



# City of Culver City

## Staff Report

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**File #:** 18-01085, **Version:** 1

**Item #:** C-7.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Communications, LLC for Use of the Public Right-of-Way to Install Three 147 Foot Conduits for Fiber Optic Cable Starting in the Alley Behind 11204 Sepulveda Boulevard Continuing Westwards, Crossing Braddock Drive and Ending in the Alley at 4411 Sepulveda Boulevard.**

**Meeting Date:** May 14, 2018

**Contact Person/Dept:** Christopher Evans/PW

**Phone Number:** 310.253.5621

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Commission Action Required:** Yes  No  **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (05/09/18); (E-Mail) Freedom Telecommunications (04/02/18)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer 5/03/18

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### **RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Freedom Communications, LLC (Wilcon) for use of the public right-of-way to install three 147 foot conduits for fiber optic cable starting in the alley behind 11204 Sepulveda Boulevard, continuing westward, crossing Braddock Drive and ending in the alley at 4411 Sepulveda Boulevard.

### **BACKGROUND/DISCUSSION**

Wilcon is proposing to install three conduits for a new fiber optic pathway for their private customer at 4411 Sepulveda Boulevard.

The work involves installing three new underground conduit and fiber optic lines. The route begins at an existing Wilcon vault located in the alley at the southwest corner of 11204 Sepulveda Boulevard. The conduits will run westwards, crossing Braddock Drive and continuing along the alley 147 feet to a proposed new vault at 4411 Sepulveda Boulevard.

The total distance of the new installation in the public right-of-way is 147 linear feet. There are no utility poles proposed along the route. All work will be underground and placed via directional boring.

### Legal Framework

Wilcon is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes 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 telecommunication facilities by Certificate of Public Convenience & Necessity holders 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 Wilcon. To protect the City's interests, this agreement will contain provisions requiring that Wilcon repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Wilcon.

### 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 a fee in the amount of \$3,927 was paid by Wilcon.

### ATTACHMENTS

1. 2018-05-14 - ATT System Exhibit
2. 2018-05-14 - ATT Proposed Resolution

### MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Freedom Communications, LLC for use of the public right-of-way to install three 147 foot conduits for fiber optic cable starting in the alley behind 11204 Sepulveda Boulevard continuing westward, crossing Braddock Drive and ending in the alley at 4411 Sepulveda Boulevard;
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