



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 1 J

COUNCIL MEETING 04/08/10

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

April 8, 2010

FROM: CAROLYN T. HOGG, Director *CH*
Information Services Department

BY: BRYON HORN, Information Services Manager *BH*
Information Services Department

SUBJECT: A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 73rd AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2009-149 APPROPRIATING \$30,800 FROM P.G. & E. SETTLEMENT FUNDS TO REPAIR FIBER DAMAGE AT KINGS CANYON AVENUE

RECOMMENDATION

Staff recommends that the City Council approve the attached resolution appropriating \$30,800 to repair damage of the fiber at Kings Canyon between Sierra Vista and Chestnut Avenues.

EXECUTIVE SUMMARY

The Information Services Department (ISD) has received a check issued by P.G. & E. in the amount of \$30,777 to repair a break in the fiber of the City's Intelligent Traffic Operations Center. This amount will cover the repair of the fiber by Verizon Business Services through the CALNET II contract.

BACKGROUND

On October 26, 2007, P.G. & E. crews penetrated and damaged conduit and fiber at the location of Kings Canyon between Sierra Vista and Chestnut Avenues while excavating at that location. The conduit was properly marked with Underground Service Alerts (USA) markings; however, P.G. & E.'s crew severed the conduit and fiber.

Risk Management immediately filed a complaint with P.G. & E. requesting that the broken fiber segment be replaced void of any splices since it was designed as a contiguous trunk and splicing would result in a signal loss which could affect future connectivity. P.G. & E. argued that a repair would suffice and refused to provide funding to replace the entire fiber segment. After deliberation, ISD and Public Works both concurred that a repair would suffice if it were within reasonable means of signal loss, as not to affect future endeavors. On July 17, 2008, Risk Management returned to P.G. & E. with several estimates for the repair. P.G. & E. continued to dispute the amount of the repair.

Despite Risk Management's best efforts, there was no movement on the claim and turned the matter over to ISD in July 2008. ISD continued to work with P.G. & E., but encountered the same delays from P.G. & E. to close the case.

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Fiber Damage at Kings Canyon Avenue

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On August 31, 2009, ISD acquired a quote from Verizon for \$30,777 which was submitted to P.G.& E. for further consideration. Verizon not only has a contract with CalTrans for the repair of their fiber, but there are also provisions for the City to purchase through the CALNET II contract. On January 21, 2010, P.G.& E. agreed to settle the claim for the amount of \$30,777.

FISCAL IMPACT

No fiscal impact by appropriating funds.

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 73rd AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2009-149 APPROPRIATING \$30,800 FROM P.G.&E. SETTLEMENT FUNDS TO REPAIR FIBER DAMAGE AT KINGS CANYON AVENUE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO:

THAT PART III of the Annual Appropriation Resolution No. 2009-149 be and is hereby amended as follows:

	<u>Increase/(Decrease)</u>
TO: Information Services Department Systems Replacement Fund	\$ 30,800

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

Systems Replacement Fund

Revenues:

Account: **39021** Property Losses
Fund: **54003**
Org Unit: **511001**

\$ 30,800

Total Revenues

\$ 30,800

Appropriations:

Account: **57507** Contract Construction
Fund: **54003**
Org Unit: **511001**
CS: **ER001**

\$ 30,800

Total Appropriations

\$ 30,800

THAT the purpose is to appropriate \$30,800 for the Information Services Department to repair a break in the fiber of the City's Intelligent Traffic Operations Center.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ Day of _____, 2010

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2010
Mayor Approval/No Return: _____, 2010
Mayor Veto: _____, 2010
Council Override Veto: _____, 2010

REBECCA E. KLISCH
City Clerk