

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

APPROVING A 15-YEAR LEASE WITH THREE FIVE-YEAR EXTENSION OPTIONS WITH TELEPORT COMMUNICATIONS OF AMERICA, LLC FOR CONDUIT SPACE FOR ONE INNERDUCT CONTAINING FIBER FROM THE INTERSECTION OF GRAND STREET AND FORTMANN WAY ACROSS THE OAKLAND ESTUARY TO COAST GUARD ISLAND

WHEREAS, Alameda Municipal Power (AMP) is responsible for providing electrical service to the City of Alameda, including Coast Guard Island (CGI) pursuant to which AMP has constructed a twelve kV feeder crossing from Grand Street in the Main Island to Spencer Road (near McCulloch Drive) on GGI, consisting of three conduits; and

WHEREAS, one conduit is utilized for a 12 kV trunk feeder, a second conduit is empty awaiting installation of the future electrical feeder, and a third conduit is for the installation of communication cables, e.g., fiber optics (Communications Conduit); and

WHEREAS, Teleport Communications American LLC (TCA), an affiliate of AT&T and competitive local exchange carrier in California, has engage in negotiations both with AMP and the United States Coast Guard (USCG) regarding TCA's desire to implement a diverse fiber optic cable onto CGI to better serve the USCG; and

WHEREAS, the Communications Conduit is sized to accommodate up to eight 2-cell MaxCell fabric innerduct, of which AMP is currently using half of one two-cell innerduct and proposes to lease space for the installation of a one cell MaxCell fabric innerduct and fiber to TCA for purposes of both recovering construction costs for the new electrical crossing and to better serve the USCG; and

WHEREAS, AMP and TCA have agreed upon the terms of a proposed Conduit Lease Agreement for a telecommunications pathway in the Communications Conduit and related substructure designated for the installation of communications cables pursuant to which TCA would install innerduct specified by AMP at TCA's cost; and

WHEREAS, TCA will pay rent in the amount of \$24,000 per year, to be increased by 3% per annum and shall be responsible for maintenance and repair of its fiber optic system and at all times required to carry commercial general liability insurance for bodily injury and property damage; and

WHEREAS, Alameda City Charter, Section 3-10 requires an affirmative vote of four (4) members of the City Council to approve a lease for a term over one year.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four (4) affirmative votes that:

Section 1. The City Manager of the City of Alameda or her designee is hereby authorized to negotiate, execute, for and on behalf of Alameda Municipal Power, a Conduit Lease Agreement with Teleport Communications America, LLC for conduct space for one innerduct containing fiber from the intersection of Grand Street and Fortmann Way across the Oakland Estuary to Coast Guard Island, subject to such technical or clarifying revisions as are reasonably determined necessary by the City Manager and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2017, by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSENTIONS: _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2017.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda