

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

Meeting Date: 09/23/2013		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Slauson Avenue and Buckingham Parkway.			
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 (09/17/13)			
Department Approval: Charles D. Herbertson (09/11/13)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (09/16/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/17/13)		City Manager Approval: John M. Nachbar (09/17/13)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Time Warner Cable (Time Warner) for proposed fiber optic telecommunication cables along Buckingham Parkway and Slauson Avenue.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install fiber optic telecommunication cables to provide commercial fiber service to 5701 Slauson Avenue and 5601 Slauson Avenue.

5701 Slauson Avenue

The proposed fiber optic cable will tie-in to an existing fiber optic cable located on the east side of Buckingham Parkway approximately 320 feet north of the Slauson Avenue centerline. The new fiber optic cable will cross Buckingham Parkway for approximately 65 feet to private property at 5701 Slauson Avenue. A second tie-in is also being proposed, for future local service, on the east side of Buckingham Parkway approximately 180 feet north of the Slauson Avenue centerline. Two (2) 24" x 36" vaults are proposed for this project and will be located on the sidewalk on the eastside of Buckingham Parkway.

5601 Slauson Avenue

The proposed fiber optic cable will tie-in to an existing fiber optic cable located on the sidewalk on the north side of Slauson Avenue approximately 445 feet east of Buckingham Parkway. The proposed fiber optic cable will then run west for 12 feet before turning north approximately 3 feet to private property at 5601 Slauson

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Avenue. This work also involves replacing an existing vault and upgrading it with an above ground pedestal at the same location.

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 along and upon cities' public rights-of-way. 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 an Encroachment Agreement between the City and Time Warner. To protect the City's interests, this agreement 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 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 2013/2014, a fee in the amount of \$3,927 was paid by Inland Engineering Services, Time Warner's Consulting Engineer, on September 12, 2013.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.