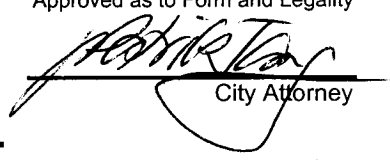


OFFICE OF THE CITY CLERK  
CITY OF OAKLAND  
1500

# OAKLAND CITY COUNCIL

RESOLUTION No. 81002 C.M.S.

  
City Attorney

2007 JUN 29 PM 7:15

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 235: COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT WHICH INCLUDES SAN LEANDRO STREET, BETWEEN 66<sup>TH</sup> AND 73<sup>RD</sup> AVENUES, AND 73<sup>RD</sup> AVENUE, BETWEEN SAN LEANDRO STREET AND THE INTER-CITY RAILWAY STATION, PURSUANT TO ORDINANCE NO. 7769 C.M.S., AS A CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) RULE 20B PROJECT WITH CITY PROJECT COSTS ESTIMATED TO BE FOUR MILLION TWENTY FOUR THOUSAND ONE HUNDRED SIXTY NINE DOLLARS (\$4,024,169.00), ACCEPTING THREE HUNDRED THIRTY EIGHT THOUSAND EIGHT HUNDRED TWO DOLLARS (\$338,802.00) FROM COMCAST TOWARDS THE PROJECT BUDGET FOR IT'S PROJECT COSTS, AND AUTHORIZING THE CITY ADMINISTRATOR TO PAY PG&E TWO MILLION SIX HUNDRED THIRTEEN THOUSAND TWO HUNDRED DOLLARS (\$2,613,200.00)**

**WHEREAS**, California Public Utilities Commission Rule 20B for Replacement of Overhead with Underground Electric Facilities includes the following prerequisites for qualifying a street for undergrounding as a Rule 20B project:

- Property owners impacted by the project must underground the service to their respective properties at their expense. Because CEDA initiated this project, the Redevelopment Agency has committed to incur all underground expenses for the impacted property owners to implement the project.
- Council resolution to implement the wiring changes.
- The project length is one block or 600 feet, whichever is the lesser, and covers both sides of the street.
- Payment up-front of the fixed non-refundable total cost to PG&E.
- Transfer ownership of the underground facilities installed: ducts, vaults, etc. to PG&E.

**WHEREAS**, San Leandro Street, between 66<sup>th</sup> and 73<sup>rd</sup> Avenues, and 73<sup>rd</sup> Avenue, between San Leandro Street and the Inter-City Railway Station have an overhead electrical and communication facilities used by the general public; and

**WHEREAS**, this section of San Leandro Street is extensively used by the general public and carries a heavy volume of vehicular traffic; and

**WHEREAS**, undergrounding the utilities on this segment of San Leandro Street between 66<sup>th</sup> and 73<sup>rd</sup> Avenues will aesthetically enhance a section of the Coliseum BART Station Area business community; and

**WHEREAS**, the Rule 20B project on San Leandro Street, between 66<sup>th</sup> and 73<sup>rd</sup> Avenues, and 73<sup>rd</sup> Avenue, between San Leandro Street and the Inter-City Railway Station will be paid for by the City's Redevelopment Agency with Redevelopment Tax Allocation Bond Funds, with funds from the following sources:

<b>ORA FUNDS BY PROJECT</b>				
<b>Project</b>	<b>Fund</b>	<b>Org</b>	<b>Project</b>	<b>Amount</b>
<b>Existing funding Approved in FY 2003-05</b>				
San Leandro St. Under grounding	9453	92228	T249410	1,052,800.00
San Leandro St. Under grounding	9453	30528	T249410	90,000.00
Amount Paid with the Coliseum Transit Hub	9453	92228	T249410	527,200.00
<b>Sources of Proposed Additional ORA Funding</b>				
Intercity Rail Platform	9453	88659	P233430	817,200.00
Fruitvale Transit Village	9453	94800	P233420	100,000.00
International Blvd. Streetscape	9455	94800	T315510	100,000.00
Airport Gateway Doolittle	9455	94800	S82674	180,000.00
Coliseum Redevelopment Project	9450	88659	S82600	500,000.00
Zhone Technologies	9450	88659	P207810	131,450.00
<b>Subtotal -ORA</b>				<b>3,498,650.00</b>
ACCMA – TLC Grant	2137	30528		500,000.00
Amount Paid during Coliseum Transit Hub				25,519.00
<b>TOTAL ORA and ACCMA FUNDS</b>				<b>4,024,169.00</b>

Since the project is ready to proceed, access to funds is being transferred to PWA Electrical Services Division to ensure the division's continued work on the project. In addition, the Redevelopment Agency is paying the difference of \$1,828,650.00 as PG&E's Rule 20B cost must be paid in advance and in full before work can be done. The PG&E cost estimated by PWA is \$2,613,200.00.

