

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

Meeting Date: 05/11/2015	Item Number: <u>C-18</u>
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Rights-of-Way on Washington Boulevard, Huron Avenue, and Matteson Avenue	
Contact Person/Dept.: Lee Torres/PW	Phone Number: (310) 253-5623
Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	General Fund: Yes <input type="checkbox"/> No <input checked="" 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 (05/06/15)	
Department Approval: Charles D. Herbertson (04/30/15)	City Attorney Approval: Carol Schwab (by R. Miranda) (05/04/15)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/05/15)	City Manager Approval: John M. Nachbar (05/06/15)

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with AT&T for a proposed fiber optic telecommunication cable along Washington Boulevard, Huron Avenue, and Matteson Avenue.

BACKGROUND/ DISCUSSION:

AT&T is proposing to install a new fiber optic telecommunication cable via directional boring and open trenching along Washington Boulevard to provide commercial fiber service for a customer at 10950 Washington Boulevard.

The proposed conduit installation with fiber optic cable fiber will begin by tying into an existing fiber optic cable located in a utility vault on the northerly side of Matteson Avenue approximately 160 feet west of Huron Avenue. From there, the new underground conduit will be installed in a northeasterly direction along Matteson Avenue for approximately 180 feet before turning in a southeasterly direction on Huron Avenue. This proposed conduit will continue underground in a southeasterly direction for approximately 750 feet along the easterly side of Huron Avenue. The proposed conduit will then cross Washington Boulevard and turn in a northerly direction for approximately 480 feet before terminating in the an existing utility vault located along the sidewalk on the east side of Washington Boulevard.

Legal Framework

AT&T is the holder of a statewide video franchise issued by the California Public Utilities Commission. This statewide franchise authorizes AT&T to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication

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lines and video facilities along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of AT&T's telecommunication or video facilities 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 AT&T. To protect the City's interests, this agreement will contain provisions requiring that AT&T repair any damage to City property, be adequately insured, 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, a fee in the amount of \$3,927 was paid by AT&T on April 14, 2015.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with AT&T for Use of the Public Rights-of-Way on Washington Boulevard, Huron Avenue, and Matteson Avenue; 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.