



City of Culver City

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Staff Report

File #: 18-0645, **Version:** 1

Item #: C-3.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Charter Communications, Inc. for Use of the Public Right-of-Way Starting at 3840 Watseka Avenue and Running Northwards to the City Boundary.

Meeting Date: February 12, 2018

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 (02/06/18); (E-Mail) Charter Communications, Inc. (01/04/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (01/31/18)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Charter Communications, Inc. (Charter) for use of the public right-of-way to install 70 feet of fiber optic cable starting at 3840 Watseka Avenue and running northwards to the City Boundary.

BACKGROUND/DISCUSSION

Charter is proposing to install a new fiber optic pathway for their private customer at 9640 Venice Boulevard in the City of Los Angeles.

The work involves installing new underground conduit and fiber optic line. The route begins at the existing service vault at 3840 Watseka Avenue. The conduit will then run 70 feet north across the City boundary and into the City of Los Angeles.

The total distance of the new installation in the public right-of-way is 70 linear feet. There are no utility poles proposed along the route. All work will be underground and placed via directional boring.

Legal Framework

Charter is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise authorizes Charter 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 holders of statewide video franchises 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 Charter. To protect the City's interests, this agreement will contain provisions requiring that Charter repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Charter.

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 will be paid by Charter prior to the issuance of a Utility Permit for this project.

ATTACHMENTS

1. 2018-02-12 - ATT System Exhibit
2. 2018-02-12 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Charter Communications, Inc. for 70 linear feet of proposed fiber optic telecommunication cable in the public right-of-way starting at 3840 Watseka Avenue and running northwards to the City boundary;
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