

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

Meeting Date: 05/12/2014		Item Number: <u>C-12</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving Two Encroachment Agreements with AT&T for Use of the Public Rights-of-Way on Huron Avenue, Matteson Avenue, and Hayden Place.			
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 (05/06/14)			
Department Approval: Charles D. Herbertson (04/30/14)		City Attorney Approval: Carol Schwab (by R. Miranda) (05/06/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/06/14)		City Manager Approval: John M. Nachbar (05/06/14)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving two Encroachment Agreements with AT&T California (AT &T) for proposed fiber optic telecommunication cables along Huron Avenue, Matteson Avenue, and Hayden Place.

BACKGROUND/ DISCUSSION:

AT&T is proposing to install fiber optic telecommunication cables via directional boring and open trenching to provide commercial fiber services to La Ballona Elementary School and 8665 Hayden Place.

La Ballona Elementary School

The proposed fiber optic cables will tie-in to an existing fiber optic cable at a vault located on the sidewalk on the east side of Huron Avenue approximately 80 feet south of the centerline of Venice Boulevard.

The new conduit installation will run underground via directional boring and open trenching along Huron Avenue in a southerly direction for approximately 680 feet, then continue westerly along Matteson Avenue for approximately 195 feet, and then tie-in to an existing manhole located on the north side of Matteson Avenue.

8665 Hayden Place

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The proposed fiber optic cable will tie-in to an existing fiber optic cable at a vault located along the landscape planter on the north side of Hayden Place approximately 1,124 feet west of the Higuera Street centerline.

The new conduit installation will run underground via directional boring and open trenching along Hayden Place in a westerly direction for approximately 135 feet. The new conduit will then terminate into a new underground vault located on the sidewalk in front of 8665 Hayden Place.

Legal Framework

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 City's rights-of-way.

The City's time, place and manner regulations will be documented in the Encroachment Agreements between the City and AT&T. To protect the City's interests, these agreements will contain provisions requiring that AT&T repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by AT&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 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 AT&T on April 25, 2014.

ATTACHMENT:

- Proposed Resolution
- System Exhibits

MOTIONS:

That the City Council:

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1. Adopt a resolution approving two Encroachment Agreements with AT&T;
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.