

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

Meeting Date: 04/21/2014		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Adoption of Resolutions Approving Encroachment Agreements with Time Warner Cable for Use of the Public Rights-of-Way on Buckingham Parkway and Jefferson 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 (04/16/14)			
Department Approval: Charles D. Herbertson (04/09/14)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (04/15/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/15/14)		City Manager Approval: John M. Nachbar (04/16/14)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt two resolutions approving two Encroachment Agreements with Time Warner Cable (Time Warner) for proposed fiber optic telecommunication cables along Buckingham Parkway and Jefferson Boulevard. <u>BACKGROUND/ DISCUSSION:</u> Time Warner is proposing to install fiber optic telecommunication cables via directional boring and open trenching to provide commercial fiber services to 5741 Buckingham Parkway and 10455 Jefferson Boulevard. <u>5741 Buckingham Parkway</u> The proposed fiber optic cable will tie-in to an existing fiber optic cable at an underground utility vault on the north side of Buckingham Parkway approximately 650 feet north of the Slauson Avenue centerline. The new conduit installation will run underground via directional boring and open trenching along Buckingham Parkway in a westerly direction for approximately 115 feet. The new conduit will then terminate into a new underground vault in the sidewalk at 5741 Buckingham Parkway.			

City of Culver City, California
Agenda Item Report

10455 Jefferson Blvd

The proposed fiber optic cable will tie-in to an existing fiber optic cable at an underground utility vault on the west side of Jefferson Boulevard approximately 440 feet north of the Jordan Way centerline.

The new conduit installation will run underground via directional boring and open trenching along Jefferson Boulevard in a northerly direction for approximately 110 feet. The new conduit will then terminate into a new underground vault located in the sidewalk at 10455 Jefferson Boulevard.

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.

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. 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 on behalf of Time Warner Cable on March 19, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

City of Culver City, California
Agenda Item Report

MOTIONS:

That the City Council:

1. Adopt the resolutions approving the two Encroachment Agreements with Time Warner Cable; 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.