



City of Culver City

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Staff Report

File #: 16-323, **Version:** 1

Item #: C-10.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Fireline Broadband for Use of the Public Right-of-Way on Jefferson Boulevard, Pearson Street, Leahy Street, Duquesne Avenue, Lucerne Avenue, Hayden Avenue, Steller Drive, Warner Drive, Smiley Drive, Blackwelder Street and Fairfax 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 Fireline Broadband (Fireline) for use of Culver City public right-of-way to install fiber optic cable at the following locations and as described in Exhibit A:

1. Jefferson Boulevard from Pearson Street to the City limits near Higuera Street
2. Pearson Street
3. Leahy Street
4. Duquesne Avenue from Jefferson Boulevard to Lucerne Avenue
5. Lucerne Avenue from Duquesne Avenue to Higuera Street
6. Hayden Avenue from Higuera Street to Steller Drive
7. Warner Drive from Hayden Avenue to Eastham Drive
8. Steller Drive from Hayden Avenue to Eastham Drive
9. Smiley Drive
10. Blackwelder Street
11. Fairfax Avenue from Smiley Drive to Blackwelder Drive

BACKGROUND/DISCUSSION

Fireline is proposing to install a new fiber optic “backbone” in various locations in the city as described above. All installations will be either aerial or underground via directional boring.

Legal Framework

Fireline is the holder of a Certificate 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 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 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. 2013-R034, the City’s Fee Resolution for Fiscal Year 2016-17, a fee in the amount of \$3,927 was paid by Fireline on October 13, 2016.

ATTACHMENTS

1. Proposed Resolution
2. System Exhibit

MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Fireline Broadband for the proposed use of Culver City public right-of-way to install fiber optic cable at various locations as described in Exhibit A.
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.