

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

Meeting Date: 05/13/2013		Item Number: <u>C-4</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications, Inc. for a Proposed Fiber Optic Telecommunication Cable installation on the Public Rights-of-Way of National Boulevard and Helms Avenue			
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 (05/07/13) and Culver City News (05/09/13)			
Department Approval: Charles D. Herbertson (05/02/13)		City Attorney Approval: Carol Schwab (by H. Baker) (05/07/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/07/13)		City Manager Approval: John M. Nachbar (05/07/13)	

RECOMMENDATION:

Staff recommends the City Council adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications, Inc. for a proposed fiber optic telecommunication cable installation along National Boulevard and Helms Avenue.

BACKGROUND/ DISCUSSION:

Freedom Telecommunications is proposing to install a fiber optic telecommunication cable along National Boulevard and Helms Avenue via directional boring and open trenching to provide fiber connectivity for wireless carriers in the area.

The proposed fiber optic cable will tie-in to an existing cable vault located at the east side of Helms Avenue approximately 110 feet south of the National Boulevard centerline. The new conduit installation will run in a northerly direction along the east side of Helms Avenue for approximately 70 feet on the sidewalk towards National Boulevard. The proposed cable continues easterly on the south side of National Boulevard under the sidewalk for approximately 880 feet. The fiber optic cable will terminate in a new vault adjacent to an existing utility pole near 8536 National Boulevard.

Legal Framework

Freedom Telecommunications, Inc. is the holder of a statewide franchise issued by the California Public Utilities Commission. This statewide franchise authorizes Freedom Telecommunications, Inc. to access cities' rights-of-way for the purpose of

City of Culver City, California
Agenda Item Report

constructing and maintaining telecommunication lines and video facilities along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of Freedom Telecommunications, Inc. 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 Freedom Telecommunications, Inc. To protect the City's interests, this agreement will contain provisions requiring that Freedom Telecommunications, Inc. repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Freedom Telecommunications, Inc., and post a performance bond prior to commencing work on this project.

FISCAL ANALYSIS:

Per Section 11.20.025.B 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. 2012-R035, the City's Fee Resolution for Fiscal Year 2012/2013, a fee in the amount of \$3,927 was paid by Freedom Telecommunications, Inc. on March 27, 2013.

ATTACHMENTS:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications, Inc for a proposed fiber optic telecommunication cable installation on the public rights-of-way of National Boulevard and Helms Avenue; 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.