

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 NOV 29 PM 7:16

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: December 11, 2007

RE: **Resolution Of Intention To Establish Underground Utility District No. 235: Coliseum Bart Station Area Underground Utility District Which Includes San Leandro Street, Between 66th And 73rd Avenues, And 73rd 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), And To Set A Public Hearing For December 18, 2007**

SUMMARY

This report describes the City's intention to convert the overhead utility facilities to an underground system on San Leandro Street, between 66th and 73rd Avenues, and on 73rd Avenue, between San Leandro Street and the Inter-City Railway Station. This project will be funded under California Public Utilities Commission (CPUC) Rule 20B. As part of the overall plan for the Coliseum Area, the Redevelopment Agency implemented the Coliseum Transit Hub Project in 2005-2006, which is the streetscape project for San Leandro Street at the Coliseum BART Station. The Redevelopment Agency included the undergrounding of the overhead utility lines in the project area as part of their development plan, and funded it as a CPUC Rule 20B undergrounding project. The Underground Utility District No. 235 is located in Council Districts No. 6 and 7.

California Public Utility Commission Rule 20B 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 reasonable expenses for the implementation of 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.

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- Transfer ownership of the underground facilities installed: ducts, vaults, etc. to PG&E.

The City has had meetings at the site with all the entities participating in the undergrounding to determine the scope of the project and to establish the boundary. The participating entities are the City, Pacific Gas & Electric Company (PG&E), AT&T and Comcast.

Undergrounding the utilities on this segment of San Leandro Street will be a facelift for the Coliseum Area business community and may provide an incentive for other merchants or developers to undertake similar development projects within the City of Oakland.

FISCAL IMPACT

The City's Redevelopment Agency will pay for the cost of the CPUC Rule 20B project in accordance with the CPUC tariff, including the City's streetlight system and City staff time spent on the project. Comcast's franchise agreement with the City requires participation in the undergrounding and stipulates that Comcast pay all of its undergrounding costs. Comcast has limited facilities in the area and chose to participate in the project at their own cost by providing facilities for future utilization as part of their long-term planning.

The Public Works Agency (PWA) Electrical estimated the total cost of the project to be \$4.024 million including a 10% contingency:

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

The Redevelopment Agency is contributing \$3,498,650.00 to the project from the Coliseum Redevelopment Project area. The Alameda County Congestion Management Agency Livable Communities Grant (ACCMA-TLC) is reimbursing \$500,000.00 of the project costs, as approved in Oakland City Council Resolution No. 79689, on January 17, 2006. The Coliseum Transit Hub Project is paying \$25,519.00 towards the project costs.

The Redevelopment Agency appropriated \$1,670,000.00 in the FY 2003-05 ORA Adopted Budget for this project. The Agency staff is now proposing an additional contribution of \$1,828,650.00 for a total of \$3,498,650.00 for the construction of the San Leandro Street Utility Underground Project. The added funding is being obtained from underused projects or remaining balances from completed projects such as the Inter-City Rail Platform project. The Agency will pay the project costs in accordance with the CPUC Rule 20B as well as pay for the cost of City's streetlight system and City staff time.

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PG&E and AT&T pay for improvements to their facilities which are known as betterment costs. Comcast has some facilities in the area and will participate in the project in a similar manner. The Redevelopment Agency proposes to allocate funds from underused projects or remaining balances from completed projects as follows:

ORA FUNDS BY PROJECT

Project	Fund	Org	Project	Amount
Existing funding Approved in FY 2003-05				
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
Proposed Additional Funding				
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
Subtotal -ORA				3,498,650.00
ACCMA – TLC Grant	2163			500,000.00
Paid By Coliseum Transit Hub	2137			25,519.00
TOTAL ORA and ACCMA FUNDS				4,024,169.00

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 requires the City to pay its estimated costs in advance, in full before PG&E will commence the project. The City's 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).

The Redevelopment Agency is to appropriate additional funds if project costs exceed the appropriated amount.

