

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

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------|--------------------------------------------------|
| Meeting Date: 03/10/2014                                                                                                                                                                                                                              |  | Item Number: <u>C-4</u>                                                           |                                                  |
| <b>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 Selmaraine Drive and in an Alley West of Sepulveda Boulevard and South of Slauson Avenue.</b> |  |                                                                                   |                                                  |
| Contact Person/Dept.: Lee Torres/PW                                                                                                                                                                                                                   |  | Phone Number: (310) 253-5623                                                      |                                                  |
| Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                    |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |                                                  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                              |  | Action Item: <input type="checkbox"/>                                             | Attachments: <input checked="" type="checkbox"/> |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                       |  | Date: _____                                                                       |                                                  |
| Public Notification: (E-Mail) Agenda and Meetings – City Council (03/04/14)                                                                                                                                                                           |  |                                                                                   |                                                  |
| Department Approval:<br>Charles D. Herbertson (02/27/14)                                                                                                                                                                                              |  | City Attorney Approval:<br>Carol Schwab (by R. Miranda) (03/04/14)                |                                                  |
| Chief Financial Officer Approval:<br>Jeff Muir (03/04/14)                                                                                                                                                                                             |  | City Manager Approval:<br>John M. Nachbar (03/04/14)                              |                                                  |

**RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Time Warner Cable (Time Warner) for a proposed fiber optic telecommunication cable along Selmaraine Drive and in an alley immediately west of Sepulveda Boulevard and south of Slauson Avenue.

**BACKGROUND/ DISCUSSION:**

Time Warner is proposing to install fiber optic telecommunication cables via directional boring, open trenching, and aerial installation on existing utility poles to provide commercial fiber services to 5667 Selmaraine Drive.

The proposed fiber optic cable will connect to an existing fiber optic cable at a pole located in the alley that is west of Sepulveda Boulevard and 160 feet south of Slauson Avenue. The proposed installation will be underground, via directional boring and open trenching along the alley in a southerly direction, for approximately 324 feet to an existing pole. The fiber optic cable will then continue along the alley, on utility poles for approximately 177 feet, to Selmaraine Drive. From here, the fiber optic cable will continue, for approximately 123 feet, along Selmaraine Drive until terminating at 5667 Selmaraine Drive.

Time Warner will be required to secure a separate permit from Caltrans for the installation located under the 90 Freeway Bridge prior to issuance of a Utility Permit from the City's Department of Public Works/Engineering Division.

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**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 on behalf of Time Warner Cable on February 19, 2014.

**ATTACHMENT:**

- Proposed Resolution
- System Exhibit

**MOTIONS:**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable;
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.