

UPDATED



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Eniko Gold, Mayor  
Larry G. Weber, Mayor Pro Tem  
Laura McCorkindale, Council Member  
Joe Loggia, Council Member  
Adam Wasserman, Council Member

**TO:** Honorable Mayor and City Council

**FROM:** Gloria Molleda, Interim City Manager

**BY:** Dirk Lovett, City Engineer

**DATE:** September 9, 2024

**SUBJECT:** ADOPTION OF AN UPDATED POLICY ON THE UNDERGROUNDING PROJECT SELECTION PROCESS, TO BETTER EVALUATE AND PRIORITIZE FUTURE UNDERGROUNDING PROJECTS

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## BACKGROUND

The City's utility undergrounding efforts started in 1968 when it adopted regulations and procedures to establish utility undergrounding districts (see Ordinance No. 68 – Attachment 1). Since that time the City has established the following areas as undergrounding utility districts:

- Long Valley Road between Round Meadow Road and Clear Valley Road
- Spring Valley Road between Long Valley Road and Tract 33095 (6055 Spring Valley Road)
- Road Meadow Road outside the security gate

The City's interest in promoting undergrounding utilities is for several reasons including improving safety, reducing service interruptions, and aesthetics. Since 1996, the city has taken a more active role by undergrounding poles on its own. This undergrounding has been paid for by a combination of City general funds, SCE Rule 20A (no longer available), and payments from residents.

- In 1996 the City removed eleven (11) poles on Spring Valley Road (majority of the costs were paid by Rule 20A funds, the City paid a balance of approximately \$100,000).
  - In 2002 the City removed six (6) poles on Round Meadow Road when it widened the road outside the gate (majority of the costs were paid by Rule 20A funds, the City paid a balance of approximately \$150,000).
  - In 2011 seven (7) poles were removed in the vicinity of the Round Meadow/Long Valley Road intersection (one of the poles was paid for by an adjacent resident, the City paid a balance of approximately \$800,000).
  - In 2018 two (2) poles were removed and paid for by the builder near the Long Valley/Lasher Road intersection.
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- In 2020 nine (9) poles were removed on Long Valley Road between the community center and Old Farm Road (2 of the poles were paid for by an adjacent resident, the City paid the balance of approximately \$1,200,000).

Prior to 1996, undergrounding projects were funded through a combination of City general funds (approximately 2,250,000), SCE Rule 20A, and payments from residents.

Per the City of Hidden Hills' Citywide Assessment of Overhead Utilities dated March 13, 2023, there are approximately 423 utility poles remaining within the city. It was further estimated that the cost to place all of these poles underground is approximately \$81,000,000. For comparison, the City's total General Fund for 2024/2025 Fiscal Year is 4.6 million.

The City has adopted laws and policies that require and assist new residential construction and large renovation projects to underground overhead wires. Out of the 659 homes in the city, there are approximately 170 residences that are served by overhead wires. With the exception of common distribution wires and poles, the City is not allowed to pay for undergrounding work on private property with general funds (taxpayers' money). Residents are required to pay for their own undergrounding of wires, replacement of electrical panels, and removal of any private service poles that may be on their properties, including private roads.

City undergrounding projects must be added to annual budgets by the City Council and paid for by its limited general funds (there is currently \$2,000,000 in the Capital Improvement Reserve) less any grants, restricted funds, or funds donated by residents. It is hoped that the city will also be receiving hazard mitigation grants from FEMA for future projects (a FEMA HMPG grant application has been submitted for the amount of \$1,344,343.07).

In 2023, the City also adopted procedures for overhead utility undergrounding assessment districts whereby the city created a pathway for property owners to self-finance the cost of undergrounding. The city could also subsidize some part of these costs, should it choose to do so (distribution wires, not private services). To date, the city has not received an application from residents for an undergrounding assessment district.

One of the challenges in undergrounding utilities is the requirement for easements. Easements are required by Southern California Edison (SCE) when any of their facilities are placed underground on either Hidden Hills Community Association (HHCA) or private property, on both City projects or when the undergrounding of overhead wires is required on private property. These easements protect the rights of SCE, AT&T, Charter, and other communication companies to maintain and repair their facilities. Since almost all poles are located within HHCA trails and road rights of way, or on private property, easements are required for most existing overhead facilities and future undergrounding projects. SCE will not allow the undergrounding of their facilities without specific undergrounding easements. If the HHCA owns the streets in fee (not by easement), obtaining utility easements from the HHCA is a clear-cut process and the HHCA has always granted such easements. However, obtaining easements on privately owned property is quite often a laborious and often impossible process. The HHCA has been unable to grant easements on roads and trails that they do not own outright (HHCA has easements on these), some property owners are skeptical of work being done on their properties, some feel that utilities on their properties may decrease

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property values, some want to be paid for the easement, and some simply don't want to be bothered. This results in delays, attorneys getting involved, extra costs or, unfortunately in some cases, undergrounding not getting done.