BACKGROUND

As part of the overall plan for the Coliseum Area, the Redevelopment Agency implemented the Coliseum Transit Hub Project in 2005-2006, which is the streetscape project for San Leandro Street at the Coliseum BART Station. The Redevelopment Agency included the undergrounding of the overhead utility lines in the project area as part of their development plan, and funded it as a Rule 20B undergrounding project.

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Establishing an underground utility district empowers the City to ensure that all the wood poles and overhead wires are removed upon completion of the project, and it prohibits any future overhead facilities in the district. The City can take legal action against violators.

CPUC Rule 20 establishes the criteria for qualifying a street where overhead facilities can be replaced with an underground system. The prerequisite for qualifying a street is that the street is at least 600 feet or one block in length, and all owners of properties impacted by the project must underground the service to their respective properties at their expense. Because this is a CPUC Rule 20B project initiated by the City, the Redevelopment Agency has committed to incur reasonable undergrounding expenses of individual owners of properties that must have underground utility service as a result of this project. The expenses will only cover the installation of service laterals and electric panel conversions.

The CPUC Rule 20B portion of the Underground Utility District covers San Leandro Street and its southern side streets, located in the vicinity of the Coliseum BART Station. San Leandro Street carries a heavy volume of vehicular traffic, has a high concentration of overhead facilities, and is used by the general public. CPUC Rule 20 and Ordinance No. 7769 require a public hearing prior to the establishment of an underground utility district. The Coliseum BART Station Area Underground Utility District also covers the BART Station area on the north and south sides of San Leandro Street, including the BART Station's parking lots and 73rd Avenue, between San Leandro Street and the Inter-City Railway Station. The boundary of Underground Utility District No. 235 is shown on the attached *Exhibit A* and is described as follows:

Beginning from the midpoint of the northeasterly property line of 6535 San Leandro Street, at San Leandro Street, continuing southerly and parallel to 66th Avenue, across the properties at 6535 and 6505 San Leandro Street and 821 - 66th Avenue, to the southerly property line of 821 - 66th Avenue; then easterly, crossing 66th Avenue, along the back property lines of 6601, 6815, 6925 San Leandro Street, continuing easterly up to approximately 80% limit of the back property line of 7101 San Leandro Street, then southerly and including Union Pacific Railroad right-of-way; then easterly, along the Union Pacific right-of-way, to the meeting point of the easterly limit of 75th Avenue; continuing north-easterly along the easterly limit of 75th Avenue to the north-easterly limit of Snell Street; extending along the south-westerly property line of 807 - 75th Avenue to the meeting point of its back property line, then north-easterly along the back property lines of 807, 821 - 75th Avenue, crossing Access Road and the back property lines of 845, 867 and 875 - 75th Avenue to the southerly limit of Hawley Street, continuing westerly to the easterly intersection of 71st Avenue; then southerly on 71st Avenue to the limit of the southern property lines of 861 - 71st Avenue and 850 - 70th Avenue, to its intersection with the easterly limit of 70th Avenue; then southerly along the easterly limit of 70th Avenue, crossing Snell Street and continuing southerly up to approximately 20 feet from the rail track, then extending westerly to the westerly intersection with 69th Avenue;

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continuing north-easterly along the westerly limit of 69th Avenue, past Brentford Street, to the meeting point of the northerly property line of 6610 Olmstead Street and, continuing westerly along the property line up to the westerly intersection with 66th Avenue, then southerly up to the meeting point with the northerly property line of 905 – 66th Avenue, then westerly along that property line to the meeting point of the westerly property line of 905 – 66th Avenue, extending southerly along the property line meeting with the southerly property line of 905 – 66th Avenue and continuing along the southerly property line up to the point directly opposite the starting point at 6535 San Leandro Street, and continuing southerly, crossing San Leandro Street and joining to the starting point.

KEY ISSUES AND IMPACTS

Undergrounding the utilities on this segment of San Leandro Street will be a facelift for the Coliseum Area business community and may provide an incentive for other merchants or developers to undertake similar development projects within the City of Oakland.

