City of Culver City

Staff Report

File #: 16-482, **Version:** 1   **Item #:** C-5.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunication dba Wilcon for Use of the Public Right-of-Way Near 4500 Sepulveda Boulevard and a Nearby Alley

Meeting Date: February 13, 2017

Contact Person/Dept: Sammy Romo/Public Works
Phone Number: 310-253-5619

Fiscal Impact: Yes []   No [X]   **General Fund:** Yes []   No [X]

Public Hearing: []   **Action Item:**   []   **Attachments:** [X]

Commission Action Required: Yes []   No [X] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/07/2017); (E-Mail) Freedom Telecommunications dba Wilcon (02/07/2017)

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 near 4500 Sepulveda Boulevard and a nearby alley.

BACKGROUND/DISCUSSION

Freedom Telecommunications is proposing to install a new fiber optic pathway for their private customer at 4500 Sepulveda Boulevard.

The work involves installation of aerial fiber optic line on existing utility poles starting in the alley west of Sepulveda Boulevard, 88 feet north of 11213 Franklin Avenue where it enters the property of said address. From there, the line turns west into the alley west of said property for 20 feet, then south for 220 feet, then east for 20 feet into the back yard of 11212 Franklin Avenue. The route reappears on Sepulveda Boulevard 126 feet south of Franklin Avenue where it runs east for 11 feet, then northeast for 95 feet, down the existing utility pole, then underground for 18 feet into 4500 Sepulveda

Boulevard.

The total distance of the new installation in the public right-of-way is 472 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 Telecommunication for 472 linear feet of proposed fiber optic telecommunication cable in the public right-of-way near 4500 Sepulveda Boulevard and a nearby alley;

2. Authorize the City Attorney to review/prepare the necessary documents; and,

3. <u>Authorize the City Manager to execute the documents on behalf of the City</u>