

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

Meeting Date: 01/25/10		Item Number: <u>C-10</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Permit Agreement with Verizon California, Inc. for Use of the Public Right-of-Way at Globe Avenue, Washington Boulevard, and Sepulveda Boulevard			
Contact Person/Dept.: Lee Torres/Public Phone Number: (310) 253-5623 Works Department			
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 (1/20/10); (Mail) All adjacent property owners, residents, and businesses on (1/14/10) and Culver City News on (1/21/10)			
Department Approval: Charles D. Herbertson (01/14/10)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (1/20/10)	
Chief Financial Officer Approval: Mark Scott (K. Marsden) (01/20/10)		City Manager Approval: Mark Scott (01/21/10)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving an Encroachment Permit Agreement with Verizon California, Inc. (Verizon). <u>BACKGROUND:</u> Verizon is proposing to install fiber optic telecommunication cable and manholes to intercept damaged conduits located under the 405 Freeway and re-route to a new alignment along Washington Boulevard. <u>DISCUSSION:</u> The work being proposed by Verizon involves installing three (3) 4-inch conduits starting at a manhole located at the corner of Globe Avenue and the alley located immediately to the south of Washington Boulevard. From this point, the route will proceed northerly approximately 158 feet, along Globe Avenue, to the corner of Globe Avenue and Washington Boulevard. From the corner of Globe Avenue and Washington Boulevard, the route will proceed easterly for approximately 540 feet, to the corner of Washington Boulevard and Sepulveda Boulevard. From here, the route will proceed southwesterly on Sepulveda Boulevard, for approximately 200 feet, to the alley located immediately to the south of Washington Boulevard. The			

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route will then proceed northwesterly, for approximately 35 feet, along the alley located immediately to the south of Washington Boulevard, to Pole # 366066E.

Verizon operates pursuant to a Certificate of Public Convenience and Necessity issued by the California Public Utilities Commission. This certificate authorizes Verizon 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 the Certificate of Public Convenience & Necessity but allow municipalities to impose reasonable time, place, and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

The City's time, place and manner regulations will be documented in an Encroachment Permit Agreement to be executed by Verizon and the City if the City Council approves this item. To protect Culver City's interests, this agreement will contain provisions requiring that Verizon repair any damage to City property, carry adequate liability and automobile insurance, defend the City if it is sued for damage caused by Verizon 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 the telecommunication applications. Based on the Resolution No. 2009-R029, adopted on May 11, 2009 (the City's Fee Resolution), Verizon will be required to pay a fee of \$3,700.

ATTACHMENT:

- Resolution, Proposed
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving the Encroachment Permit Agreement with Verizon California, Inc.,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute the documents on behalf of the City.