PROJECT DESCRIPTION

The Coliseum BART Station Area Underground District is paid for by the Redevelopment Agency and PG&E will be the trenching agent. The project will replace the overhead electric and communication utilities with new underground utilities, including new underground streetlight wiring. The implementation schedule of Underground Utility District No. 235 is shown on the attached *Exhibit B*. The project will start in the spring of 2008 and complete in eight (8) months. The pole removal will be completed by November 15, 2008. PWA Electrical will contract out a panel conversion project to a qualified contractor. The contractor selected for the panel conversion will work with PG&E to modify the electric panels and convert the overhead feeds to underground facilities.

SUSTAINABLE OPPORTUNITIES

Economic: Implementation of the project provides the opportunity to use local contractors and employment of Oakland residents thus strengthening the local economy. Also, it is generally believed that undergrounding utilities increases property values, which translates to more property tax revenue for Oakland.

Environmental: When the Coliseum BART Station Area Underground Utility District is implemented, it will eliminate approximately half-a-mile of unsightly overhead utility lines in or affecting the public-right-way. It will improve the livability, aesthetics of the neighborhood and reduce the potential for fire, electric danger, or utility outages resulting from trees falling or touching overhead wires.

Social Equity: The disappearance of overhead wires and wood poles will distinguish itself in the Coliseum business community as a showpiece.

DISABILITY AND SENIOR CITIZEN ACCESS

The replacement of overhead lines and wood poles with a new underground system and enhanced street lighting will allow the disabled and senior citizens to move safely along unobstructed walkways.

RECOMMENDATION AND RATIONALE

Staff recommends that City Council adopt the resolution setting Tuesday, December 18, 2007, as the date for the public hearing pertaining to the establishment of the Coliseum BART Station Area Underground Utility District No. 235.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt the resolution.

Respectfully submitted,



Raul Godinez II
Director, Public Works Agency

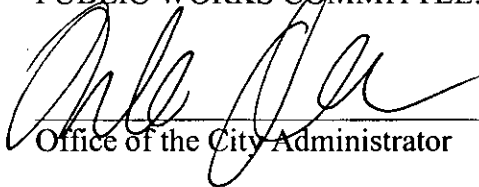
Reviewed by:
Bruce Saunders, Assistant Director

Prepared by:
Paul Chan, Project Manager, Electrical Services Division

Attachments:

- Exhibit A: Map of the Boundary of Underground Utility District No. 235
- Exhibit B: Implementation Schedule of Underground Utility District No. 235

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:**


Office of the City Administrator

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December 11, 2007

EXHIBIT B

ID		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	



City Attorney

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.

2007 NOV 29 PM 7:16

Introduced by Councilmember _____

RESOLUTION OF INTENTION TO ESTABLISH UNDERGROUND UTILITY DISTRICT NO. 235: COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT WHICH INCLUDES SAN LEANDRO STREET, BETWEEN 66TH AND 73RD AVENUES, AND 73RD 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), AND TO SET A PUBLIC HEARING FOR DECEMBER 18, 2007

WHEREAS, Ordinance No. 7769 C.M.S. establishes a procedure for the creation of underground utility districts and requires as the initial step in such procedure the holding of a public hearing to ascertain whether 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 associated service in any such district; now, therefore, be it

RESOLVED: That Tuesday, the 18th day of December, 2007, at 7:00 p.m. in the regular meeting place of this City Council, Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland, California, be, and the same are appointed and fixed as the time and place of public hearing when and where this Council will allow public testimony regarding the proposed Coliseum BART Station Area Underground Utility District No. 235; and be it

FURTHER RESOLVED: That the City Clerk shall notify or cause to notify all affected property owners as shown on the last equalized assessment roll and utilities concerned of the time and place of such hearing by mailing a copy of this resolution together with an explanatory letter to such property owners and utilities concerned at least ten (10) days prior to the date thereof. Hearing notices shall also be publicly posted within the area of the proposed district; and be it

FURTHER RESOLVED: That the area proposed to be included in said District No. 235 is shown on Exhibit A attached hereto.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

