

**City of Culver City, California
Agenda Item Report**

Meeting Date: 04/27/2015		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with XO Communications for Use of the Public Rights-of-Way on Hannum Avenue, Bristol Parkway, and Slauson Avenue.			
Contact Person/Dept.: Lee Torres/PW		Phone Number: (310) 253-5623	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐	Attachments: ☒
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (04/22/15)			
Department Approval: Charles D. Herbertson (04/16/15)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (04/20/15)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/21/15)		City Manager Approval: John M. Nachbar (04/22/15)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with XO Communications for the proposed installation of fiber optic telecommunication cables along Hannum Avenue, Bristol Parkway, and Slauson Avenue.

BACKGROUND/ DISCUSSION:

XO Communications is proposing to install fiber optic telecommunication cables via directional boring and open trenching to provide commercial fiber services to customers located at 200/300 Corporate Pointe.

Hannum Avenue/Uplander Way

The proposed fiber optic cable will tie-in to an existing fiber optic cable from an existing underground vault located approximately 64 feet west of Uplander Way's centerline. The new conduit installation will run underground via open trenching approximately 4 feet in an easterly direction to a new vault.

Slauson Avenue/Bristol Parkway

The proposed fiber optic cable will tie-in to an existing utility pole located along the north side of Slauson Avenue approximately 86 feet west of the Bristol Parkway centerline. The new conduit installation will run underground via open trenching and directional boring in an easterly direction along the sidewalk approximately 70 feet. The line then travels perpendicularly cross Slauson Avenue via directional boring in southerly direction. This conduit then continues approximately 288 feet under the

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street before turning westerly toward the sidewalk to a new 2' x 3' vault. From this vault, the proposed conduit installation will continue underground in a southerly direction for approximately another 80 feet before tying into an existing vault.

The proposed installation locations described above at Hannum Avenue/Uplander Way and Bristol Parkway/Slauson Avenue are required in order to bring the needed fiber optic cable from Slauson Avenue to 200/300 Corporate Pointe. There are existing underground fiber optic cables between the existing vault located at Bristol Parkway and 200/300 Corporate Pointe to complete the service.

Legal Framework

XO Communications operates pursuant to a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes XO Communications to access cities' rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by the holder of a Certificate of Public Convenience & Necessity while allowing municipalities to impose reasonable time, place, and manner regulations pertaining to construction in and use of the public rights-of-way.

The City's time, place, and manner regulations will be documented in an Encroachment Agreement between the City and XO Communications. To protect the City's interests, this agreement will contain provisions requiring that XO Communications repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by XO Communications and post a performance bond prior to commencing work on this project.

FISCAL ANALYSIS:

Per Section 11.20.025B of the Culver City Municipal Code, the City may collect an application fee as compensation for City staff time expended in reviewing telecommunication applications. Based on Resolution No. 2013-R034, the City's Fee Resolution, a fee in the amount of \$3,927 was paid by Cable Engineering Services on behalf of XO Communications on April 8, 2015.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

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MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with XO Communications for proposed fiber optic telecommunication cables along Hannum Avenue, Bristol Parkway, and Slauson Avenue; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.