

RESOLUTION NO. 2023-275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DECLARING THE PUBLIC NECESSITY FOR ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ALONG ELK GROVE BOULEVARD FROM SCHOOL STREET TO WATERMAN ROAD AND ORDERING THE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES AND REPLACEMENT WITH THE UNDERGROUND INSTALLATION OF WIRES AND FACILITIES FOR SUPPLYING ELECTRIC, COMMUNICATION, OR SIMILAR OR ASSOCIATED SERVICES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN SD-14 ENHANCEMENT AGREEMENT FOR OLD TOWN ELK GROVE STREETScape PROJECT (WTR012) WITH SACRAMENTO MUNICIPAL UTILITY DISTRICT

WHEREAS, in 2006, the City of Elk Grove completed streetscape improvements and removed utility poles and overhead utilities and replaced them with an underground utility joint trench along Elk Grove Boulevard from Walnut Avenue to approximately one-third of a block east of School Street consistent with the Old Town Elk Grove Special Planning Area (SPA), as part of the Old Town Elk Grove Boulevard Streetscape Phase I Project; and

WHEREAS, the Old Town Elk Grove Streetscape Project Phase II (WTR012) Project (Project) includes streetscape and infrastructure improvements to an approximately 2,400-foot segment of Elk Grove Boulevard from where the Phase I project terminated, from School Street to Waterman Road; and

WHEREAS, the undergrounding of the overhead utilities is consistent with the long-range plans for the SPA, is consistent with the general plan, and is in the public's best interest; and

WHEREAS, the Sacramento Municipal Utility District (SMUD) also recognizes that undergrounding utilities where feasible is in the public's interest and has established a System Enhancement Program to fund the undergrounding of power lines below 69kV; and

WHEREAS, as part of SMUD's SD-14 System Enhancement Policy, SMUD is in agreement to permanently relocate or underground existing overhead distribution facilities as part of the Old Town Streetscape Phase II (WTR012) Project and SMUD has assigned \$478,209.30 in funding for SMUD's pro rata share of the underground sub-structure, trenching work, and customer panel conversions; and

WHEREAS, the Project is a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA) which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, in order for SMUD to allocate the funds and the City to receive the assigned funding the City and SMUD agree to enter into a SD-14 System Enhancement Agreement for the Old Town Streetscape Project (Agreement); and

WHEREAS, a requirement of the Agreement is for the City to establish an Underground Utility District to ensure all utilities are undergrounded and no poles and overhead utilities can be constructed within the district in the future; and

WHEREAS, Elk Grove Municipal Code Chapter 12.20 provides for the establishment of underground utility districts to provide for the orderly removal of existing overhead facilities and the construction of new underground facilities; and

WHEREAS, the City Council held a duly-noticed public hearing on December 13, 2023, and finds the public necessity, health, safety, and welfare require the removal of the poles, overhead wires and associated overhead structures within the designated area and replacement with the underground installation of wires and facilities for supplying electric, communication, or similar or associated services; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the declaration of an Underground Utility District and the ordering of the removal of poles, overhead wires and associated overhead structures and replacement with underground installation of wires and facilities for supplying electric, communication, or similar or associated services and authorizing the City Manager to execute a SD14-System Enhancement Agreement for the Old Town Elk Grove Streetscape Project (WTR012) with Sacramento Municipal Utility District exempt from the California Environmental Quality Act (CEQA) based on the following finding.

Finding: No Further CEQA Analysis is Required.

Evidence: Establishing the Underground Utility District will result in future undergrounding of utilities for the Old Town Elk Grove Streetscape Project (WTR012); therefore, the Project is defined as a project under CEQA.

Staff has reviewed the Project to determine the required level of review under CEQA. The Project will result in undergrounding existing aerial utilities via excavation of a trench and acquisition of right-of-way. The associated environmental impacts were previously analyzed in the Old Town Elk Grove Streetscape Project – Phase 2 Initial Study with Mitigated Negative Declaration (SCH No. 2016122059) (IS/MND), completed by the City of Elk Grove as the lead CEQA agency. The City Council approved the Project, approved the Initial Study, and adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (MMRP) on May 24, 2017, and then again on October 28, 2020, when the City Council adopted Resolution 2020-256 which approved an Addendum to the Final IS/MND for the Project. As the undergrounding of utilities was fully analyzed in the previous CEQA IS/MND and Addendum, no further CEQA analysis is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby finds that it is in the public interest and general welfare to establish an Underground Utility District along Elk Grove Boulevard from School Street to Waterman Road and ordering the removal of poles, overhead wires and associated overhead structures and replacement with the underground installation of wires and facilities for supplying electric communication, or similar or associated services;

AND, BE IT FURTHER RESOLVED AND ORDERED by the City Council, that pursuant to Chapter 12.20 of the Elk Grove Municipal Code, the above described area is hereby declared an underground utility district. Attached hereto, marked Exhibit “A”, and hereby incorporated as part of this Resolution, is a map delineating the boundaries of said district; and

BE IT FURTHER RESOLVED, that the City Council does hereby order the removal of all poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar associated services within the underground district as part of the Old Town Streetscape Phase II Project (WTR012), with construction expected to be completed by December 2027; and

BE IT FURTHER RESOLVED, that in consultation with the impacted utility companies, the City will fund a portion and construct the joint trench to underground the existing overhead utility wires within the underground utility district as part of the Old Town Streetscape Phase II Project (WTR012). Following construction of the joint trench, the impacted utility companies will install their underground facilities and remove their overhead wires and poles at their own cost; and

BE IT FURTHER RESOLVED, the City will fund and implement the conversion of the electrical panels within the Underground Utility District as part of the Old Town Streetscape Phase II (WTR012) Project; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to notify all affected utilities and all affected persons owning real property within the underground utility district of the adoption of this Resolution within ten (10) days after the date of such adoption. The City Clerk shall further notify said property owners that the City will contract to provide all necessary facility changes on their premises so as to receive electric, communication or other similar or associated service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulation, and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. The property owners/tenants shall cooperate with the City's contractor and the cost of the conversions shall be per the terms stated above. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 12.20 of the Elk Grove Municipal Code to affected property owners as are shown on the last equalized assessment roll, and to the affected utilities; and

BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the SD-14 Enhancement Agreement with the Sacramento Municipal Utility District (SMUD), in substantially the form presented, for the Old Town Streetscape Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of December 2023



