

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

Meeting Date: 12/13/10		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Permit Agreement with Time Warner Cable for Use of the Public Right-of-Way Along Matteson Avenue (Between Tilden Avenue and the Alley East of Sepulveda Boulevard)			
Contact Person/Dept.: Lee Torres/PW		Phone Number: 310-253-5623	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Attachments: ☒	
Action Item: ☐			
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (12/08/10); (Mail) All adjacent property owners and businesses (12/02/10) and Culver City News (12/09/10).			
Department Approval: Charles D. Herbertson (12/03/10)		City Attorney Approval: Carol A. Schwab (by R. Miranda, 12/7/10)	
Chief Financial Officer Approval: Jeff Muir (by K. Marsden) (12/08/10)		City Manager Approval: John M. Nachbar (12/09/10)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving an Encroachment Permit Agreement with Time Warner Cable (Time Warner) to install fiber optic telecommunication cable along Matteson Avenue. <u>BACKGROUND/DISCUSSION:</u> Time Warner is proposing to install fiber optic telecommunication cable along Matteson Avenue to provide high speed internet service to Video Tech Service which is located at 3916 Sepulveda Boulevard. The scope of work will involve installing approximately 830 linear feet of fiber optic cable on existing utility poles along Matteson Avenue, from utility pole # 1759402E (located at the northeast corner of Matteson Avenue and Tilden Avenue) to utility pole #GT89944 (located along the alley just east of Sepulveda Boulevard) This route is depicted in the attached System Exhibit. No open trenching or boring is proposed as part of this project. <u>Legal Framework</u> 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-			

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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 Permit 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. 2010-R016, the City's Fee Resolution for Fiscal Year 2010/2011, a fee in the amount of \$3,850 was paid by KB Engineering, Time Warner's Consulting Engineer, on October 12, 2010.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving the Encroachment Permit 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 the documents on behalf of the City.