

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

Meeting Date: 03/26/2012		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way at Bristol Parkway and Hannum 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 (03/21/12) and Culver City News (03/22/12)			
Department Approval: Charles D. Herbertson (03/14/12)		City Attorney Approval: Carol Schwab (by R. Miranda) (03/21/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (03/21/12)		City Manager Approval: John M. Nachbar (03/21/12)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with AT&T California (AT &T) to install a fiber optic telecommunication cable line along Bristol Parkway and Hannum Avenue.

BACKGROUND/DISCUSSION:

AT&T is proposing to install fiber optic telecommunication cable along Bristol Parkway and Hannum Avenue to provide service to customers located at 6029 Hannum Avenue. The fiber optic cable will tie-in to an existing manhole located approximately 53 feet west of the northwest corner of Bristol Parkway and Hannum Avenue. From this point, the system route will proceed easterly for approximately 53 feet and then southerly for approximately 148 feet. From this point, the system route will continue west for 13 feet to the property line at 6029 Hannum 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 but allow municipalities to impose reasonable time, place, and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

City of Culver City, California
Agenda Item Report

The City's time, place and manner regulations will be documented in the Encroachment 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 agreement 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:

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. 2011-R027, the City's Fee Resolution for Fiscal Year 2011/2012, a fee in the amount of \$3,850 was paid by AT&T on March 13, 2012.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving the Encroachment Agreement with AT&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.