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


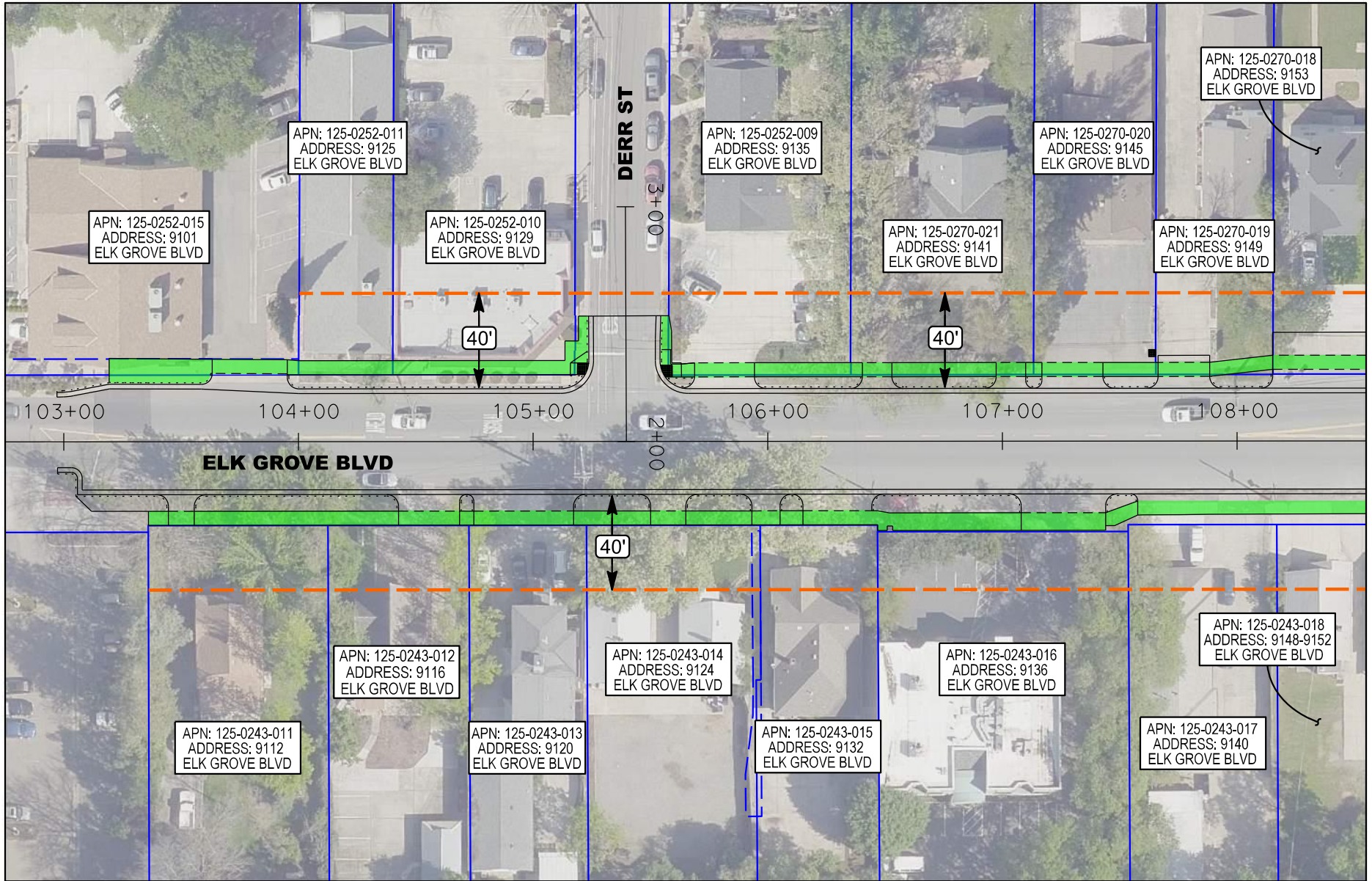

JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A



MATCH LINE SEE SHEET 2

- LEGEND:**
- EXISTING RIGHT OF WAY/PROPERTY LINE
 - - - EXISTING EASEMENT
 - WTR012 IMPROVEMENTS
 - █ SIDEWALK IMPROVEMENTS
 - - - UNDERGROUND DISTRICT (MEASURED FROM BACK OF CURB)



