

RESOLUTION NO. 2011-57

A RESOLUTION OF THE ALBANY CITY COUNCIL AMENDING THE BUCHANAN/MARIN OVERHEAD UTILITY CONVERSION DISTRICT AND APPROVING AGREEMENTS WITH PG & E

WHEREAS, on June 21, 2010 the Albany City Council adopted Resolution No. 2010-32, establishing the “Buchanan/Marin Overhead Utility Conversion District”, and

WHEREAS, the Buchanan/Marin Overhead Utility Conversion District was established for the purpose of removing all existing utility poles (excepting those poles supporting streetlights or traffic signals, or trolley lines), overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services with the areas along the north side of Buchanan Street from Cleveland to San Pablo Avenues, and along both sides of Marin Avenue from San Pablo to Masonic Avenues, as more particularly shown on the Boundary Map attached to said Resolution No. 2010-32, and

WHEREAS, the City of Albany accrues Rule 20-A funds through the Pacific Gas and Electric Company (PG&E) for the purpose of undergrounding utilities on arterial streets, and

WHEREAS, as of July 1, 2011 approximately \$3.0 million in Rule 20-A funds are available to the City, and

WHEREAS, the cost to underground utilities on Buchanan Street from Cleveland Avenue to San Pablo Avenue and on Marin Avenue from San Pablo Avenue to Masonic Avenue is currently estimated to be \$4.0 million, and

WHEREAS, the City has received a Bike to Transit Act (BTA) grant to construct bike lanes on Marin Avenue from San Pablo Avenue to Cornell Avenue, and

WHEREAS, the BTA grant funds must be used within three years, and

WHEREAS, the undergrounding of the overhead utilities and removal of poles is necessary for the construction of the bicycle lanes on Marin Avenue between San Pablo and Cornell Avenues which are to be funded by the BTA grant, and

WHEREAS, PG&E has advised the City that the Buchanan/Marin Overhead Utility Conversion District may be phased in order to allow construction of the first phase while additional funds for a second phase accrue, and

WHEREAS, the City Engineer has advised that in order to meet the schedule for constructing the bike lanes on Buchanan with the BTA grant, it is necessary for the undergrounding work on Marin Avenue between San Pablo Avenue and Masonic Avenue to begin in approximately 24 to 36 months, and

WHEREAS, attached to this resolution as Exhibit A is an Amended Boundary Map for the Buchanan/Marin Overhead Utility Conversion District, and

WHEREAS, Exhibit A provides for the undergrounding of utilities in two phases: Phase 1 being on Marin Avenue from San Pablo Avenue to Masonic Avenue and Phase 2 being on Buchanan Street from Cleveland Avenue to San Pablo Avenue, and

WHEREAS, Exhibit A clarifies that certain parcels will continue to be served overhead from outside the District, and

WHEREAS, Exhibit A also provides for the inclusion of three additional public properties on the on the south side of Buchanan Street between Cleveland Avenue and Jackson Street, and

WHEREAS, the properties on the south side of Buchanan Street that are to be added are commonly known as the United States Department of Agriculture, Ocean View Park and Ocean View Elementary School, and

WHEREAS, the City Engineer also has advised this Council that in order to begin work it is necessary for the City to enter into Agreements with PG&E to Perform Tariff Scheduled Related Work, and

WHEREAS, forms of the agreements to be entered into are more particularly described on Exhibit B, "Electric Panel Service Conversions" (Form 79-113) and Exhibit C, "Rule 20A General Conditions" (Form 79-1127), attached.

WHEREAS, a notice of a public hearing to consider the proposed Amendments to the District and the District Boundary was mailed to all property owners within the Boundary as shown on Exhibit A, and

WHEREAS, at the public hearing the City Council afforded every interested person an opportunity to make a protest to the District and the proposed Amendments to the District either in writing or orally, and the City Council considered each response and protest.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Council of Albany hereby amends the Buchanan/Marin Overhead Utility Conversion District in the following respects:
 - a. The Amended Boundary Map attached as Exhibit A is hereby approved as the official Boundary Map for the Buchanan/Marin Overhead Utility Conversion District and supersedes and replaces the previous Boundary Map attached to the Resolution No. 2010-32.