These additional Redevelopment Agency funds, totaling \$1,828,650.00, will be appropriated to the City's Oakland Redevelopment Agency Projects Fund (7780), PWA Electrical Services Organization (92228), San Leandro Street Underground Utility Project (C332110).

**WHEREAS**, a public hearing was called for Tuesday, December 18, 2007, at the hour of 7:00 p.m. in Oakland, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 235 comprising the area shown on the attached Exhibit A; and

**WHEREAS**, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and the utilities concerned in the matter and for the time required by law; and

**WHEREAS**, such hearing has been duly and regularly held and all interested persons have been given the opportunity to be heard; now, therefore, be it

**RESOLVED:** That the City Council of the City of Oakland hereby finds and determines that the proposed Coliseum Bart Station Area underground utility district 235 meets the California Public Utilities Commission Rule 20B criteria and adopts and incorporates the findings set forth

in the City Administrator’s report dated December 11, 2007, accompanying this item, and hereby declares that the indicated area shown in the attached Exhibit A is established and included in Underground Utility District No. 235, Coliseum Bart Station Area (“Underground Utility District No. 235”); and be it

**FURTHER RESOLVED:** That the Redevelopment Agency is to appropriate additional funds to meet the needs of the project if cost exceeds the budget of \$4,024,169.00, which includes a 10.0% contingency, as per PWA Electrical cost estimate below:

Project Budget	Estimate	Contingency	Total
PG&E	\$2,613,200.00	\$261,320.00	\$2,874,520.00
Contractor	\$110,000.00	\$11,000.00	\$121,000.00
Labor	\$414,240.00	\$41,424.00	\$455,664.00
Material	\$520,895.00	\$52,090.00	\$572,985.00
Total	\$3,658,335.00	\$365,834.00	\$4,024,169.00

**FURTHER RESOLVED:** That the City Council of the City of Oakland authorizes the City Administrator or her designee to pay \$2,613,200.00 to PG&E for the construction and implementation of the CPUC Rule 20B segment of Underground Utility District No. 235; and be it

**FURTHER RESOLVED:** That the City Council of the City of Oakland authorizes the City Administrator or her designee to accept reimbursements totaling \$338,802.00 from Comcast: (1) \$178,955.00 for their betterment, and (2) \$159,847.00 for their portion of the 20B undergrounding cost; and be it

**FURTHER RESOLVED:** That the underground installations by the utility companies and Comcast shall be made to coordinate with the planned street reconstruction within the limits of Underground Utility District No. 235; and be it

**FURTHER RESOLVED:** That the underground installations by the utility companies, Comcast and the City, as well as the removal of poles, overhead wires and associated overhead structures by the utility companies and Comcast within Underground Utility District No. 235, shall be completed no later than November 15, 2008, in the CPUC Rule 20B area; and be it

**FURTHER RESOLVED:** That the City Attorney and the City Administrator’s Budget Director have approved this resolution, and a copy is on file in the City Clerk’s Office; and be it

**FURTHER RESOLVED:** That pursuant to Section 6 of Underground Utility Ordinance No. 7769 C.M.S., the following exceptions to the order for the removal and underground installations are hereby authorized:

- a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Electrical Services Division Manager.
- 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. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- e. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

**FURTHER RESOLVED:** That the City Clerk is hereby instructed to notify or cause to notify all affected utilities and Comcast and all persons owning real property within Underground Utility District No. 235 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify or cause to notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or other similar associated service, they or such occupant shall, by the designated date, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utilities or Comcast on file with the Public Utilities Commission of the State of California. Such notification shall be by mailing a copy of this resolution together with a copy of said Ordinance No. 7769 C.M.S. to affected property owners as shown on the last equalized assessment roll and to the affected utilities and Comcast.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2007, 20      

**PASSED BY THE FOLLOWING VOTE:**

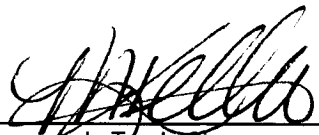
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

