

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

Meeting Date: 03/28/2011		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Permit Agreement with Pacific Bell Telephone Company, Doing Business as AT&T, for Use of the Public Right-of-Way on Jefferson Boulevard (Near Leahy Street)			
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 (3/23/11); (Publication) Culver City News on (3/24/11)			
Department Approval: Charles D. Herbertson(03/17/11)		City Attorney Approval: Carol Schwab (by R. Miranda) (3/23/11)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (03/23/11)		City Manager Approval: John M. Nachbar (03/23/11)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution approving an Encroachment Permit Agreement with Pacific Bell Telephone Company, doing business as AT&T California (AT & T), to install conduit and fiber optic telecommunication cable on Jefferson Boulevard, near its intersection with Leahy Street. <u>BACKGROUND/DISCUSSION:</u> The proposed scope of work will involve open trenching and directional boring across Jefferson Boulevard. Should the City Council approve this Agreement, a new 4-inch conduit will be installed from an existing communication vault located on the sidewalk (245 feet northerly of Leahy Street) on the east side of Jefferson Boulevard and will run 92 feet westerly across Jefferson Boulevard to an existing utility pole. <u>Legal Framework</u> As a telephone corporation, A T & T is authorized, under California law, to construct and maintain telecommunication lines and facilities along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by telephone corporations but allow municipalities to impose reasonable time, place, and manner regulations pertaining to construction of telecommunications facilities within the municipalities' rights-of-way.			

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The City's time, place and manner regulations will be documented in an Encroachment Permit Agreement to be executed by A T & T and the City if the City Council approves this item. To protect Culver City's interests, the proposed Agreement contains provisions requiring that A T & T repair any damage to City property, be adequately insured, defend the City if it is sued for damage caused by A T & T, 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 can collect an application fee as compensation for City staff time expended in reviewing telecommunication applications. Based on the Resolution No. 2010-R016, City's Fee Resolution for Fiscal Year 2010/2011, a fee in the amount of \$3,850 was paid by A T & T on March 14, 2011.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving the Encroachment Permit Agreement with Pacific Bell Telephone Company, doing business as A T & T; 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.