

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

Meeting Date: 05/27/2014		Item Number: <u>C-9</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 Centinela Avenue and Arizona Avenue.			
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 (05/21/14)			
Department Approval: Charles D. Herbertson (05/14/14)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (05/20/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/21/14)		City Manager Approval: John M. Nachbar (05/21/14)	
<u>RECOMMENDATION:</u> 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 Centinela Avenue and Arizona Avenue. <u>BACKGROUND/DISCUSSION:</u> Time Warner is proposing to install a fiber optic telecommunication cable via directional boring and open trenching to provide commercial fiber service to 6101 Centinela Avenue. The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing underground utility vault located on the sidewalk at the southeast corner of Arizona Avenue and Centinela Avenue. The new conduit installation will run underground via directional boring and open trenching across Centinela Avenue in a northerly direction for approximately 140 feet. The new conduit will then terminate into a new underground vault on the sidewalk on the north side of Centinela Avenue at 6101 Centinela Avenue. <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-			

City of Culver City, California
Agenda Item Report

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.

Should the City Council approve this item, 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 May 12, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for a proposed fiber optic telecommunication cable along Centinela Avenue and Arizona Avenue; 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.