

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

Meeting Date: 03/10/2014		Item Number: <u>C-5</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 and Bristol Parkway.			
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 (03/04/14)			
Department Approval: Charles D. Herbertson (02/27/14)		City Attorney Approval: Carol Schwab (by R. Miranda) (03/04/14)	
Chief Financial Officer Approval: Jeff Muir (03/04/14)		City Manager Approval: John M. Nachbar (03/04/14)	

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 and Bristol Parkway.

BACKGROUND/DISCUSSION:

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

The proposed fiber optic cable will connect to an existing fiber optic cable at an existing manhole (MH1) located on the west side of Bristol Parkway, immediately north of Hannum Avenue. The new conduit installation with fiber cable will run southerly for approximately 56 feet along the west side of Bristol Parkway and then continue westerly on the north side of Hannum Avenue for approximately 54 feet and terminate into another existing manhole (MH2).

From MH2 it is proposed to install 970 feet of fiber optic cable easterly in the existing conduit located on the north side of Hannum Avenue, crossing then in a southeast direction to another existing manhole (MH3) located on the south side of Hannum Avenue, immediately east of Uplander Way.

From MH3, new conduit with fiber optic cable will then be installed easterly along the south side of Hannum Avenue approximately 210 feet terminating at private property located at 5750 Hannum Avenue.

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Legal Framework

Zayo is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Zayo to access cities' rights-of-way for the purpose of constructing and maintaining Zayo's 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 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 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 February 19, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Zayo Group;
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.