

**City of Culver City, California
Agenda Item Report**

Meeting Date: 02/10/2014		Item Number: <u>C-3</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving Encroachment Agreements with Time Warner Cable for Use of the Public Rights-of-Way on Hayden Avenue and Its Intersection with Higuera Street and on Bristol Parkway and Its Intersection with Green Valley Circle.			
Contact Person/Dept.: Lee Torres/PW		Phone Number: (310) 253-5623	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (02/04/14)			
Department Approval: Charles D. Herbertson (01/28/14)		City Attorney Approval: Carol Schwab (by R. Miranda) (02/04/14)	
Chief Financial Officer Approval: Jeff Muir (02/04/14)		City Manager Approval: John M. Nachbar (02/04/14)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving two Encroachment Agreements with Time Warner Cable (Time Warner) for proposed fiber optic telecommunication cables along Hayden Avenue (at Higuera Street) and along Bristol Parkway (at Green Valley Circle).

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install fiber optic telecommunication cables via directional boring and open trenching to provide commercial fiber services to the properties at 6133 Bristol Parkway and 8550 Higuera Street.

8550 Higuera Street

The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing utility pole located on the east side of Hayden Avenue, north of Higuera Street. The new conduit installation will run south for approximately 246 feet along the east side of Hayden Avenue and then continue in a southerly direction across Higuera Street for approximately 64 feet and terminate into the private property at 8550 Higuera Street.

6133 Bristol Parkway

The proposed fiber optic cable will tie-in to at an existing CATV vault located at the southwest corner of Green Valley Circle and Bristol Parkway. The new conduit installation will run north across Green Valley Circle for approximately 70 feet and then continue in a southeasterly direction along the north side of Green Valley Circle

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for approximately 70 feet before turning in a northeasterly direction along the west side of Bristol Parkway for approximately 570 feet. This new conduit will terminate into the private property at 6133 Bristol Parkway.

Legal Framework

Time Warner is the holder of a statewide video franchise issued by the California Public Utilities Commission. This statewide franchise authorizes Time Warner to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines and video facilities. The related federal and state laws require that municipalities allow the installation of Time Warner's telecommunication or video facilities 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 the Encroachment Agreements between the City and Time Warner. To protect the City's interests, these agreements will contain provisions requiring that Time Warner repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Time Warner, and post performance bonds prior to commencing work on these projects.

The Public Works Department and the City Attorney's Office are developing a new ordinance for consideration by the City Council to have these types of encroachment agreements be approved administratively by staff.

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 2013/2014, a fee in the amount of \$3,927 was paid by Time Warner Cable on January 17, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

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MOTIONS:

That the City Council:

1. Adopt a resolution approving two Encroachment Agreements with Time Warner Cable for the proposed fiber optic telecommunication cables along Hayden Avenue (at Higuera Street) and along Bristol Parkway (at Green Valley Circle); and,
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.