

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

Meeting Date: 07/13/2015		Item Number: <u>C-11</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Crown Castle for Use of the Public Rights-of-Way on 1) the Alley North of Washington Boulevard from the Alley West of Walgrove Avenue to Redwood Avenue, 2) Beethoven Street from Washington Boulevard to the Alley South of Washington Boulevard, 3) the Alley South of Washington Boulevard from Moore Street to 111 Feet East of Moore Street, 4) Meier Street from the Alley North of Washington Boulevard to 157 Feet South of Washington Boulevard, 5) Washington Boulevard from Meier Street to McConnell Avenue, 6) Washington Place from Zanja Street to Centinela Avenue, 7) Walgrove Avenue from Washington Boulevard to the Alley North of Washington Boulevard, 8) Centinela Avenue from Mitchell Avenue to 25 Feet South of Mitchell Avenue.			
Contact Person/Dept.: Sammy Romo/PW Phone Number:(310) 253-5619			
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 (07/08/15)			
Department Approval: Charles D. Herbertson (07/01/15)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (07/06/15)	
Chief Financial Officer Approval: Jeff Muir (07/07/15)		City Manager Approval: John M. Nachbar (07/07/15)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Crown Castle for proposed fiber optic telecommunication cables on: 1) the Alley North of Washington Boulevard from the Alley West of Walgrove Avenue to Redwood Avenue, 2) Beethoven Street from Washington Boulevard to the Alley South of Washington Boulevard, 3) the Alley South of Washington Boulevard from Moore Street to 111 Feet East of Moore Street, 4) Meier Street from the Alley North of Washington Boulevard to 157 Feet South of Washington Boulevard, 5) Washington Boulevard from Meier Street to McConnell Avenue, 6) Washington Place from Zanja Street to Centinela Avenue, 7) Walgrove Avenue from Washington Boulevard to the alley north of Washington Boulevard, and 8) Centinela Avenue from Mitchell Avenue to 25 feet south of Mitchell Avenue.			

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BACKGROUND/ DISCUSSION:

Crown Castle is proposing to install a new fiber optic pathway for their customer (Verizon) who will lease that pathway to service new high bandwidth small cell sites within the public right-of-way.

The proposed fiber optic cable will tie-in to the applicant's existing facilities as located above. The proposed fiber optic cable conduit will be installed underground at these locations:

- 1) Walgrove Avenue from Washington Boulevard to the alley north of Washington Boulevard,
- 2) Beethoven Street from Washington Boulevard to the Alley South of Washington Boulevard,
- 3) Meier Street from the Alley North of Washington Boulevard to 157 Feet South of Washington Boulevard,
- 4) Washington Boulevard from Meier Street to McConnell Avenue, and
- 5) Washington Place from Zanja Street to Centinela Avenue.

The proposed fiber optic cable will be installed aerially at these locations:

- 1) the Alley North of Washington Boulevard from the Alley West of Walgrove Avenue to Redwood Avenue,
- 2) the Alley South of Washington Boulevard from Moore Street to 111 Feet East of Moore Street, and
- 3) Centinela Avenue from Mitchell Avenue to 25 feet south of Mitchell Avenue.

The fiber optic cables cross beyond City boundary lines at several locations into City of Los Angeles' right-of-way.

The total distance is 4,756 linear feet in the public right-of-way. Approximately 80% of the proposed fiber optic cable conduit will be installed underground. There are no new utility poles proposed along the routes.

Legal Framework

Crown Castle is the holder of a Certificate of Public Convenience and Necessity issued by the California Public Utilities Commission. This certificate authorizes Crown Castle to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by Certificate of Public Convenience and Necessity holders but allow municipalities to impose reasonable time, place, and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

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The City's time, place, and manner regulations will be documented in an Encroachment Agreement between the City and Crown Castle. To protect the City's interests, this agreement will contain provisions requiring that Crown Castle repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Crown Castle, 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 Crown Castle on June 30, 2015.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Crown Castle; 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.