



STAFF REPORT

AGENDA NO:

MEETING DATE: April 15, 2019

To: Honorable Mayor and City Council

Date: April 15, 2019

**From: Kathleen Kane, City Attorney – (650) 558-7204
Syed Murtuza, Director of Public Works – (650) 558-7234**

Subject: Adoption of a Resolution Approving an Agreement with MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services for Installation of Underground Conduit and Authorizing the City Manager to Execute the Encroachment Agreement

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute an Encroachment Agreement with MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services (MCImetro) to install conduit in the City's right-of-way. Staff also recommends that the Council grant authority to enter into substantially similar agreements in future.

BACKGROUND

MCImetro is a facilities-based local exchange service with an approved certificate of public convenience and necessity from the California Public Utilities Commission (CPUC). To improve internet access and data transport services, MCImetro desires to install conduit in the City's right-of-way at various locations within Burlingame. MCImetro is authorized by the CPUC to occupy the public right-of-way. The Encroachment Agreement allows the City to exercise its rights to regulate the terms and conditions of use of the right-of-way. The City Council previously approved a similar Encroachment Agreement with Zayo Group, LLC in September of 2018.

DISCUSSION

MCImetro's installation of conduit shall be subject to the terms and conditions of an Encroachment Agreement, which is a license agreement with individual encroachment permits to be obtained as conduit needs to be installed. The Encroachment Agreement is the result of considerable discussions and negotiations between City staff and MCImetro. The Encroachment Agreement states that MCImetro shall provide the necessary assurances and covenants so that the installation of the conduit will not interfere with the use of the property by the City, and MCImetro shall remove or relocate the conduit should the needs of the City require such action in the future. The Encroachment Agreement does not include installation of commercial radio transmitting, relaying and/or receiving antennas, or antenna support structures and equipment.

Staff also recommends that the City Council authorize the City Manager to execute similar Encroachment Agreements with telecommunications service carriers for the installation of underground conduits.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund.

Exhibits:

- Resolution
- Agreement