- b. The overhead utility conversion shall take place in two phases, Phase 1 being generally described as Marin Avenue from San Pablo Avenue to Masonic Avenue and Phase 2 being generally described as on Buchanan Street from Cleveland Avenue to San Pablo Avenue.
 - c. The changes on Exhibit A clarifying the parcels which will continue to be served overhead from outside the Boundary of the Buchanan/Marin Overhead Utility Conversion District are hereby approved.
 - d. The addition of the three parcels located on the south side of Buchanan Street between Cleveland Avenue and Jackson Street as shown on attached Exhibit A is hereby approved.
- 2. The City Manager is authorized and directed to execute Agreements with PG&E, the form of which are attached as Exhibits B and C, respectively on behalf of the City of Albany.
 - 3. The City Clerk is directed to forward the Amended Boundary Map together with the executed agreements to PG&E.

ADOPTED by the City Council of the City of Albany at a regular meeting of said Council held on the 19th day of December 2011 by the following vote:

AYES: *Council Members Atkinson, Lieber, Thomsen, Wile & Mayor Javandel*

NOES:

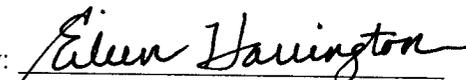
ABSTAIN:

ABSENT:


Farid Javandel, MAYOR

ATTEST:

Judy Lieberman, CITY CLERK

By: 
Deputy City Clerk

Attachments: Exhibit A, Amended Boundary Map
Exhibit B, Agreement Form for Electric Panel Service Conversions (Form 79-1113)
Exhibit C, Agreement Form for Rule 20A, General Conditions (Form 79-1127)



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2011-57

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 19th day of December, 2011, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

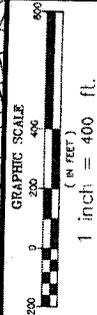
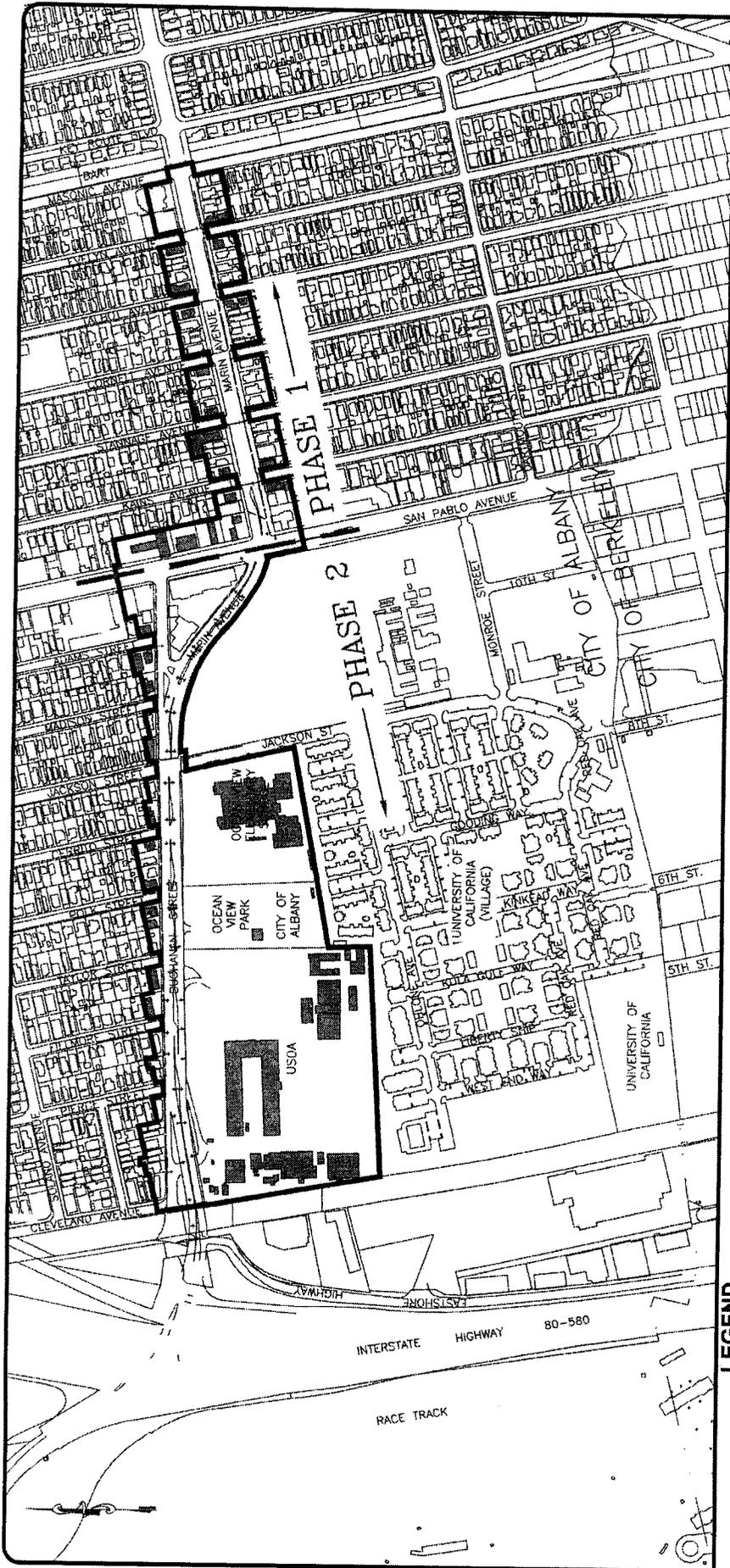
20th Day of December, 2011.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