DE DOKKEN
ENGINEERING
110 BLUE RAVINE ROAD, SUITE 200
FOLSOM, CA 95630
PH: 916-858-0642 FAX: 916-858-0643

WTR012 ELK GROVE BLVD STREETSCAPE
PHASE 2

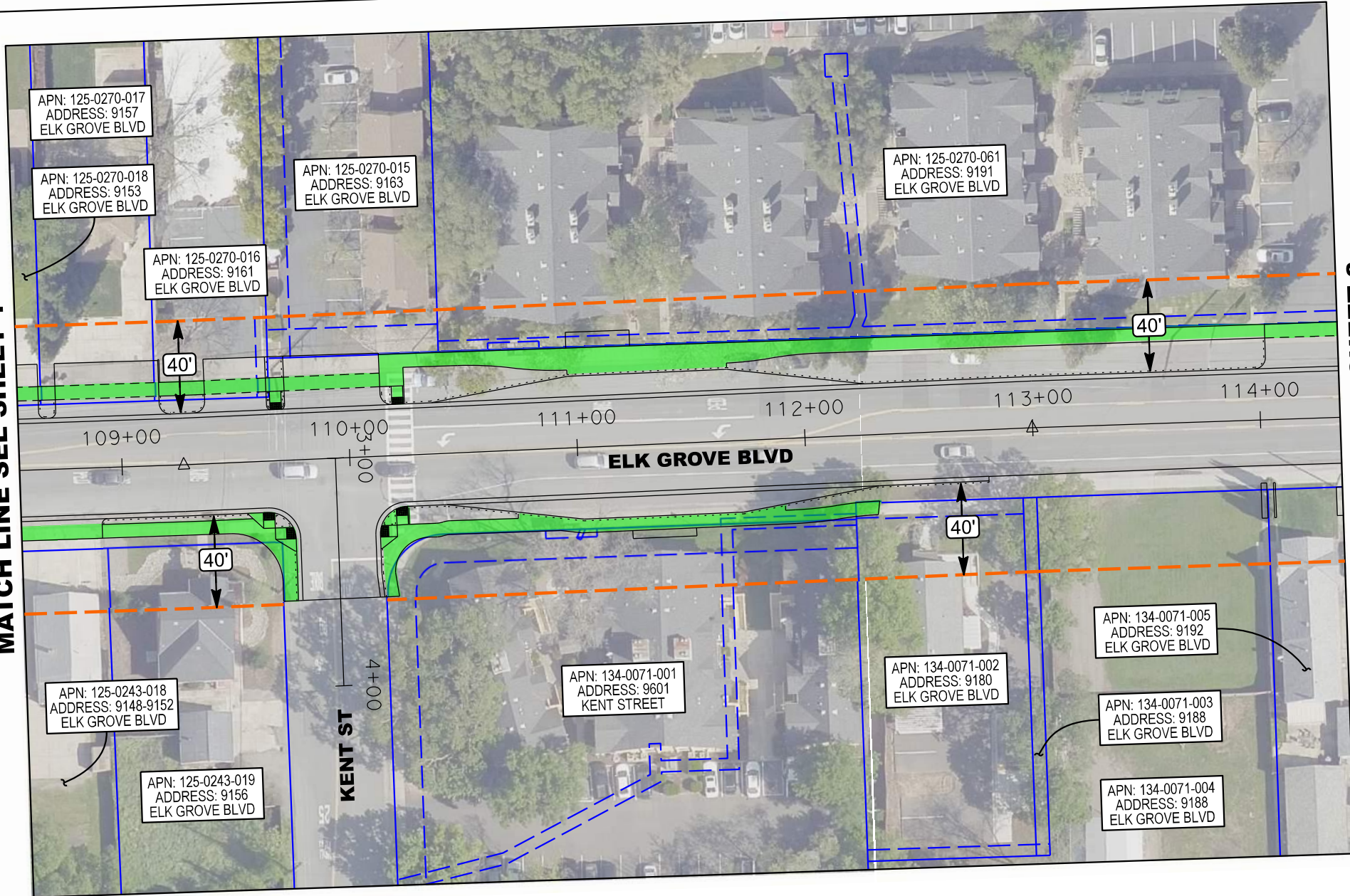
UNDERGROUND DISTRICT MAP

NOVEMBER 2023

SHEET 1 OF 5