City undergrounding projects may take several years to complete following the City Council selection of a project. This is due to the time required for survey work, design by SCE, Charter, and AT&T, drafting and obtaining all the necessary easements, state mandated public bid and contract award procedures, getting encroachments permits, and construction scheduling. SCE being the final authority in both the design and construction process (design and specifications, preparation and recordation of easements, final inspection, installing wires and electronics, and removal of the poles).

The City adopted a utility undergrounding project selection policy in 2021 (Undergrounding Policy 2021-01, in Attachment 1). Previous undergrounding projects in Hidden Hills have been selected by the City Council based on various criteria: as recommended by the City Council's Undergrounding Ad Hoc committee where it deemed to best benefit the City and based on project readiness, when requested by residents and per project readiness, when necessary for roadway improvements, and when funds were available.

At its meeting of April 8, 2024, the City Council directed staff to update the City's policy on the undergrounding project selection process, to better evaluate and prioritize future undergrounding projects.

## DISCUSSION

City staff and the Interim City Attorney evaluated the 2021 utility undergrounding selection policy and contacted several other cities that are actively undergrounding utility poles, regarding their project selection procedures. While these cities do have undergrounding procedures and requirements for new construction and undergrounding districts, they did not have formal project selection policies. Neither do they utilize their general funds for undergrounding projects, as does the City of Hidden Hills. Their undergrounding projects were generally undertaken by one or more of the following methods:

- New developments, when required by the City, and paid for by the developer
- With Rule 20A money (no longer available) on major roadways, as selected by the City Council
- Undergrounding Assessment Districts, initiated and funded by residents
- With undergrounding grants, on major roadways, as selected by the City Council
- As required for road widening

City staff and the Interim City Attorney have drafted proposed updates to Undergrounding Policy 2021-01 (Undergrounding Policy 2024-01 - Attachment 2). Major updates include:

- Statement that City will accept applications from property owners for City-financed undergrounding projects
  - Project eligibility requirements (inclusion of all properties within the project area, all overhead services in the project area must have been undergrounded, receipt of or written commitment from all property owners to submit necessary easements)
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- Project selection priority
  - In order applications are received (city reserves right to reprioritize based on the following)
  - safety (fire hazard zones, proximity to trees, other deemed hazards)
  - available funding (both City and commitment from applicants)
  - aesthetics (consideration of number of poles and equipment and overhead roadway crossings to be removed, view corridors, collector roads, willingness to place cabinets on private property rather than parkways and trails, etc.)
- Project approval procedure
- Information regarding the option for assessment districts (funded by property owners)
- Project readiness is defined as either
  - All private service lines undergrounded and easements obtained, or
  - A commitment from all property owners

## FISCAL IMPACT

There is no fiscal impact at this time to adopting the recommendation in this report.

## RECOMMENDATION

Staff recommends that the City Council adopt the updated Undergrounding Project Selection Policy (Undergrounding Policy 2024-01).

If the Council concurs, an appropriate motion would be:

"I move to adopt the updated Undergrounding Project Selection Policy (Undergrounding Policy 2024-01)."

## ATTACHMENTS

1. Ordinance No. 68
  2. Undergrounding Policy 2021-01
  3. Draft Updated Underground Policy 2024-01
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ORDINANCE NO. 68

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ESTABLISHING REGULATIONS AND PROCEDURES FOR THE REMOVAL OF OVERHEAD UTILITY FACILITIES AND THE INSTALLATION OF UNDERGROUND FACILITIES IN UNDERGROUND UTILITY DISTRICTS.

THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS. Whenever in this Ordinance the following words or phrases are used, they shall have the meanings assigned to them as follows:

(a) Commission shall mean the Public Utilities Commission of the State of California;

(b) Person shall mean and include individuals, firms, corporations, partnerships and their agents and employees;

(c) Poles, overhead wires and associated overhead structures shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a District and used or useful in supplying electric, communication or similar or associated service;

(d) Underground Utility District or District shall mean an area in the City which is described in a resolution adopted pursuant to the provisions hereof, within which poles, overhead wires and associated overhead structures are prohibited;

(e) Utility shall mean all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

SECTION 2. PUBLIC HEARING BY COUNCIL. The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. Prior to holding such public hearing, the City Engineer shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the city and affected property owners. Such report shall also contain such underground installation and removal of overhead facilities. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such

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 Council shall be final and conclusive.