PRINTED ON RECYCLED PAPER



VICINITY MAP

- LEGEND**
- District Boundary
 - Property Line
 - Ex. Pole
 - Ex. Pole w/ Light
 - Ex. Street Light
 - Ex. Street Lights (2)
 - Right of Way Line
 - 995 Street Address
 - Parcels Served from Outside the Boundary or already Underground
 - City Boundary Line

- NOTES:**
1. LOCATION OF PROPERTY LINES, POLES & OVERHEAD WIRES INDICATED HEREON ARE BASED ON RECORD INFORMATION AND DO NOT REFLECT A FIELD SURVEY.
 2. THE PROPERTY FRONTING MARIN AVE BETWEEN JACKSON ST AND SAN PABLO AVE IS SERVED UNDERGROUND AND IS INTENDED TO REMAIN SO WITH EXCEPTION OF BUILDINGS SERVED FROM JACKSON.
 3. 1141 STANNAGE AVE IS NOT REQUIRED TO UNDERGROUND ELECTRIC BUT IS REQUIRED TO UNDERGROUND PHONE AND CABLE.
 4. 951 CERRITO ST IS REQUIRED TO UNDERGROUND ELECTRIC BUT NOT PHONE AND CABLE.

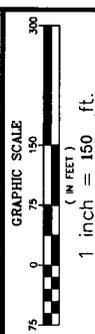


AMENDED BOUNDARY MAP
BUCHANAN / MARIN
OVERHEAD UTILITY
CONVERSION DISTRICT
City of Albany
 Alameda County, CA

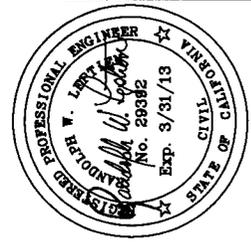
September 10, 2009
 Rev. December 5, 2011
 SHEET 1 OF 3

EXHIBIT "A"

Albany Engr. File No. 2006.033.93



- LEGEND**
- Property Line
 - - - Right of Way Line
 - Street Address
 - Ex. Pole w/ Light
 - Ex. Street Light
 - Ex. Street Lights (2)
 - ▭ Parcels Served from Outside the District
 - ▭ Boundary or already Undergrounded

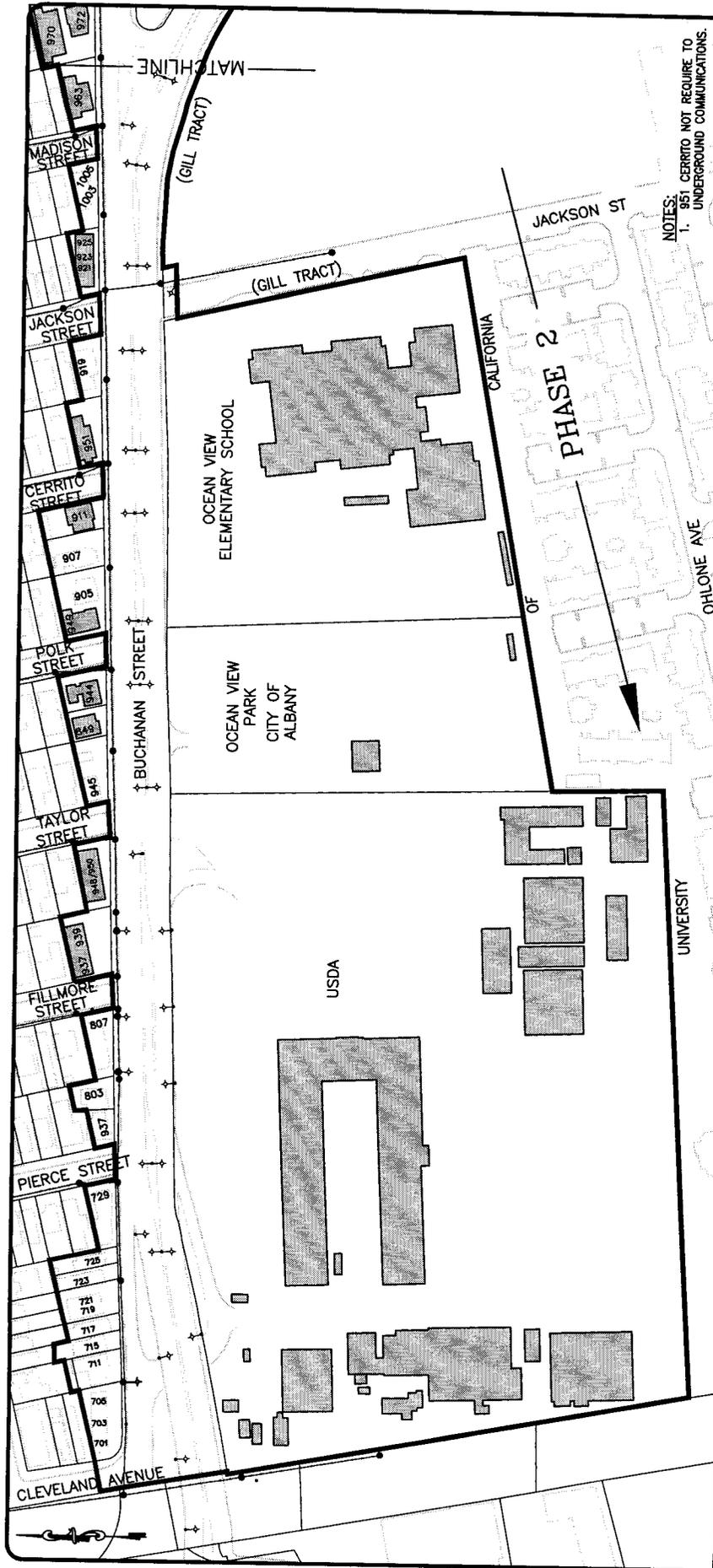


AMENDED BOUNDARY MAP
BUCHANAN / MARIN
OVERHEAD UTILITY
CONVERSION DISTRICT
City of Albany
 Alameda County, CA

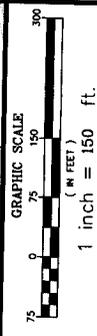
September 10, 2009
 Rev. December 5, 2011
 SHEET 2 OF 3

Albany Engr. File No. 2006.0333.93

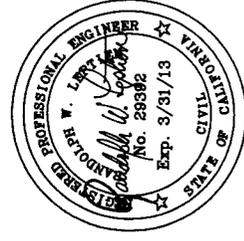
EXHIBIT "A"



NOTES:
 1. 951 CERRITO NOT REQUIRE TO UNDERGROUND COMMUNICATIONS.