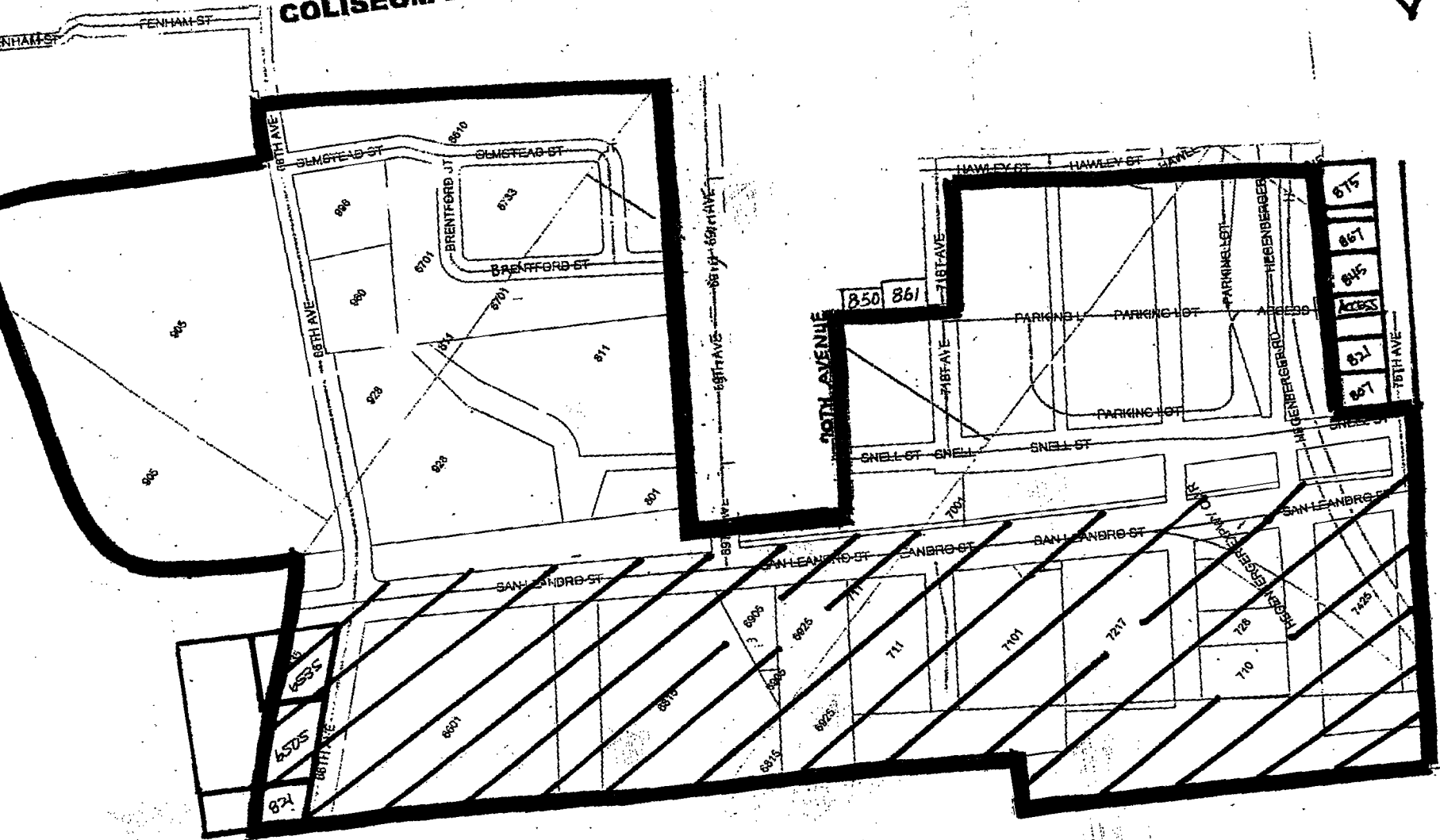
ABSTENTION- 0


ATTEST:


  
 LaTonda Simmons  
 City Clerk and Clerk of the Council  
 of the City of Oakland, California

