

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/22/2009		Item Number: <u>C-6</u>	
AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Permit Agreement with AboveNet, Inc. for Use of the Public Right-of-Way on Madison Avenue between Culver Boulevard and Washington Boulevard and Continuing, From the Intersection of Culver Boulevard and Madison Avenue, Northeasterly on Culver Boulevard For Approximately 110 Feet			
Contact Person/Dept.: Sammy Romo/PW		Phone Number: 310-253-5619	
Roland Miranda/City Attorney's Office		310-253-5606	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: Master E-Mail Notification List (06/17/09); AboveNet via Email on 6/17/09			
Department Approval: Charles D. Herbertson (06/12/09)		City Attorney Approval: Carol Schwab (by R. Miranda) (06/17/09)	
Chief Financial Officer Review: Jeff Muir (by M. Noller) (06/17/09)		City Manager Approval: Mark Scott (06/18/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution approving an Encroachment Permit Agreement with AboveNet, Inc. (ANI). <u>BACKGROUND:</u> ANI is proposing to construct a fiber optic telecommunication cable to the Sony property located west of Madison Avenue between Washington Boulevard and Culver Boulevard. Per ANI, this is necessary to increase the bandwidth and upgrade the current fiber optic system. On January 22, 2007, the City Council approved an encroachment permit for ANI on a similar project. That project involved the installation of approximately 4,976 feet of fiber optic on Bristol Parkway and Slauson Avenue. The minutes reflecting that prior approval are attached for your information. <u>DISCUSSION:</u> The work being proposed by ANI involves installing a 4" fiber optic conduit beginning at Culver Boulevard 110 feet east of Madison Avenue at an existing ANI facility. From there, the alignment continues westerly on Culver Boulevard toward Madison Avenue, then turns north on Madison Avenue for approximately 570 feet, then into			

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the subject Sony property. This route is depicted in Attachment 3. This project will involve directional boring, which is less intrusive than trenching.

The California Public Utilities Commission has issued a Certificate of Public Convenience & Necessity to ANI. This certificate authorizes ANI to access cities' rights-of-way. The related federal and state laws require that cities allow the installation of these types of telecommunication facilities but allow cities to impose reasonable time, place and manner regulations pertaining to accessing of the cities' rights-of-way.

The City's time, place and manner regulations are documented in the attached Encroachment Permit Agreement. To protect the City's interests, the agreement contains provisions requiring that ANI repair any damage to City property, carry adequate liability and automobile insurance, defend the City if it is sued for damages caused by ANI and post a performance bond prior to commencing work on this project.

FISCAL ANALYSIS:

Per Section 11.20.025.B of the Culver City Municipal Code, the City may collect an application fee as compensation for City staff time expended in reviewing telecommunications applications. Based on the time spent by City Attorney's Office and Public Works Department staffs reviewing ANI's application, the City has billed ANI \$4,178. This funding will be deposited back into the corresponding Department's budget.

ATTACHMENTS:

- Resolution, Proposed
- Project Map
- Excerpt From Minutes of January 22, 2007

MOTIONS:

That the City Council:

Adopt a Resolution approving the Encroachment Permit Agreement with ANI.