- LEGEND**
- District Boundary
 - Ex. Pole
 - Ex. Pole w/ Light
 - Ex. Street Light
 - Ex. Street Lights (2)
 - Property Line
 - Right of Way Line
 - Street Address
 - Parcels Served from Outside the Boundary or already Undergrounded



AMENDED BOUNDARY MAP
BUCHANAN / MARIN
OVERHEAD UTILITY
CONVERSION DISTRICT
City of Albany
 Alameda County, CA

September 10, 2009
 Rev. December 5, 2011
 SHEET 3 OF 3

Albany Engr. File No. 2006.033.93

EXHIBIT "A"



Pacific Gas and Electric Company

Agreement to Perform
Tariff Scheduled Related Work,
Rule 20A Electric Panel Service Conversions

- APPLICANT (Original) MLX#
- DIVISION (Original) PM #
- ACCTG. SERVICES PROJECT MGR.

City/County of Albany, CA (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E) to perform the tariff scheduled related work as located and described herein.

Electric Panel Service Conversion Program:

In order to expedite the completion of Rule 20A Projects, PG&E has offered to manage the electric service conversions, and pay for this work from the Applicant's allocation funds. The underground electric feed that replaces the existing overhead service will be installed in the most economical manner possible, as determined by PG&E. To ensure the success of this program, the Applicant agrees to support the Electric Panel Service Conversion Program as follows:

Responsibilities of the Applicant:

1. Provide accurate list of owner, parcel #, address, phone number.
2. Mail informational letters to all residents describing the program and their responsibilities.
 - a. PG&E will provide templates for these letters.
3. Obtain Right of Entry agreements from property owners prior to scheduling construction.
 - a. PG&E will provide the document for each property owner to complete and sign.
4. Provide a liaison for residents and property owners to contact with questions.
5. Waive permit fees.
6. Waive inspection fees.
7. Facilitate a preliminary job walk with the liaison, building inspector and others.
 - a. Review PG&E's intended placement of new equipment required for conversions.
 - b. Clarify the inspection and permit requirements and timing, if necessary.
8. Provide information enabling the field crews to determine the location of property lines.
9. Disclose all special circumstances
 - a. For example: historic buildings, hazardous materials, environmental issues, burial grounds and other items that may affect the overhead-to-underground conversion.
10. Communicate with the property owners if additional work beyond the conversion will be required.
 - a. PG&E will pay for the work required to replace the existing overhead electric feed with a new underground feed only. The cost of any additional work required to bring the property up to current codes will be borne by others (property owner or Applicant).
 - b. The Applicant will communicate to the property owner all items that must be brought up to code in a timely manner, and all code issues will be managed by the Applicant.
11. Disclose work hours and days.
12. Agree prior to construction regarding the required notifications to residents and property owners.
13. Failure to complete the above requirements may result in construction delays.

PROJECT NAME: _____

LOCATION: _____, CALIFORNIA

City: _____

Executed this _____ day of _____ 20__

City/County of: Albany, CA

PACIFIC GAS AND ELECTRIC COMPANY

By: Beth Pollard

By: _____

Beth Pollard
(Print or Type Name)

(Print or Type Name)

City Manager
Title:

Title:

Mailing Address: 1000 San Pablo Avenue

City/County of: Albany, CA 94706



Pacific Gas and Electric Company

Agreement to Perform
Tariff Schedule Related Work,
Rule 20A General Conditions¹

PROJECT MGR.
PM #

PROJECT NAME: _____

LOCATION: _____, CALIFORNIA

City: _____

City/County of Albany, CA, (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E) to perform the tariff schedule related work as located and described herein.

