

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

Meeting Date: 03/22/10		Item Number: <u>C-X</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Permit Agreement with NextG Networks, Inc. for Use of the Public Right-of-Way along Centinela Avenue			
Contact Person/Dept.: Lee Torres/Public Works Department		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 (03/17/10); (Mail) All adjacent property owners and businesses on (03/11/10) and Culver City News on (03/18/10)			
Department Approval: Charles D. Herbertson (03/11/10)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (3/17/10)	
Chief Financial Officer Approval: Mark Scott (by M. Noller) (03/17/10)		City Manager Approval: Mark Scott (03/17/10)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution approving an Encroachment Permit Agreement with NextG Networks, Inc. (NextG). <u>BACKGROUND:</u> NextG is proposing to relocate existing aerial fiber optic telecommunication cable as required by the State of California's Department of Transportation (Caltrans). NextG's aerial fiber optic telecommunication cable is currently attached to existing poles adjacent to the 405 Freeway. The poles are in the same alignment with proposed pylons for an overpass widening project by Caltrans. NextG is required to re-route the fiber optic telecommunication cable to a new alignment consisting of new and existing underground conduit at two locations along Centinela Avenue. <u>DISCUSSION:</u> The work being proposed by NextG involves the following: <u>Centinela Avenue and Arizona Avenue</u> Install one (1) 3-inch conduit starting at an existing utility pole located along the parkway on the north side of Centinela Avenue just east of Arizona Avenue to a new 17"x 30" vault 4-feet from the existing utility pole. From this point, three (3) 1 ¼ - inch			

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conduits will be installed along Centinela Avenue via directional boring for 102 feet in a north easterly direction from the new vault to an existing manhole located on the sidewalk on the north side of Centinela Avenue.

Centinela Avenue and Hillside Memorial Park Driveway

Install one (1) 3-inch conduit 79-feet in length starting at an existing manhole located along the sidewalk on the north side of Centinela Avenue just east of the Hillside Memorial Park driveway entrance to a new 17" x 30" vault. From this point, one (1) 3-inch conduit will be installed 8-feet in length from the new vault to an existing utility pole located on the sidewalk on the north side of Centinela Avenue.

NextG operates pursuant to a Certificate of Public Convenience and Necessity issued by the California Public Utilities Commission. This certificate authorizes NextG 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 NextG and the City if the City Council approves this item. To protect Culver City's interests, this agreement will contain provisions requiring that NextG repair any damage to City property, carry adequate liability and automobile insurance, defend the City if it is sued for damage caused by NextG 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), a fee in the amount of \$3,700 has already been paid by NextG.

ATTACHMENT:

- Resolution, Proposed
- System Exhibit

MOTIONS:

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Agenda Item Report

That the City Council:

1. Adopt a resolution approving the Encroachment Permit Agreement with NextG Networks, Inc..; and,
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.