



# City of Culver City

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## Staff Report Details (With Text)

**File #:** 16-1208      **Version:** 1      **Name:** Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way from Bristol Parkway to 5840 Uplander Way.

**Type:** Minute Order      **Status:** Consent Agenda

**File created:** 6/27/2017      **In control:** City Council Meeting Agenda

**On agenda:** 7/24/2017      **Final action:**

**Title:** CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 533 feet of Fiber Optic Cable on Bristol Parkway and Uplander Way

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2017-07-24 ATT System Exhibit.pdf, 2. 2017-07-24 ATT Proposed Resolution.pdf

Date	Ver.	Action By	Action	Result
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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 533 feet of Fiber Optic Cable on Bristol Parkway and Uplander Way**

**Meeting Date:** July 24, 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 (07/19/17); (E-Mail) Time Warner Cable (07/03/17)

**Department Approval:** Charles D. Herbertson (07/13/17)

### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with

Time Warner Cable (TWC) for use of the public right-of-way to install 533 linear feet of fiber optic cable on Bristol Parkway and Uplander Way.

## **BACKGROUND/DISCUSSION**

TWC is proposing to install a new fiber optic pathway for their private customer at 5840 Uplander Way.

The work involves installing new underground conduit and fiber optic line. The route begins at an existing utility vault at 6076 Bristol Parkway near Uplander Way. The proposed conduit will run 28 feet southwest to Uplander Way, then run 446 feet southeast along Uplander Way and then tie-in to a proposed new vault, then run south across Uplander Way 54 feet to a proposed new vault, and then 5 more feet into the private property at 5840 Uplander Way.

The total distance of the new installation in the public right-of-way is 533 linear feet. All the work will be underground and placed via directional boring or trenching.

### **Legal Framework**

TWC is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise authorizes TWC 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 TWC. To protect the City's interests, this agreement will contain provisions requiring that TWC repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by TWC 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 will be paid by TWC prior to issuance of a Utility Permit for this project.

## **ATTACHMENTS**

1. 2017-07-24 ATT System Exhibit
2. 2017-07-24 ATT Proposed Resolution

**MOTION**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for use of the public right-of-way to install 533 linear feet of fiber optic cable on Bristol Parkway and Uplander Way
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