

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

Meeting Date: 08/12/2013		Item Number: <u>C-3</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 Bristol Parkway			
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 (08/06/13)			
Department Approval: Charles D. Herbertson (07/29/13)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (08/05/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (08/06/13)		City Manager Approval: John M. Nachbar (08/06/13)	

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 Bristol Parkway.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install a fiber optic telecommunication cable underground along the sidewalk on the east side of Bristol Parkway, via open trenching to provide commercial fiber service to 5800 Hannum Avenue.

The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing Time Warner vault located on the sidewalk, on the east side of Bristol Parkway, approximately 310 feet south of Hannum Avenue centerline. The new conduit installation will run north along the sidewalk, on the east side of Bristol Parkway, approximately 16 feet and terminate into 5800 Hannum Avenue.

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 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, Time Warner's Consulting Engineer, on July 25, 2013.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment 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.