



# City of Culver City

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## Staff Report Details (With Text)

**File #:** 16-313      **Version:** 1      **Name:** Encroachment Agreement, Sunesys  
**Type:** Resolution      **Status:** Consent Agenda  
**File created:** 10/9/2016      **In control:** City Council Meeting Agenda  
**On agenda:** 10/24/2016      **Final action:**  
**Title:** CC - Adoption of a Resolution Approving an Encroachment Agreement with Sunesys for Use of Culver City Public Right-of-Way to Install Fiber Optic Cable in the Area of Lindblade Street, Higuera Street, Ince Boulevard, and Lucerne Avenue  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Sunesys Resolution\_Lindblade.pdf, 2. Sunesys System Exhibit.pdf

Date	Ver.	Action By	Action	Result
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### CC - Adoption of a Resolution Approving an Encroachment Agreement with Sunesys for Use of Culver City Public Right-of-Way to Install Fiber Optic Cable in the Area of Lindblade Street, Higuera Street, Ince Boulevard, and Lucerne Avenue

**Meeting Date:** October 24, 2016

**Contact Person/Dept:** Sammy Romo/PW  
**Phone Number:** 310-253-5619

**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 (10/19/16)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (10/16/16)

### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an Encroachment Agreement with Sunesys for use of Culver City public right-of-way to install fiber optic cable in the area of Lindblade Street, Higuera Street, Ince Boulevard, and Lucerne Avenue.

## **BACKGROUND/DISCUSSION**

Sunesys is proposing to install a new fiber optic pathway for their private customer at 12950 Culver Boulevard. The work involves tying into the existing utility pole on Lindblade Street, then heading west along Lindblade Street for 430 feet underground using directional boring method. The fiber will then rise to an existing utility pole on Lindblade Street and travel west aerially for 478 feet. The fiber will then travel underground for 85 feet west to Ince Boulevard and turn south on Ince Boulevard for 65 feet, where it will rise to an existing utility pole and travel south aerially for 1,367 feet. A separate but related aerial fiber run will commence on Lucerne Avenue, 321 feet east of Ince Boulevard. The fiber will run aerially west for 1,630 feet and end just before Duquesne Avenue.

### **Legal Framework**

Sunesys is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Sunesys 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 Sunesys. To protect the City's interests, this agreement will contain provisions requiring that Sunesys repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Sunesys 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 for Fiscal Year 2016-17, a fee in the amount of \$3,927 was paid by Sunesys on October 12, 2016.

## **ATTACHMENTS**

1. Proposed Resolution
2. System Exhibit

## **MOTION**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Sunesys for the proposed for use of Culver City public right-of-way to install fiber optic cable in the area of Lindblade Street,

Higuera Street, Ince Boulevard, and Lucerne Avenue.

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.