



# City of Culver City

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## Staff Report

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**File #:** 16-914, **Version:** 1

**Item #:** C-4.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications, LLC dba Wilcon for Use of the Public Right-of-Way from the City Boundary on Motor Avenue to 10202 Washington Boulevard.**

**Meeting Date:** May, 30, 2017

**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 (05/24/17); (E-Mail) Wilcon (05/02/17)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer 5/17/17

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### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution approving an encroachment agreement with Freedom Telecommunications, LLC dba Wilcon (Wilcon) for use of the Public Right-of-Way to install fiber optic cable from the City boundary on Motor Avenue to 10202 Washington Boulevard.

### **BACKGROUND/DISCUSSION**

Wilcon is proposing to install a new fiber optic pathway for their private customer at 10202 Washington Boulevard.

The work involves installing new underground conduit and fiber optic line. The route begins at the City boundary on Motor Avenue then runs 57 feet south to a proposed new vault on Washington Boulevard, then west along Washington Boulevard for 172 feet to a proposed new vault, then 4 more feet into the private property at 10202 Washington Boulevard.

The total distance of the proposed new installation in the public right-of-way is 233 linear feet. There

are no new utility poles proposed along the route. All the 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, defend the City if it is sued for damages caused by Wilcon 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 Wilcon.

### ATTACHMENTS

1. 2017-05-30 - Wilcon System Exhibit
2. 2017-05-30 - Wilcon Proposed Resolution

### MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Freedom Telecommunications, LLC dba Wilcon for 233 linear feet of proposed fiber optic telecommunication cable in the public right-of-way along Green Valley Circle near Fox Hills Drive;
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