

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

Meeting Date: 06/24/2013		Item Number: <u>C-12</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Fireline Network Solutions, Inc. for Use of the Public Rights-of-Way on Ince Boulevard, Lindblade Street, Higuera Street, and Eastham 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 (06/18/13) and Culver City News on (06/20/13)			
Department Approval: Charles D. Herbertson (06/11/13)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (06/18/13)	
Chief Financial Officer Approval: Jeff Muir (06/18/13)		City Manager Approval: John M. Nachbar (06/18/13)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Fireline Network Solutions, Inc. (Fireline) for a proposed fiber optic telecommunication cable along Ince Boulevard, Lindblade Street, Higuera Street, and Eastham Drive. <u>BACKGROUND/ DISCUSSION:</u> Fireline is proposing to install a fiber optic telecommunication cable underground along Ince Boulevard and Eastham Drive, via directional boring and open trenching; and aerial installation on existing utility poles along Lindblade Street and Eastham Drive to provide commercial fiber service to local businesses. The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing telecommunication manhole located on east side of Ince Boulevard just south of Washington Boulevard. The new conduit and fiber optic cable installation will run underground along Ince Boulevard in a southeasterly direction for approximately 433 feet to an existing utility pole located at the south side of Lindblade Street just east of Ince Boulevard. The fiber optic cable will then continue for approximately 430 feet on existing utility poles along the south side of Lindblade Street to an existing manhole at Higuera Street. At Higuera Street, this fiber optic cable will then continue underground and be pulled into an existing underground conduit for approximately 3,312 feet from Lindblade Street to an existing manhole just west of Eastham Drive. The proposed fiber optic cable will remain underground, but will be installed in a new underground conduit for approximately another 80 feet crossing on			

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the north side of Higuera Street to an existing utility pole. The fiber optic cable will continue its run for approximately 1,006 feet along the existing utility poles located on the west side of Eastham Drive from Higuera Street to Steller Avenue. The fiber optic cable will then run underground into new conduits crossing Eastham Drive and terminating at a pull box in front of 3582 Eastham Drive.

Legal Framework

Fireline is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Fireline to access cities' rights-of-way for the purpose of installing Fireline's telecommunication facilities. The related federal and state laws require that municipalities allow the installation of Fireline's 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 Fireline. To protect the City's interests, this agreement will contain provisions requiring that Fireline repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Fireline 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 the K&B Electric, Fireline's Consulting Engineer, on June 5, 2013.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Fireline Network Solutions, Inc.;
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.