

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

Meeting Date: 02/25/2013		Item Number: <u>C-4</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, Jefferson Boulevard, and Selmaraine Drive			
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 (02/19/13) and Culver City News (02/21/13)			
Department Approval: Charles D. Herbertson (02/13/13)		City Attorney Approval: Carol Schwab (by R. Miranda) (02/19/13)	
Chief Financial Officer Approval: Jeff Muir (02/19/13)		City Manager Approval: John M. Nachbar (02/19/13)	

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 Slauson Avenue, Jefferson Boulevard, and Selmaraine Drive.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install a fiber optic telecommunication cable underground along Slauson Avenue, Jefferson Boulevard, and Selmaraine Drive via directional boring and open trenching to provide commercial fiber service to Culver City businesses.

The proposed fiber optic cable will tie-in to an existing fiber optic cable at the existing utility pole located at the west side of Slauson Avenue just north of Jefferson Boulevard. The new conduit installation will run in an easterly direction along the south side of Slauson Avenue approximately 185 feet towards Jefferson Boulevard. The proposed fiber optic cable will turn southeasterly across Jefferson Boulevard for approximately 126 feet towards Selmaraine Drive. The line will then continue in a southeasterly direction along the east side of Selmaraine Drive for approximately 102 feet and terminate in a new vault located on the sidewalk.

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

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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. 2012-R035, the City's Fee Resolution for Fiscal Year 2012/2013, a fee in the amount of \$3,927 was paid by

HT Communications, Time Warner's Consulting Engineer, on February 7, 2013.

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 such documents on behalf of the City.