

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

Meeting Date: 09/27/2010		Item Number: <u>C-3</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving An Encroachment Permit Agreement with AT&T for Use of the Public Right-of-Way on Culver Boulevard (Near Keystone Avenue)			
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 (9/23/10); (Mail) All adjacent property owners and businesses on (9/17/10) and Culver City News on (9/23/10).			
Department Approval: Charles D. Herbertson(09/16/10)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (09/20/10)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) _09/22/10)		City Manager Approval: John M. Nachbar (09/22/10)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Permit Agreement with AT&T California (AT & T) to install conduits and fiber optic telecommunication cable on Culver Boulevard, near its intersection with Keystone Avenue.

BACKGROUND/DISCUSSION:

The proposed scope of work involves open trenching and directional boring across Culver Boulevard and the sidewalk. Should the City Council adopt the proposed resolution, the boring would begin under the sidewalk on the southerly side of Culver Boulevard, approximately 50 feet northeast of Keystone Avenue. From this point, AT&T will bore under Culver Boulevard, approximately 92 feet, to a cell site located at 4080 Overland Avenue.

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, subject to reasonable time, place, and manner regulations pertaining to construction of telecommunications facilities within the City's 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, these agreements will contain provisions requiring that A T & T repair any damage to City property, carry adequate liability and automobile insurance, 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:

Pursuant to 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 the application submitted by A T & T. Based on Resolution No. 2010-R016, City's Fee Resolution for Fiscal Year 2010-11, a fee in the amount of \$3,850 was paid by A T & T on September 1, 2010.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving the Encroachment Permit Agreement with A T & 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.