# UNDERGROUND UTILITY DISTRICT NO. 235: COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT

NA



 BOUNDARY LINE

 RULE 20B PROJECT AREA

# EXHIBIT B

ID	Icon	Task Name	Duration	Start	Finish	Predecessor
11		Delay in PG&E cost-not-to-exceed estimate	60 days	Tue 10/5/04	Mon 12/27/04	9
12		Delay in CEDA determination of the extent of project	60 days	Tue 12/28/04	Mon 3/21/05	11
13		Delay in CEDA Funding for project	60 days	Tue 3/22/05	Mon 6/13/05	12
14		City bid out Coliseum Streetscape Project	0 days	Mon 6/13/05	Mon 6/13/05	13
15		PWA Electrical procure streetlights and Tesco Panels	90 days	Tue 6/14/05	Mon 10/17/05	14
16		Meet with Councilmember, CEDA and PG&E on funding, timeline, and cost	16 days	Tue 10/18/05	Tue 11/8/05	15
17		Meet with CEDA and PG&E on funding, timeline, and cost	1 day	Wed 11/9/05	Wed 11/9/05	16
18		CEDA transfer funds for streetlight and Tesco Panels	20 days	Thu 11/10/05	Wed 12/7/05	17
19		PG&E provide composite plans, form B	325 days	Wed 11/9/05	Tue 2/6/07	16
20		Final review and comments of PG&E composite plans, form B	70 days	Wed 2/7/07	Tue 5/15/07	19
21		Staff prepare agenda report and council resolution	9 days	Wed 5/16/07	Mon 5/28/07	20
22		Send agenda report & council resolution to PWA Director	10 days	Tue 5/29/07	Mon 6/11/07	21
23		Review by Director, Attorney, Auditor, C Administrator, Budget, Etc.	10 days	Tue 6/12/07	Mon 6/25/07	22
24		PG&E revised estimate. Pull from PWA Committee. Negotiate with PG&E	45 days	Tue 6/26/07	Mon 8/27/07	23
25		City Comments and PG&E's Response	13 days	Tue 8/28/07	Thu 9/13/07	23,24
26						
27		Staff prepare agenda report and council resolution	29 days	Fri 9/14/07	Wed 10/24/07	25
28		Send agenda report & council resolution to Assist Director	5 days	Thu 10/25/07	Wed 10/31/07	27
29		Review by Attorney, Auditor, C Administrator, Budget, Etc.	5 days	Thu 11/1/07	Wed 11/7/07	28
30		Send agenda report & council resolution to Director	7 days	Thu 11/8/07	Fri 11/16/07	29
31		Inform property owners of underground project	5 days	Mon 11/19/07	Fri 11/23/07	30
32		Send out Public Hearing to property owners	5 days	Mon 11/26/07	Fri 11/30/07	31
33		Go to PWA Committee	1 day	Mon 11/19/07	Mon 11/19/07	30
34		Get on Council Agenda for public hearing and establishing the district	15 days	Tue 11/20/07	Mon 12/10/07	33
35		Council resolution calling for public hearing and establish district	1 day	Tue 12/11/07	Tue 12/11/07	34
36		Pre-construction meeting with business community impacted by the project	5 days	Wed 12/12/07	Tue 12/18/07	35
37						
38		Bid out and Award Panel Conversion	60 days	Wed 12/12/07	Tue 3/4/08	35
39		Cut Check for PG&E	30 days	Wed 12/12/07	Tue 1/22/08	35
40		PG&E schedule Construction	30 days	Wed 1/23/08	Tue 3/4/08	39
41		PG&E install Substructure	110 days	Wed 3/5/08	Tue 8/5/08	40
42		Panel modifications	30 days	Wed 8/6/08	Tue 9/16/08	41
43		CEDA and PG&E Inspection of panel modifications	20 days	Wed 9/17/08	Tue 10/14/08	42
44		PG&E, AT&T and Comcast install facilities	45 days	Wed 8/6/08	Tue 10/7/08	41
45		PWA Electrical Install remaining streetlights	45 days	Wed 8/6/08	Tue 10/7/08	41
46		PG&E Cutover and Panel Conversion	5 days	Wed 10/15/08	Tue 10/21/08	43
47		PG&E Removes Poles	5 days	Wed 10/22/08	Tue 10/28/08	46,44
48		As-built and closeup	30 days	Wed 10/29/08	Tue 12/9/08	47
49		Construction complete	0 days	Tue 12/9/08	Tue 12/9/08	48
50		Council Mandated Pole Removal November 15, 2008	0 days	Tue 12/9/08	Tue 12/9/08	49

Task		Summary	
Progress		Rolled Up Task	
Milestone		Rolled Up Milestone	