

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

Meeting Date: 03/26/2013		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications, Inc. for Use of the Public Rights-of-Way on Selmaraine Drive.			
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 (03/19/13) and Culver City News on (03/21/13)			
Department Approval: Charles D. Herbertson (03/04/13)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (03/19/13)	
Chief Financial Officer Approval: Jeff Muir (03/19/13)		City Manager Approval: John M. Nachbar (03/19/13)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications, Inc. for a proposed fiber optic telecommunication cable installation along Selmaraine Drive.

BACKGROUND/ DISCUSSION:

Freedom Telecommunications is proposing to install a fiber optic telecommunication cable along Selmaraine Drive via open trenching to provide fiber optic connections to an existing Verizon Wireless antenna in order to upgrade its 4G coverage and e911 support.

The proposed fiber optic cable will tie-in to an existing Verizon owned vault located at the north side Selmaraine Drive approximately 130 feet east of the Jefferson Boulevard centerline. The new conduit installation will run in an easterly direction along the north side of Selmaraine Drive for approximately 58 feet to a new pull box located on the sidewalk and then terminate at an adjacent existing utility pole.

Legal Framework

Freedom Telecommunications operates pursuant to a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Freedom Telecommunications, Inc. to access cities' rights-of-way for the purpose of 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.'s telecommunication facilities in the rights-of-way but allow

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municipalities to impose reasonable time, place and manner regulations pertaining to the 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 11.20.025B 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. 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 February 28, 2013.

ATTACHMENTS:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

Adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications.