



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 19-240, **Version:** 1

Item #: C-5.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 377 Feet of Fiber Optic Cable Starting in the Alley South of 11138 Venice Boulevard and Running Westwards, Crossing Sepulveda Boulevard and Ending in the Alley at 3817 Sepulveda Boulevard.

Meeting Date: September 24, 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 (09/19/18); (E-Mail) Time Warner Cable (08/27/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer 9/12/18

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 377 feet of fiber optic cable starting in the alley south of 11138 Venice Boulevard and running westwards, crossing Sepulveda Boulevard and ending in the alley at 3817 Sepulveda Boulevard.

BACKGROUND/DISCUSSION

TWC is proposing to install a new fiber optic pathway for their private customer at 3817 Sepulveda Boulevard.

The work involves installing 377 linear feet of new aerial fiber optic line across existing utility poles. The work entails first pulling fiber optic cable from a utility pole aurally starting in the alley to the west of Bentley Avenue, south of 11138 Venice Boulevard. The fiber optic line will then be pulled westward 61 feet where it will then be pulled across private property. The fiber optic line will then re-enter the

public right-of-way on Sepulveda Boulevard, 190 feet south of the City boundary. The fiber optic line will then be pulled 87 feet westward across Sepulveda Boulevard where it will then be pulled into the alley south of 3801 Sepulveda Boulevard. It will then continue 229 feet westwards through the alley, across existing utility poles, terminating adjacent to 3817 Sepulveda Boulevard.

The total distance of the new installation in the public right-of-way is 377 linear feet. There are no new utility poles proposed along the route. All fiber optic conduit will be installed aerially.

Legal Framework

Time Warner Cable is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate 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 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 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 was paid by Time Warner Cable.

ATTACHMENTS

1. 2018-09-24 - ATT System Exhibit
2. 2018-09-24 - 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 377 feet of fiber optic cable starting in the alley south of 11138 Venice Boulevard and running westwards, crossing Sepulveda Boulevard and ending in the alley at 3817 Sepulveda Boulevard;
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