

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

Meeting Date: 07/27/2015	Item Number: <u>C-4</u>
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with Time Warner for Use of the Public Rights-of-Way on Main Street from 136 feet to 160 feet north of Culver Boulevard	
Contact Person/Dept.: Sammy Romo/PW	Phone Number:(310) 253-5619
Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	General Fund: Yes <input type="checkbox"/> No <input type="checkbox"/>
Public Hearing: <input type="checkbox"/>	Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/>
Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date: _____
Public Notification: (E-Mail) Agenda and Meetings – City Council (07/22/15)	
Department Approval: Charles D. Herbertson (07/16/15)	City Attorney Approval: Carol Schwab (by H. Baker) (07/20/15)
Chief Financial Officer Approval: Jeff Muir (07/21/15)	City Manager Approval: John M. Nachbar (07/22/15)

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with Time Warner for proposed fiber optic telecommunication cables on Main Street from 136 feet to 160 feet north of Culver Boulevard.

BACKGROUND/ DISCUSSION:

Time Warner is proposing to install a new fiber optic pathway for their private customer at 3843 Main Street in order to provide phone and internet to their customer.

The work involves tying into the applicant’s existing facilities on Main Street and installing additional cable to the private customer. All work will be under ground.

The total distance of the new installation in the public right-of-way is 28 linear feet. There are no new utility poles proposed along the route.

Legal Framework

Time Warner is the holder of a Certificate of Public Convenience and Necessity issued by the California Public Utilities Commission. This certificate authorizes Time Warner to access cities’ rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities’ public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by Certificate of Public Convenience and Necessity holders but allow municipalities to impose reasonable time, place, and manner

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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. 2013-R034, the City's Fee Resolution, a fee in the amount of \$3,927 was paid by Time Warner on July 15, 2015.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner; 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.