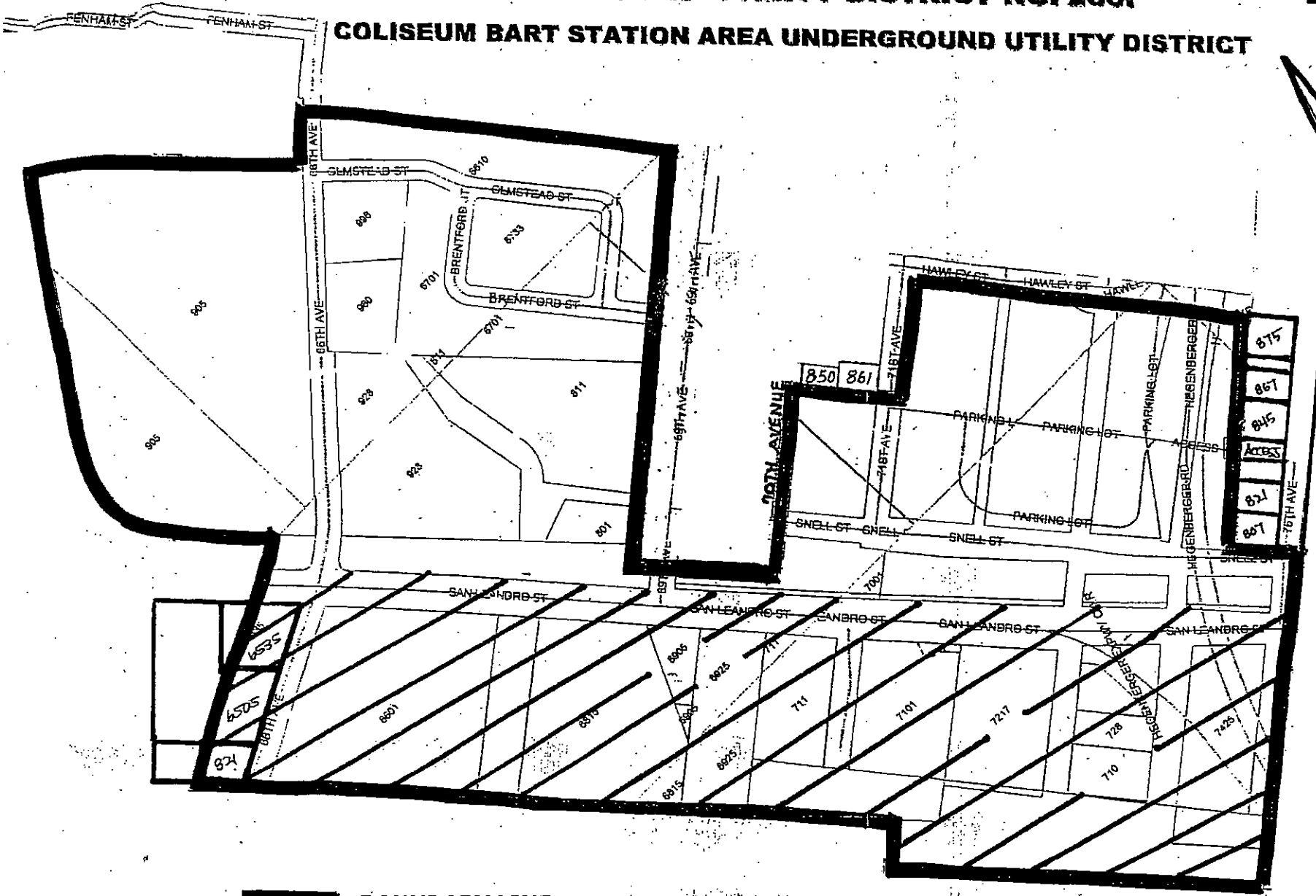
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

UNDERGROUND UTILITY DISTRICT NO. 235:

EXHIBIT A

COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT

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-  BOUNDARY LINE
-  RULE 20B PROJECT AREA

EXHIBIT B

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