment District (UUAD or District) formed following a Proposition 218 ballot protest procedure.

BACKGROUND:

On November 19, 2019, City Council introduced Ordinance No. 19-0017 to amend MBMC Section 7.28.

DISCUSSION:

As stated in the staff report for the first reading, Section 7.28.080 currently requires that within 10 days the City mail to each property owner in the approved District copy of the resolution adopted declaring the formation of a district and a complete copy of MBMC Chapter 7.28. Combined, these two documents are eight pages in length. These two documents, along with the cover letter sent by the City, total five double-sided pages mailed to each parcel. The extra weight of this mailing roughly doubles the stamp cost. It also significantly increases the staff time needed to prepare the materials because the automated machine used for preparing this mailing cannot accept five pages per envelope, and thus they must be manually prepared by staff.

In adopting the proposed ordinance, a few key changes will be made to MBMC 7.28, several of which are procedural in nature, as follows:

1. In Section 7.28.010, the definitions will be expanded to include: "City Engineer" shall

- mean the City Engineer and his or her designee.
2. In Section 7.28.020, a change in the reference from City Clerk to City Engineer is proposed.
 3. In Section 7.28.080, a change in the reference from City Clerk to City Engineer is proposed.
 4. In Section 7.28.080, the MBMC will be amended to simply require that notification of the adoption of the resolution and a reference to MBMC 7.28 be provided to homeowners in lieu of mailing a hard copy of these two documents. The revised notification would provide: 1) a web address to the City's UUAD page where the resolution and a copy of MBMC 7.28 could be easily downloaded and saved electronically; and 2) instructions on how to obtain a hard copy should a property owner wish to have the documents mailed instead. This approach is more efficient, less wasteful of paper and staff time, less expensive, and provides property owners the ability to retrieve and save a permanent digital copy, which is likely easier for them to keep and reference at a later date.
 5. In Section 7.28.100 (D), a change in the reference from "he" to simply City Engineer was proposed.

Should City Council adopt Ordinance No. 19-0017, the code change will take effect on January 2, 2020, which is before the January 7, 2020, City Council meeting where staff anticipates that a Public Hearing will be conducted to count Proposition 218 protest ballots for UUAD 4.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIROMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has approved the ordinance as to form.

ATTACHMENTS:

1. Ordinance No. 19-0017
2. Legislative Digest (Redlined)