



City of Culver City

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Staff Report

File #: 19-390, **Version:** 1

Item #: C-3.

CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 1,494 Feet of Fiber Optic Cable Along the Southwest Side of Overland Avenue from Franklin Avenue to 4975 Overland Avenue.

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 (10/01/18)

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

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 1,494 feet of fiber optic cable along the southwest side of Overland Avenue from Franklin Avenue to 4975 Overland Avenue.

BACKGROUND/DISCUSSION

Time Warner Cable is proposing to install a new fiber optic pathway for their private customer at 4975 Overland Avenue.

The work involves installing 1,494 feet of new aerial and underground fiber optic line across existing utility poles and through new underground conduit. The route begins at an existing utility pole in the alley at the corner of Franklin Avenue directly to the southwest of Overland Avenue. The fiber optic line is then pulled aerially 280 feet southeasterly along the alley, then crossing Farragut Drive and stopping at the southwest corner of Farragut Drive and the alley. The fiber optic line will then go underground via directional bore 207 feet northeasterly along Farragut Drive to Overland Avenue.

The fiber optic line will then run southeasterly along Overland Avenue where it will stop and connect to 4975 Overland Avenue via 9 foot trench across the sidewalk to the property line.

The total distance of the new installation in the public right-of-way is 1,494 linear feet. Fiber optic cable will be installed between existing utility poles, via directional bore or trenching.

Overland Avenue, between Washington Boulevard and Jefferson Boulevard, is proposed to be resurfaced with new rubberized asphalt approximately in February 2019. Staff has informed the applicant that the City has a 5 year street cut moratorium after a street is repaved.

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 the City's Fee Resolution No. 2013-R034, a fee in the amount of \$3,927 will be collected from Time Warner Cable before any permits are issued for this project.

ATTACHMENTS

1. 2018-11-12 - ATT System Exhibit
2. 2018-11-12 - 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 1,494 feet of fiber optic cable along the southwest side of Overland Avenue from Franklin Avenue to 4975 Overland Avenue.;

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