MATCH LINE SEE SHEET 1

MATCH LINE SEE SHEET 3



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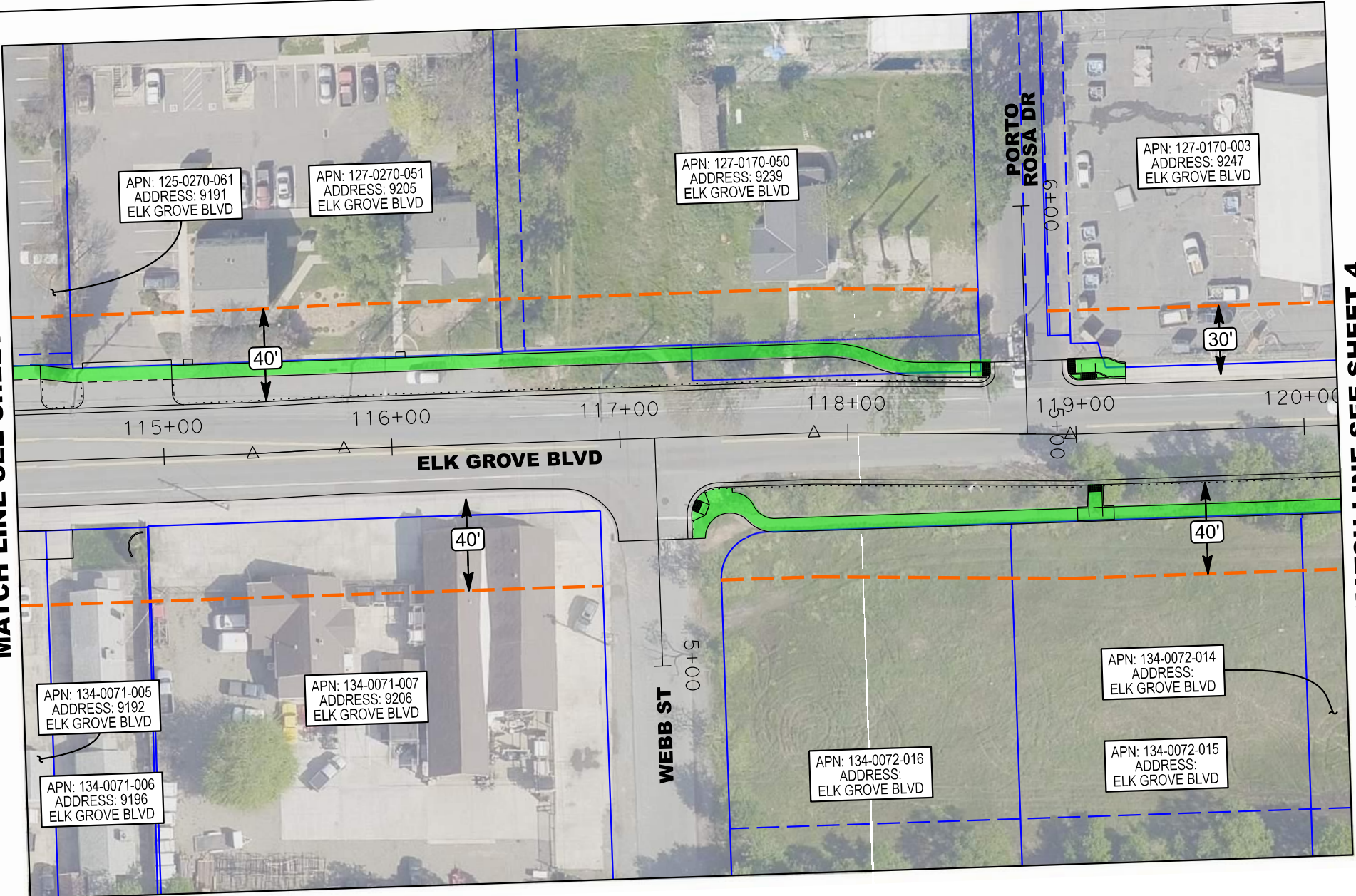
UNDERGROUND DISTRICT MAP

NOVEMBER 2023

SHEET 2 OF

MATCH LINE SEE SHEET 2

MATCH LINE SEE SHEET 4



LEGEND:

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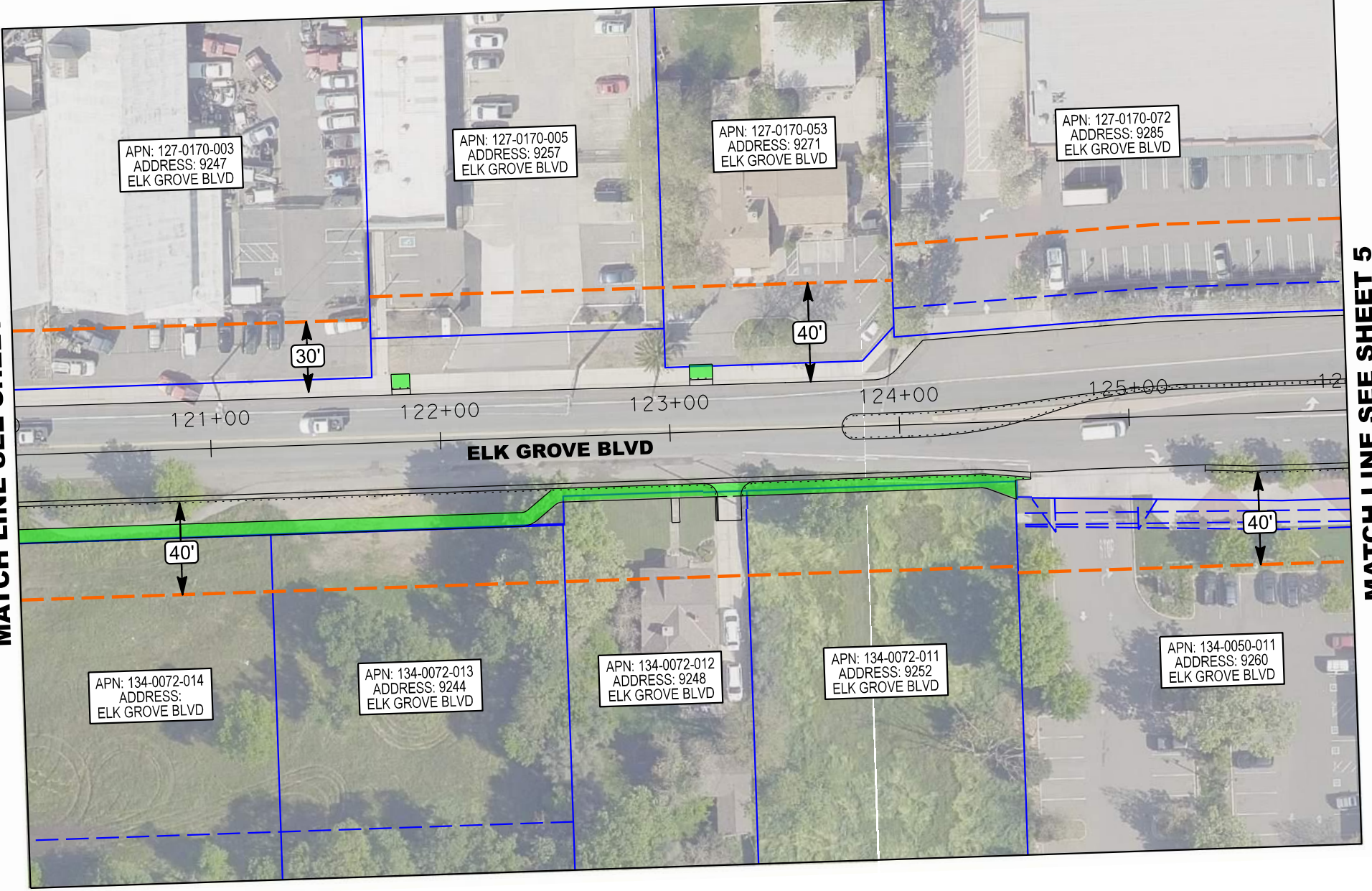
UNDERGROUND DISTRICT MAP

