



City of Culver City

Staff Report Details (With Text)

File #: 19-471 **Version:** 1 **Name:** Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way to Install 1,051 Feet of Fiber Optic Cable Starting from Poinsettia Court, Running East Along Ince Boulevard and Terminating 170 Feet West of Lucerne

Type: Minute Order **Status:** Consent Agenda

File created: 10/15/2018 **In control:** City Council Meeting Agenda

On agenda: 10/22/2018 **Final action:**

Title: CC - Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way to Install 1,051 Feet of Fiber Optic Cable Starting from Poinsettia Court, Continuing East Along Ince Boulevard and Terminating 170 Feet West of Lucerne Avenue.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2018-10-22 - ATT System Exhibit, 2. 2018-10-22- ATT Proposed Resolution

Date	Ver.	Action By	Action	Result
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CC - Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way to Install 1,051 Feet of Fiber Optic Cable Starting from Poinsettia Court, Continuing East Along Ince Boulevard and Terminating 170 Feet West of Lucerne Avenue.

Meeting Date: October 22, 2018

Contact Person/Dept: Christopher Evans/PW

Phone Number: 310.253.5621

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (10/18/18); (E-Mail) AT&T (09/26/18)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (10/11/18)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with AT&T for use of the public right-of-way to install 1,051 feet of fiber optic cable starting from Poinsettia Court, continuing east along Ince Boulevard and Terminating 170 feet west of Lucerne Avenue.

BACKGROUND/DISCUSSION

AT&T is proposing to install a new fiber optic pathway to service the expansion of their fiber optic network.

The work involves installing new aerial fiber optic line. The proposed route begins at an existing utility pole located at the northeast corner of Ince Boulevard and Poinsettia Court. The fiber optic line will then run easterly along Ince Boulevard, 1,051 feet across existing utility poles and terminating at a utility pole approximately 170 west of Lucerne Avenue.

The total distance of the new installation in the public right-of-way is 1,051 linear feet. All the work will be installed aerially on existing utility poles.

Legal Framework

AT&T is the holder of a statewide video franchise issued by the California Public Utilities Commission. This franchise authorizes AT&T to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by holders of statewide video franchises 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 and defend the City if it is sued for damages caused by AT&T.

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 a fee in the amount of \$3,927 will be paid by AT&T prior to issuance of an encroachment permit.

ATTACHMENTS

1. 2018-10-22 - ATT System Exhibit
2. 2018-10-22 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with AT&T for use of the public right-of-way to install 1,051 feet of fiber optic cable starting from Poinsettia Court, continuing east along Ince Boulevard and Terminating 170 feet west of Lucerne Avenue;
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute the documents on behalf of the City