

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

Meeting Date: 05/11/2015		Item Number: <u>C-19</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 Hannum Avenue.			
Contact Person/Dept.: Lee Torres/PW		Phone Number: (310) 253-5623	
Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Public Hearing: <input type="checkbox"/>		Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/>	
Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (05/06/15)			
Department Approval: Charles D. Herbertson (4/30/15)		City Attorney Approval: Carol Schwab (by R. Miranda) (05/04/15)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/05/15)		City Manager Approval: John M. Nachbar (05/06/15)	

RECOMMENDATION:

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 Hannum Avenue.

BACKGROUND/ DISCUSSION:

Zayo is proposing to install a fiber optic telecommunication cable via directional boring and open trenching to provide commercial fiber service to 5750 Hannum Avenue.

The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing utility manhole located on the north side of Hannum Avenue approximately 100 feet west of Uplander Way. From here, the proposed conduit will run in an easterly direction for approximately 220 feet and then run in a southerly direction crossing Hannum Avenue for approximately 84 feet and terminating in an existing vault located on the sidewalk in front of 5750 Hannum Avenue.

Legal Framework

Zayo is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate entitles Zayo 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 Zayo's telecommunication facilities but allow municipalities to impose reasonable time, place, and manner regulations

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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 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, a fee in the amount of \$3,927 was paid by FJS Cable Engineering on behalf of Zayo Group on April 9, 2015.

ATTACHMENTS:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Zayo Group for Use of the Public Rights-of-Way on Hannum 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.