NOVEMBER 2023

SHEET 3 OF

MATCH LINE SEE SHEET 3

MATCH LINE SEE SHEET 5



- LEGEND:**
- EXISTING RIGHT OF WAY/PROPERTY LINE
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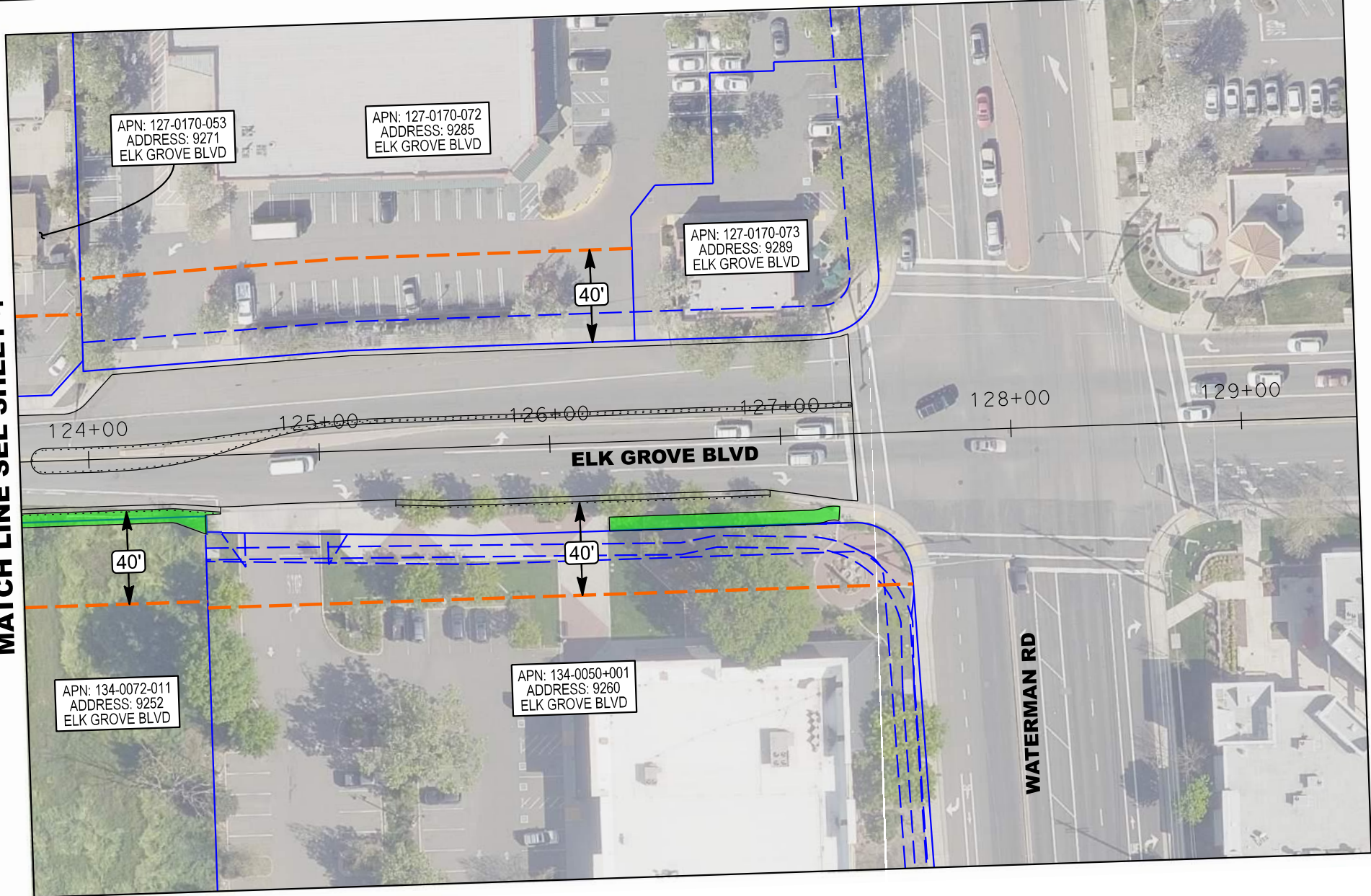
WTR012 ELK GROVE BLVD STREETSCAPE
PHASE 2

UNDERGROUND DISTRICT MAP






NOVEMBER 2023

SHEET 4 OF

MATCH LINE SEE SHEET 4



LEGEND:

-  **EXISTING RIGHT OF WAY/PROPERTY LINE**
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-  **UNDERGROUND DISTRICT (MEASURED FROM BACK OF CURB)**



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**WTR012 ELK GROVE BLVD STREETSCAPE
PHASE 2**

UNDERGROUND DISTRICT MAP

NOVEMBER 2023

SHEET 5 OF

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-275

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2023 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Brewer, Robles, Spease, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California