SECTION 3. COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION. If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such District and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

SECTION 4. UNLAWFUL ACTS. Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in SECTION 3 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in SECTION 9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this Ordinance.

SECTION 5. EXCEPTION, EMERGENCY OR UNUSUAL CIRCUMSTANCES. Notwithstanding the provisions of this Ordinance, poles, overhead facilities and associated overhead structures, may be installed and maintained in a District, with the approval of the Mayor in order to provide emergency or temporary service.

SECTION 6. OTHER EXCEPTIONS. Any resolution adopted pursuant to SECTION 3 hereof, shall not, unless otherwise provided in such resolution, apply to any of the following types of facilities:

(a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;

(b) Poles, or electroliers used exclusively for street lighting;

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the building or to an adjacent building without crossing any public street;

(f) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

(g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

(h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

SECTION 7. NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES. Within ten (10) days after the effective date of a resolution adopted pursuant to SECTION 3 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected 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 at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities, on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to SECTION 3 hereof, together with a copy of this Ordinance, to affected property owners as such as shown on the last equalized assessment roll and to the affected utilities.

**SECTION 8. RESPONSIBILITY OF UTILITY COMPANIES.**

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to SECTION 3 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

**SECTION 9. RESPONSIBILITY OF PROPERTY OWNERS.**

(a) Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in SECTION 8 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities, on file with the Commission;

(b) In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of Subparagraph (a) of this SECTION within the time provide for in the resolution enacted pursuant to SECTION 3 hereof, the City Engineer shall post written notice on the property being served and, thirty (30) days thereafter, may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

**SECTION 10. RESPONSIBILITY OF CITY.** City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to SECTION 3 hereof.

**SECTION 11. EXTENSION OF TIME.** In the event that any act required by this Ordinance or by a resolution adopted pursuant to SECTION 3 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

**SECTION 12. PENALTY.** It shall be unlawful for any person to violate any provision or to fail to comply with

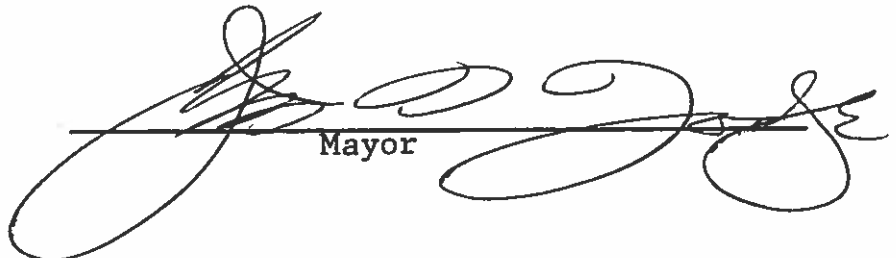


any of the requirements of this Ordinance. Any person violating any provision of this Ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this Ordinance.

SECTION 13. CONSTITUTIONALITY. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 14. That the City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner prescribed by law.

PASSED AND APPROVED this 2nd day of July, 1968.

  
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Mayor

ATTEST:

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

**UNDERGROUNDING POLICY 2021-01**  
**UNDERGROUNDING PROJECT SELECTION POLICY**

**Goal**

It is the goal of the City Council to underground overhead utility lines.

**Purpose**

The purpose of this policy is to provide guidance on the selection, recommendation, and approval of future undergrounding projects in the City of Hidden Hills.

**Identification of Potential Projects**

The City will use the following criteria when considering a recommendation of an undergrounding project:

*Readiness*

The readiness of a project shall be reviewed and take into consideration how many residences in the proposed area are currently undergrounded. Those homes that are not undergrounded will be required to underground all onsite overhead services (wires and private service poles) before the commencement of a project as well as provide any easements as needed by the utility companies. It is the policy of the City of Hidden Hills that public funds cannot be used to provide private underground service to a distribution or transmission pole. Individual homeowners will bear that financial responsibility.

*Cost*

The City will use an estimated cost of \$125,000 per pole to be removed when evaluating a project. Availability of funding will be reviewed.

