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**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, City Manager

**DATE:** October 2, 2012

**TITLE:** Code Amendment – Chapter 25, Streets and Sidewalks  
Undergrounding of Utility Facilities – Special Assessment Program

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**Recommendation**

It is recommended that the City Commission adopt on second reading an ordinance amending Chapter 25 – Streets and Sidewalks, providing for undergrounding of utility facilities and underground utility line assessment program.

**Background**

On May 18, 2010, the City Commission adopted an ordinance which establishes a process for communities to follow in order to underground their overhead utilities (power, telephone, cable TV, etc.) and creates a mechanism for the benefited community to pay the cost of undergrounding through special assessment.

On March 20 and May 1, 2012, at the request of the community the City Commission discussed amendments to the undergrounding of utility lines special assessment program. The City Commission agreed conceptually that the 70% approval should be based on those property owners that respond, rather than all property owners in the assessment area as the Ordinance is currently written. In addition, the Commission agreed to provide for 90% design plans prior to the ballot process as long as a process was established for repayment of any upfront costs by the City should the special assessment project not reach the 70% approval required to move forward. The process as outlined includes a method of reimbursement to the City of any “up-front costs” for preparation of construction plans and detailed cost estimates by either imposition of a (i) special assessment or (ii) fee to be collected on the City’s utility billing system over a term of two years.

On September 18, 2012 the City Commission heard on first reading ordinance amending Chapter 25 – Streets and Sidewalks, providing for undergrounding of utility facilities and underground utility line assessment program.

The following amendments have been included in Code Amendment – Chapter 25, Streets and Sidewalks:

1. Section 25-124. The term “Petition” has been changed to “Ballot” and the definition and subsequent text revised accordingly. Further clarification of the definition of “owner”.
2. Section 25-129.1. Redefinition of 70% to be of those owners that sign and return their ballot to the City Clerk in a timely manner and not of all benefiting property owners.
3. Section 25-129.4. Inclusion of a special assessment or fee method of reimbursement to the City of any “upfront costs” for preparation of construction plans and detailed cost estimates. Modification that the ballot process will begin at 90% completion of construction plans. Modification to the completed ballot turnaround time by the owner back to the City Clerk’s office from 6 months to 30 days. Requirement that the ballot include drawings depicting the location and dimensions of all associated above-grade structures accessory to the UULF.
4. Section 25-129.13. Inclusion of language requiring a competitive negotiation process for selecting the contractors for construction of the underground utility line facilities instead of lowest responsive bidder. (included at the request of the community)

**Resource Impact**

There is no fiscal impact associated with this action.

**Attachments:**

Exhibit 1 – Proposed Ordinance Amendment

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