

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

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| Meeting Date: 03/23/2015                                                                                                                                                                                                                                                                         |  | Item Number: <u>C-7</u>                                                           |                                                  |
| <b>CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications dba WILCON for Use of the Public Rights-of-Way on Sepulveda Boulevard between Venice Boulevard and Culver Boulevard and the Alley Southwest of Sepulveda Boulevard</b> |  |                                                                                   |                                                  |
| Contact Person/Dept.: Lee Torres/PW                                                                                                                                                                                                                                                              |  | Phone Number: (310) 253-5623                                                      |                                                  |
| Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                               |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |                                                  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                         |  | Action Item: <input type="checkbox"/>                                             | Attachments: <input checked="" type="checkbox"/> |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                  |  | Date: _____                                                                       |                                                  |
| Public Notification: (E-Mail) Agenda and Meetings – City Council (03/18/15)                                                                                                                                                                                                                      |  |                                                                                   |                                                  |
| Department Approval:<br>Charles D. Herbertson (03/12/15)                                                                                                                                                                                                                                         |  | City Attorney Approval:<br>Carol A. Schwab (by R. Miranda) (03/17/15)             |                                                  |
| Chief Financial Officer Approval:<br>Jeff Muir (by M. Noller) (03/18/15)                                                                                                                                                                                                                         |  | City Manager Approval:<br>John M. Nachbar (03/18/15)                              |                                                  |

**RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Freedom Telecommunication dba WILCON (WILCON) for a proposed fiber optic telecommunication cable installation on Sepulveda Boulevard between Venice Boulevard and Culver Boulevard and the alley southwest of Sepulveda Boulevard.

**BACKGROUND/ DISCUSSION:**

WILCON is proposing to install new fiber optic telecommunication cables for both dark fiber for future use and active fiber (for use to provide Ethernet and dedicated internet access services) for businesses in the Culver City area.

The proposed fiber optic cables will tie into the applicant's existing facility located on Sepulveda Boulevard, north of Venice Boulevard, in the City of Los Angeles. The proposed fiber optic cable conduits will be installed underground across Venice Boulevard into Culver City. From this point at the City boundary, the proposed 1 inch diameter fiber optic cable line continues in a southerly direction along the west side of Sepulveda Boulevard until it reaches the alley south of Culver Boulevard. The line turns westerly in the alley and then turns southeasterly in another alley. The line continues in this alley until it reaches the private property poles between Braddock Drive and Garfield Avenue. This fiber optic cable installation continues westerly on private property along a utility easement then ties into a fiber optic line in the City of Los Angeles. The total distance is 5,720 linear feet in the public right-of-way. Approximately 65% of the proposed fiber optic cable conduit will be installed underground. There are no new utility poles proposed along the route.

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Recently, the City Council adopted a resolution approving Underground Utility District Number 11 at and near the intersection of Sepulveda Boulevard and Culver Boulevard. This proposed fiber optic installation is required to be underground in this new Underground Utility District.

**Legal Framework**

Freedom Telecommunications, Inc. dba WILCON is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Freedom Telecommunications, Inc. dba WILCON to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of Freedom Telecommunications, Inc. dba WILCON 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. dba WILCON. 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. dba WILCON, 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. 2013-R034, the City's Fee Resolution, a fee in the amount of \$3,927 has been paid by Coastal Communications on behalf of Freedom Telecommunications on December 11, 2014.

**ATTACHMENTS:**

- Proposed Resolution
- System Exhibits

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**MOTIONS:**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications, Inc. dba WILCON; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.