

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

Meeting Date: 10/08/2012		Item Number: <u>C-6</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 Green Valley 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 (10/04/12); Culver City News on (10/04/12)			
Department Approval: Charles D. Herbertson (09/27/12)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (10/04/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (10/04/12)		City Manager Approval: John M. Nachbar (10/04/12)	

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 Green Valley Circle.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install a fiber optic telecommunication cable across Green Valley Circle via directional boring and open trenching to provide commercial fiber service to 5839 Green Valley Circle.

The proposed fiber optic cable will tie-in to an existing vault located at the south side of Green Valley Circle approximately 908 feet east of Bristol Parkway. The proposed cable will be installed by trenching in an easterly direction along Green Valley Circle for approximately 42 feet. The cable will then turn northerly across Green Valley Circle via underground directional boring for approximately 63 feet to a new vault and then continue for another 8 feet to the private property at 5839 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 allow

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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 Cable Engineering Services, Time Warner's Consulting Engineer, on September 19, 2012.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Green Valley Circle; 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.