



# City of Culver City

## Staff Report Details (With Text)

**File #:** 16-752      **Version:** 1      **Name:** Encroachment Agreement, Time Warner, 8460 Higuera Street

**Type:** Minute Order      **Status:** Consent Agenda

**File created:** 3/13/2017      **In control:** City Council Meeting Agenda

**On agenda:** 3/27/2017      **Final action:**

**Title:** CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way Along Warner Drive, Eastham Drive and Higuera Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. System Exhibit-Time Warner, 8460 Higuera.pdf, 2. Resolution-Time Warner, 8460 Higuera Street.pdf

Date	Ver.	Action By	Action	Result
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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way Along Warner Drive, Eastham Drive and Higuera Street.**

**Meeting Date:** March 27, 2017

**Contact Person/Dept:** Sammy Romo/PW

**Phone Number:** 310-253-5619

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**

**Action Item:**

**Attachments:**

**Commission Action Required:** Yes  No

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (03/22/2017);

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (03/16/17)

### RECOMMENDATION

Staff recommends the City Council adopt a Resolution approving an encroachment agreement with Time Warner for use of Culver City public right-of-way to install fiber optic cable along Warner Drive, Eastham Drive and Higuera Street.

## **BACKGROUND/DISCUSSION**

Time Warner Cable is proposing to install a new fiber optic pathway for their private customer at 8460 Higuera Street.

The work involves installing new aerial fiber optic line onto existing fiber optic line on existing utility poles. The route starts at 8440 Warner Drive, then runs east for 130 feet, then southeast for 106 feet along Eastham Drive, then 240 feet south along Eastham Drive, then over private property for 65 feet. The route then continues along Higuera Street west for 173 feet, continues west for 90 feet, then south for 90 feet, and terminates at the private property at 8460 Higuera Street.

The total distance of the new installation in the public right-of-way is 889 linear feet. There are no new utility poles proposed along the route.

### **Legal Framework**

Time Warner is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise 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 holders of statewide video franchises 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 11.20.025B 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 2016-17, a fee in the amount of \$3,927 was paid by Time Warner on March 16, 2017.

### **ATTACHMENTS**

1. System Exhibit
2. Proposed Resolution

**MOTION**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Time Warner for 889 linear feet of proposed fiber optic telecommunication cable in the public right-of-way along Warner Drive, Eastham Drive and Higuera Street;
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