

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/23/07		Item Number: <u>A-5</u>	
AGENDA ITEM: Consideration of Adoption of a Resolution Approving an Encroachment Permit Agreement with MCImetro Access for Use of the Public Rights-of-Way on Slauson Avenue Between Sepulveda Boulevard and Bristol Parkway.			
Contact Person/Dept.: Roland Miranda/City Attorney and Andy O'Connell/PW Dept.		Phone Number: 310.253.5660 310.253.5606	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List via email on July 18, 2007 Destry Hippen, MCImetro Access Construction Manager, by phone on July 18, 2007			
Department Approval: Carol Schwab (7/16/07) Charles Herbertson (7/13/07)		City Attorney Approval: Carol A. Schwab (07/18/07)	
City Controller Approval: Marlee Chang (07/18/07)		City Manager Approval: Jerry B. Fulwood (07/18/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution approving an Encroachment Permit Agreement with MCImetro Access Transmission Services (MCImetro) and authorize the Public Works Director to sign this agreement on behalf of the City of Culver City. <u>BACKGROUND:</u> MCImetro submitted an application to the City for an encroachment permit to install a fiber optic telecommunication cable to the Symantec Corporation building located at 900 Corporate Pointe in order to provide access to the MCI network. The Symantec project is currently under construction and has been approved for two five-story office buildings, containing 550,000 square feet and a six-level subterranean parking structure with 1,940 parking spaces. Between now and the end of September, Symantec will be installing furniture and equipment. On October 1, 2007, Symantec proposes to obtain a Temporary Certificate of Occupancy and begin moving staff into the building. In order to finalize the installation of much of the technical equipment and for Symantec to meet this move-in schedule, a fiber optic transmission line is vital and is required to be installed as soon as possible.			

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Culver City Municipal Code (CCMC) Chapter 11.20 ("Telecommunications Regulatory Requirements") provides that an encroachment permit must be obtained by entities installing and operating telecommunications facilities in the City's public rights-of-way. CCMC Sect. 11.20.030. Pursuant to CCMC Section 11.20.025 (D), the City Council has the authority to approve such encroachment permits.

DISCUSSION:

The work being proposed by MCImetro involves installing four-1¼" conduits, with fiber optic, beginning at an existing MCImetro facility located at the intersection of Sepulveda Boulevard and Slauson Avenue. The alignment continues easterly on Slauson Avenue, approximately 20 feet northerly of the southerly curb line, to the project's terminus at 900 Corporate Point, just before Bristol Parkway. The route for this proposed project is depicted in Attachment 3. This alignment covers approximately 2,530 linear feet. Along with the conduits, there will be two-3'Wx5'Lx4'D and one-4'Wx4'Lx4'D manholes that will be constructed within the roadway along this route. This work will involve directional boring.

The California Public Utilities Commission (PUC) has issued a Certificate of Public Convenience & Necessity to MCImetro. This PUC certificate authorizes MCImetro to access cities' rights-of-way. The City cannot prohibit or inhibit such access. The City does have a right to impose reasonable time, place and manner regulations on MCImetro's access to the City's rights-of-way.

The City's time, place and manner regulations are documented in the Encroachment Permit Agreement, No. 2007-002, which the City Council is being asked to consider authorizing tonight. To protect the City's interests, the agreement contains provisions requiring that MCImetro repair any damage to City property, carry adequate liability and automobile insurance, defend the City if it is sued for damages caused by MCImetro 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 shall 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 MCImetro's application, the City billed MCImetro \$4,105 and has received payment for the services.

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ATTACHMENTS:

- Encroachment Permit Agreement No. 2007-002, Proposed
- Resolution No. 2007-R____, Proposed
- Project Map
- MCImetro Application/Questionnaire for Encroachment Permit

MOTIONS:

That the City Council

Adopt the Resolution approving the Encroachment Permit Agreement, No. 2007-002, with MCImetro and authorize the Public Works Director to sign the agreement on behalf of the City of Culver City.