



# City of Culver City

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## Staff Report

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**File #:** 16-964, **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 along Slauson Avenue and Buckingham Parkway.**

**Meeting Date:** June 12, 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 (06/07/17); (Email) Time Warner Cable (05/03/17)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer 6/1/17

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### **RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Time Warner Cable (TWC) for use of the Culver City public right-of-way to install fiber optic cable along Slauson Avenue and Buckingham Parkway for their customer at 100 Corporate Pointe.

### **BACKGROUND/DISCUSSION**

TWC is proposing to install fiber optic cable through existing conduit and then over an existing aerial pathway for their private customer at 100 Corporate Pointe.

The work involves first pulling fiber optic cable from an existing utility pole at 5601 Slauson Avenue, 176 feet west to an existing utility pole at 5712 Slauson Avenue. The fiber optic cable will then be pulled through existing underground conduit, 118 feet south and across Slauson Avenue to an existing utility vault at the corner of Slauson and Buckingham Parkway. The fiber optic cable will then be pulled south through existing conduit along the west side of Buckingham Parkway terminating at the private property at 100 Corporate Pointe.

The total distance of the new fiber optic cable installation in the public right-of-way is 651 linear feet. There are no new utility poles proposed along the route. There are no new vaults proposed.

### 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 was paid by TWC.

### ATTACHMENTS

1. 2017-06-12 - ATT System Exhibit
2. 2017-06-12- ATT Proposed Resolution

### MOTION

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for installation of fiber optic telecommunication cable in the public right-of-way along Slauson Avenue and Buckingham Parkway;
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