



**Council Meeting: October 6, 2009**

**SUBJECT: Wolfe Road Underground Utility District - Setting Date for Public Hearing on November 17, 2009**

**DISCUSSION**

Council is being asked to establish a date for a Public Hearing to create an Underground Utility District (UUD) along Wolfe Road between Old San Francisco Road and Homestead Road. The boundaries of the district are shown in Exhibit A of Attachment A. The formation of an Underground Utility District identifies a specific area to have overhead utilities be placed underground using Pacific, Gas & Electric (PG&E) Rule 20A funds.

Staff recommends City Council approve the Resolution of Intent (Attachment A) to create a Wolfe Road Underground Utility District that sets a date of November 17, 2009 for public hearing.

**BACKGROUND**

In November 2006, City Council approved a program for use of PG&E funding for undergrounding utilities and adopted a priority list for use of Rule 20A funds (RTC 06-344). To date, seven projects were completed prior to November 2006, one project is pending design and construction (Fair Oaks Avenue UUD Phase II) and the next in line is Wolfe Road.

Rule 20A program funding is set aside each year by PG&E to share with cities for the undergrounding of PG&E facilities. Other overhead utilities will be asked to participate as part of their franchise agreements for use of the public right-of-way. Relocating wires below ground reduces potential hazards associated with downed lines during or after severe weather or earthquake.

Undergrounding distribution lines also requires service laterals and meters to be converted on private properties. These costs will be covered under the Rule 20A program. There will be no cost to property owners in the district. Removed street lights will be replaced with standard lighting poles served with underground conduit and conductors.

Upon conclusion of a public hearing, and approval to form the requested UUD, city staff notifies PG&E so that design work can begin. PG&E currently estimates completion of these types of projects could take up to five years due to PG&E's backlog of undergrounding projects.

## **EXISTING POLICY**

### **Community Design Sub-Element:**

**Policy 2.5B.3** Minimize elements which clutter the roadway and look unattractive;

Action Statement 2.5B3a Maintain the requirements for undergrounding overhead utility wires.

**Policy 2.5D3** Work with outside government agencies to achieve attractive public and quasi-public facilities consistent with the quality of development in Sunnyvale.

Action Statement 2.5D3d Encourage PG&E and Southern Pacific Railroad to improve the appearance of transmission line easements and railroad lines.

## **FISCAL IMPACT**

None.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk

## **ALTERNATIVES**

1. Approve the Resolution of Intent to create a Wolfe Road UUD that sets a date of November 17, 2009 for public hearing.
2. Do not approve the Resolution of Intent and do not go forward with the creation of the UUD and the undergrounding of overhead utilities on Wolfe Road.

**RECOMMENDATION**

Staff recommends Alternative No. 1: Approve the Resolution of Intent to create a Wolfe Road UUD that sets a date of November 17, 2009 for public hearing.

The public hearing will allow council to hear all protests and to receive evidence for and against the action proposed. Relocating wires below ground reduces potential hazards associated with downed lines during or after catastrophic disaster and reduces potential conflicts along travel routes.

Reviewed by:

Marvin Rose, Director, Public Works  
Prepared by: Richard Chen, Civil Engineer

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

A. Resolution of Intent

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE OF PRELIMINARY DETERMINATION AND INTENTION TO ESTABLISH THE WOLFE ROAD UNDERGROUND UTILITY DISTRICT AND TO PROVIDE FOR A PUBLIC HEARING**

WHEREAS, the City Council of the City of Sunnyvale hereby preliminarily determines that the public necessity, convenience, health, safety and welfare require, and it is the intention of the Council pursuant to Chapter 15.08 of Title 15 of the Sunnyvale Municipal Code to order the establishment of an underground utility district; and

WHEREAS, the name of the proposed district is "Wolfe Road Underground Utility District" of the City of Sunnyvale; and

WHEREAS, the district includes all overhead utilities located in the area comprising the proposed district located on Wolfe Road between Old San Francisco Road and Homestead Road, as more particularly described in a Map of the "Wolfe Road Underground Utility District," a copy of which is on file with the City Clerk's office and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. NOTICE IS HEREBY GIVEN that on Tuesday, November 17, 2009, at the hour of 7:00 P.M., in the regular meeting place of City Council, Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, California, is hereby fixed as the time and place when and where the Council shall hear all protests and receive evidence for and against the action herein proposed, and when and where the Council shall consider finally determining whether the public necessity, convenience, health, safety and welfare require the establishment of the district, and the underground installation of electric and communication facilities.

2. At the hearing, all persons interested shall be given an opportunity to be heard. The hearing may be continued from time to time as may be determined by the Council.

3. At the hearing, the Council will take evidence and consider the question of whether such undergrounding is in the general public interest for one or more of the following reasons:

a. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities; and

b. The streets or roads or rights-of-way are extensively used by the general public and carry a heavy volume of pedestrian and vehicular traffic.

c. The streets or roads or rights-of-way adjoin or pass through a civic area.

BE IT FURTHER RESOLVED THAT:

1. The City Clerk shall cause a copy of this Resolution to be published twice in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale and shall cause copies of this Resolution to be posted on each side of the street in each block or portion of block within the area affected; the posting and first publication to be had and completed at least ten (10) days before the date of hearing.

2. The City Clerk shall also cause copies of this Resolution, together with a copy of the map on file in the City Clerk's office, to be mailed to the owners of the property affected at their addresses as it appears on the last equalized County tax roll, or, in the case of transfers, as appears from the records of the County Assessor, or as known to the City Clerk, and deposited in the United States mail, postage prepaid; and shall also cause copies of this Resolution and map to be mailed to each public utility affected at its office in the City and deposited in the United States mail, postage prepaid, at least ten (10) days before the date of hearing.

3. The City Clerk shall also cause copies of this Resolution, together with a copy of the map on file in the City Clerk's office, to be served on the occupants of the property affected by leaving a copy thereof with the occupant, if there is one, and if not, by leaving a copy of this Resolution and map at the premises or mailing a copy to the owner at the address of record, at least ten (10) days before the date of hearing.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2009, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David Kahn, City Attorney

