

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

Meeting Date: 05/13/2013		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for a Proposed Fiber Optic Telecommunication Cable Installation on the Public Right-of-Way of Jefferson Boulevard, Approximately 300 Feet South of Raintree Circle.			
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 (05/07/13) and Culver City News (05/09/13)			
Department Approval: Charles D. Herbertson (05/02/13)		City Attorney Approval: Carol Schwab (by H. Baker) (05/07/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/07/13)		City Manager Approval: John M. Nachbar (05/07/13)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution approving an Encroachment Agreement with Time Warner Cable (Time Warner) for a proposed fiber optic telecommunication cable installation along Jefferson Boulevard to service 10321 Jefferson Boulevard. <u>BACKGROUND/ DISCUSSION:</u> Time Warner is proposing to install a fiber optic telecommunication cable underground along Jefferson Boulevard, via directional boring and open trenching to provide commercial fiber service to 10301 Jefferson Boulevard. The proposed fiber optic cable will tie-in to an existing fiber optic cable at an existing Time Warner owned vault located on the east side of Jefferson Boulevard approximately 300 feet south of Raintree Circle. The new conduit installation will run across Jefferson Boulevard to the west side of the street approximately 90 feet and terminate in a new vault located in the sidewalk in front of 10321 Jefferson Boulevard. <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 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 11.20.025.B 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 the Inland Engineering Services, Time Warner's Consulting Engineer, on May 1, 2013.

ATTACHMENTS:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for a new fiber optic telecommunication line on Jefferson Boulevard, approximately 300 feet south of Raintree Circle; 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.