

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:

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)