

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

Meeting Date: 03/23/2015		Item Number: <u>C-8</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 near Delmas Terrace			
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 (03/18/15)			
Department Approval: Charles D. Herbertson (03/12/15)		City Attorney Approval: Carol A. Schwab (by R. Miranda) (03/17/15)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (03/17/15)		City Manager Approval: John M. Nachbar (03/18/15)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Encroachment Agreement with AT&T for a proposed fiber optic telecommunication cable installation along Washington Boulevard near Delmas Terrace.

BACKGROUND/ DISCUSSION:

AT&T is proposing to install new fiber optic telecommunication cables via directional boring and open trenching along Washington Boulevard to provide commercial fiber service for a customer at 9801 Washington Boulevard (Chase Bank).

The proposed fiber optic cable installation will begin by tying-in to existing fiber optic cables from an existing telecommunication manhole located on the east side of Washington Boulevard approximately 112 feet northeast of the intersection of Washington Boulevard and Delmas Terrace. From this point, a new conduit will then be installed underground via directional boring in a southwesterly direction along the east side of Washington Boulevard for approximately 162 feet. Then, the installation will turn westerly across Washington Boulevard for approximately 65 feet and conclude in private property.

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 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

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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, 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, a fee in the amount of \$3,927 was paid by AT&T on February 25, 2015.

ATTACHMENT:

- Proposed Resolution
- System Exhibit

MOTIONS:

That the City Council:

1. Adopt a resolution approving an 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.