



City of Culver City

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Staff Report

File #: 16-480, **Version:** 1

Item #: C-4.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications dba Wilcon for Use of the Public Right-of-Way at Robertson Boulevard, Lindblade Street, Higuera Street, and Hayden Avenue, to provide service for the property at 3555 Hayden Avenue

Meeting Date: February 13, 2017

Contact Person/Dept: Sammy Romo/Public Works
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 (02/07/17); (E-Mail) Freedom Telecommunications dba Wilcon (02/07/17)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (02/06/17)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution approving an encroachment agreement with Freedom Telecommunications dba Wilcon (Freedom Telecommunications) for use of Culver City public right-of-way to install fiber optic cable in the area on Robertson Boulevard, Lindblade Street, Higuera Street, and Hayden Avenue in order to provide service to 3555 Hayden Avenue.

BACKGROUND/DISCUSSION

Freedom Telecommunication is proposing to install a new fiber optic pathway for their private customer at 3555 Hayden Avenue.

The work involves installation of underground fiber optic line from the city boundary with City of Los Angeles on Robertson Boulevard near Venice Boulevard and travelling 939 feet to Lindblade Street where it turns east for 150 feet where the line will terminate in a vault. The route continues aerially on Higuera Street at Lucerne Avenue for 286 feet where it descends down an existing utility pole near Helms Avenue. From there, the underground fiber optic line turns west for 5 feet then south on

Higuera Street for 1080 feet, then east on Hayden Avenue for 964 feet where it turns north into the private property at 3555 Hayden Avenue.

The total distance of the new installation in the public right-of-way is 3,547 linear feet. There are no new utility poles proposed along the route.

Legal Framework

Freedom Telecommunications is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Freedom Telecommunications 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 Freedom Telecommunications. To protect the City's interests, this agreement will contain provisions requiring that Freedom Telecommunications repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Freedom Telecommunications 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 Freedom Telecommunications on December 22, 2016.

ATTACHMENTS

1. System Exhibit
2. Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications for 3,547 linear feet of proposed fiber optic telecommunication cable in the public right-of-way adjacent to Robertson Boulevard, Lindblade Street, Higuera Street, and Hayden Avenue;

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