General Conditions:

PG&E will, at its expense, replace its existing overhead electric facilities with underground electric facilities as outlined in the Rule 20 Tariff. To ensure the success of this program, the Applicant agrees to support the Rule 20A Program as follows:

Responsibilities of the Applicant:

1. Consult with PG&E to confirm the requirements and location of the project.
2. Provide a resolution and boundary map as required in Electric Rule 20.
3. Provide a list of all recorded property owners, APN#, phone number and address.
4. Provide a list of the most recent tenant (for rental properties).
5. Provide Base Map (in AutoCAD) showing the following: boundary, roads, future road improvements, sidewalks, curbs, property lines, buildings, existing water and sewer, easements, and any other known utilities or obstacles.
6. Secure all required rights-of-way and easements, which must be satisfactory to and approved by PG&E.
7. Own and manage all contaminated soils. (Rule 20A funding cannot be used for environmental remediation costs)
8. Own and manage all cultural resource findings. (Rule 20A funding cannot be used for managing cultural resource findings).
9. Provide recent pot holing/core samplings and soils/paving information from projects that were recently completed.
10. Provide acceptable construction yard for materials and equipment storage.
11. Pay for paving and restoration costs beyond the standard excavations and restorations necessary for the construction of the project. Joint trench participants will replace paving, landscaping, sidewalk, etc. that is removed during construction. (Rule 20A funding cannot be used for additional restoration costs).
12. Waive paving moratorium requirements, or pay for additional costs above PG&E's responsibility for restoration.
13. Stake and survey for any associated future grade changes.
14. Should applicant require additional traffic control beyond that which PG&E provides (per California Joint Utility Traffic Control Committee), Applicant will pay for the additional costs.
15. Should Applicant require a traffic control plan, Applicant will prepare or pay to prepare such a plan.
16. Pay for streetlight costs per Street Light Agreement.
17. Remove Applicant owned streetlights attached to utility poles and located within the underground district at Applicant cost.
18. Issue and waive cost of encroachment permit.
19. Waive work hour restrictions for construction, including holiday and/or special construction limitations.
20. Waive all permit fees and other incidental project specific costs, including but not limited to: parking charges; rental cost of city or county properties; and lost revenues.

Responsibilities of PG&E:

1. Provide consultation to Applicant to establish resolution and boundary map.
2. If designated as the design/trench lead, prepare the Intents, Composite and Form B (costs will be shared by all joint trench participants).
3. Provide electric design to the design/trench lead agency, if lead is other than PG&E.
4. Identify all locations that require an easement.
5. Prepare easement documents for signature.
6. Upon request of the Applicant, Rule 20A allocation may be used for the installation of no more than 100 feet of each customer's underground electric service lateral.
7. Upon request of the Applicant, the Rule 20A allocation may be used for the conversion of electric service panels to accept underground service, up to \$1,500 per service entrance (excluding permit fees). Alternatively, if the Applicant requests that PG&E manage the panel conversion work, perform such conversions by agreement (Form 79-1113, Agreement to Perform Tariff Schedule Related Work, Rule 20A).

¹ Automated Document, Preliminary Statement, Part A.



Pacific Gas and Electric Company

Agreement to Perform
Tariff Schedule Related Work,
Rule 20A General Conditions¹

PROJECT MGR.
PM #

- 8. Provide inspection services for the installation of PG&E facilities.
- 9. Remove poles, or portions of poles, from the underground district as required by the Joint Pole Utility Agreement.
- 10. Provide proper notification to all affected customers when electrical outages are necessary to complete project conversion to the new underground system.

We have read the above information and understand and agree with the provisions and responsibilities as described above/.

Executed this _____ day of _____ 20__

City/County of: Albany, CA

PACIFIC GAS AND ELECTRIC COMPANY

By: Beth Pollard
Applicant

By: _____

Beth Pollard
(Print or Type Name)

(Print or Type Name)

City Manager
Title:

Title:

Mailing Address: 1000 San Pablo Avenue

City/County of: Albany, CA 94706