



# City of Culver City

## Staff Report

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**File #:** 19-420, **Version:** 1

**Item #:** C-5.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 218 Feet of Fiber Optic Cable on Wesley Street, Starting at Washington Boulevard and Running Southeast to 3416 Wesley Street.**

**Meeting Date:** November 12, 2018

**Contact Person/Dept:** Christopher Evans/Public Works Department

**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 (11/06/18); (E-Mail) Time Warner Cable (10/04/18)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (10/30/18)

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### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Time Warner Cable for use of the public right-of-way to install 218 Feet of fiber optic cable on Wesley Street, starting at Washington Boulevard and running southeast to 3416 Wesley Street.

### BACKGROUND/DISCUSSION

Time Warner Cable is proposing to install a new fiber optic pathway to service their customer at 3416 Wesley Street.

The work involves installing new aerial fiber optic line. The route begins at an existing utility pole located near the southeast corner of Washington Boulevard and Wesley Street. The fiber optic line will then be pulled southeasterly along Wesley Street, 218 feet across existing utility poles and terminating at a utility pole adjacent to 3416 Wesley Street.

The total distance of the new installation in the public right-of-way is 218 linear feet. All the work will

be installed aerially on existing utility poles.

### Legal Framework

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

### 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 a fee in the amount of \$3,927 will be paid by Time Warner Cable prior to issuance of an encroachment permit.

### ATTACHMENTS

1. 2018-11-12 - ATT System Exhibit
2. 2018-11-12 - ATT Proposed Resolution

### MOTION

That the City Council:

1. Adopt resolution approving an encroachment agreement with Time Warner Cable for use of the public right-of-way to install 218 Feet of fiber optic cable on Wesley Street, starting at Washington Boulevard and running southeast to 3416 Wesley Street.;
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