

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

Meeting Date: 10/24/2011		Item Number: <u>C-9</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving Two Encroachment Agreements with Time Warner Communications for Use of the Public Rights-of-Way on Jefferson Boulevard and on Green Valley Circle			
Contact Person/Dept.: Lee Torres/PW		Contact Person/Dept.: Lee Torres/PW	
Fiscal Impact: Yes ☐ No ☒		Fiscal Impact: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – (E-Mail) Agenda and Meetings – City Council (10/20/11), (Mail) All adjacent businesses on (10/14/11), and Culver City News on (10/20/11).			
Department Approval: Charles D. Herbertson (10/12/11)		City Attorney Approval: Carol Schwab (10/19/11)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (10/19/11)		City Manager Approval: John M. Nachbar (10/20/11)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a resolution approving two Encroachment Agreements with Time Warner Communications (Time Warner) to install fiber optic telecommunication cable along Jefferson Boulevard and along Green Valley Circle. <u>BACKGROUND/ DISCUSSION:</u> Time Warner is proposing to install fiber optic telecommunication cable across Jefferson Boulevard to provide commercial fiber service to 10395 Jefferson Boulevard and across Green Valley Circle to provide commercial fiber service to 5855 Green Valley Circle. <u>10395 Jefferson Boulevard</u> The proposed fiber optic cable will tie-in to an existing vault located at the south side of Jefferson Boulevard, east of Indian Wood Road. From the tie-in, 94 feet of new fiber optic cable will be installed northwesterly across Jefferson Boulevard to a new 17 inch by 30 inch CATV vault installed in the parkway. From this new CATV vault, a 199 foot long fiber optic cable will be installed, northeasterly, along the north side of Jefferson Boulevard, to a second, new 17 inch by 30 inch CATV vault installed in the parkway in front of 10395 Jefferson Boulevard.			

City of Culver City, California
Agenda Item Report

5855 Green Valley Circle

The proposed fiber optic cable will tie-in to an existing vault located on the south side of Green Valley Circle. From the tie-in, 85 feet of new fiber optic cable will be installed, northerly across Green Valley Circle, directly to 5855 Green Valley Circle.

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 also 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 two Encroachment Agreements between the City and Time Warner. To protect the City's interests, these agreements 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. 2011-R027, the City's Fee Resolution for Fiscal Year 2011/2012, a fee in the amount of \$3,850 was paid by the Cable Engineering Services, Inc., Time Warner's Consulting Engineer, on September 29, 2011.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

1. Adopt a resolution approving two Encroachment Agreements with Time Warner Communications;

City of Culver City, California
Agenda Item Report

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.