*Safety and Aesthetics*

The City will consider the safety and aesthetic impact of a proposed undergrounding project. This will include number of poles to be removed, proximity of poles to trees, visual impact, number of lines crossing the street, removal of additional equipment (transformers, switch equipment, etc.).

*Impacts*

The City will consider the location and impact of new cabinets both above ground and underground. Preference will be given to cabinets that could be located on private property rather than on parkways and/or equestrian trails. Both the Hidden Hills Homeowner's Association Equestrian Services Committee and the Hidden Hills Homeowner's Association Board of Directors will be consulted on the location of cabinets.

### *Poles on Private Property*

The City will consider removal of distribution or transmission poles on private property if the homeowner is already undergrounded to that pole. Private service poles that serve residents via overhead service will not be considered for removal by the City.

### **Project Approval Procedure**

Undergrounding Projects will go through a three-step approval process.

*Step 1* - The City will take into consideration all of the factors identified above prior to a recommendation to the City Council. The full City Council will determine by majority vote whether to approve the undergrounding project area and initiate the planning process with Southern California Edison. If approved, the City will pay the \$5,000 deposit to initiate the project.

*Step 2* - Once the project is planned and the design is complete, staff will bring the project back to the City Council for approval to proceed with issuing an RFP for construction bids and/or incurrence of any additional fees.

*Step 3* - Upon receipt of bids, the City Council will select the lowest qualified bidder and consider an agreement for authorization and funding. Upon approval by the City Council the project will commence.

**UNDERGROUNDING POLICY 2024-01**  
**UNDERGROUNDING PROJECT SELECTION POLICY**

**Goal**

It is the goal of the City to underground all overhead utility lines in the community.

**Purpose**

This policy governs the selection and approval of City-financed undergrounding projects in the City of Hidden Hills.

**Eligibility of Potential Projects**

The City accepts applications from property owners for City-financed undergrounding projects. Applications will be accepted only if the following minimum eligibility requirements are satisfied:

1. The project encompasses all properties on a street segment (“the project area”).
2. Onsite overhead services (including wires and private service poles) have been undergrounded on all properties in the project area at the time the application is filed.
3. Affected residents in the project area have provided or committed in writing to provide all necessary easements required by the applicable utilities.

Applications will be filed on a form provided by the City and include all information requested by the City. The City Council may by resolution establish an application fee to recover the cost of processing applications, in which case the fee must be filed concurrently with the application. The City Engineer will determine whether applications are complete. Incomplete applications will be returned to the applicants for correction.

**Priority in the Selection of Projects**

Complete applications will be placed on a project list in the order in which they are filed. Projects will generally be selected for City-financed projects in the order in which they appear in the project list; however, the City Council in its sole discretion may select projects on the list out of order only on the basis of the following criteria:

*Safety*

Projects where poles and equipment are in very high fire hazard severity zones and in close proximity to trees or are otherwise deemed a hazard may take priority.

*Available Funding and Cost*

The City uses a cost estimate of \$150,000 per pole to be removed when evaluating a project. Availability of funding will be reviewed for each project. If sufficient funding is not available for the next eligible project on the project list, smaller projects may be given

priority unless the applicants for the next eligible project agree to fund the difference between available City funds and project cost.

### *Aesthetics*

Projects that have greater aesthetic benefits may be prioritized, as demonstrated by the number of poles and/or lines crossing the street to be removed, visual impact on view corridors and collector roads, and removal of additional equipment (transformers, switch equipment, etc.) and placement of cabinets on private property rather than on parkways and/or equestrian trails.

### **Project Approval Procedure**

Undergrounding Projects will go through a three-step approval process.

*Step 1* - City staff will take into consideration the project selection criteria identified above and when sufficient funding is available, make a recommendation to the City Council to approve a project from the list. Project selection will be in the order a project appears on the project list, unless one or more of the priority criteria set forth above apply. The City Council will consider the staff recommendation and select a project based on the project selection criteria above. The City Council will determine by majority vote whether to approve an undergrounding project. When a project is approved, the City will pay a nonrefundable design deposit to SCE (currently \$5,000) to initiate the project.

*Step 2* - Once the project is planned, design is complete, and all necessary easements are received, a bid package will be presented to the City Council for approval.

*Step 3* - Upon receipt of bids, the City Council will award the project to the lowest responsible and responsive bidder.

### **Exclusion from Policy**

This policy does not apply to creation of property owner initiated and funded undergrounding assessment districts. Property owners may seek City collaboration in the creation of such districts at any time without regard to the project list referenced above.

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