

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

Meeting Date: 05/27/2014		Item Number: <u>C-7</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Zayo Group for Use of the Public Rights-of-Way on Bristol Parkway and Green Valley Circle.			
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 (05/21/14)			
Department Approval: Charles D. Herbertson (05/15/14)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (05/20/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/21/14)		City Manager Approval: John M. Nachbar (05/21/14)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Zayo Group (Zayo) for a proposed fiber optic telecommunication cable along Bristol Parkway and Green Valley Circle. <u>BACKGROUND/ DISCUSSION:</u> Zayo is proposing to install a fiber optic telecommunication cable via open trenching and into existing conduits to provide commercial fiber service to 6133 Bristol Parkway. Zayo proposes to tie-in to an existing fiber optic cable on Green Valley Circle located approximately 860 feet east of Bristol Parkway. The new fiber optic conduit and cable are proposed to run approximately 11 feet west along the parkway to an existing manhole located on the sidewalk. From this point, the new proposed fiber optic cable will be installed in an existing conduit for approximately 860 feet west to Bristol Parkway and then turn in a northeasterly direction along Bristol Parkway for approximately 2,000 feet to an existing manhole. Thereafter, an additional 20 feet of new conduit and fiber optic cable will be installed into another existing manhole in front of 6133 Bristol Parkway. <u>Legal Framework</u> Zayo is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. As such, Zayo is authorized to access cities' rights-of-way for the purpose of installing its telecommunication facilities. At the			

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same time, the related federal and state laws 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 will be documented in an Encroachment Agreement between the City and Zayo. To protect the City's interests, this agreement will contain provisions requiring that Zayo repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Zayo, 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 for Fiscal Year 2013/2014, a fee in the amount of \$3,927 was paid by FJS Cable Engineering on behalf of Zayo Group on April 29, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Zayo Group for a proposed fiber optic telecommunication cable along Bristol Parkway and Green Valley Circle; 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.