

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

Meeting Date: 08/11/2014		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way Adjacent to Culver Boulevard.			
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 (08/06/14)			
Department Approval: Charles D. Herbertson (07/31/14)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (08/05/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (08/05/14)		City Manager Approval: John M. Nachbar (08/06/14)	

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 adjacent to Culver Boulevard to service the property at 9055 Washington Boulevard.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install a fiber optic telecommunication cable via open trenching to provide commercial fiber service to 9055 Washington Boulevard. The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing underground utility vault located in the sidewalk on the east side of Culver Boulevard approximately 220 feet south of Venice Boulevard. The new conduit installation will run underground via open trenching in the sidewalk area in a southeasterly direction for approximately 45 feet. The new conduit will then terminate in private property.

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.

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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: (1) Time Warner repair any damage to City property, (2) carry adequate liability insurance, (3) defend the City if it is sued for damages caused by Time Warner, and (4) 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, a fee in the amount of \$3,927 was paid by Inland Engineering Services on behalf of Time Warner Cable on July 9, 2014.

ATTACHMENTS:

1. Proposed Resolution
2. 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 adjacent to Culver Boulevard for the property at 9055 Washington Boulevard; 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.