



# City of Culver City

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## Staff Report

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**File #:** 16-936, **Version:** 1

**Item #:** C-5.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with AT&T for Use of the Public Right-of-Way along Lenawee Avenue and Ivy Way.**

**Meeting Date:** May 30, 2017

**Contact Person/Dept:** Christopher Evans/PW

**Phone Number:** 301.253.5621

**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 (05/24/17); (E-Mail) AT&T (05/02/17)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (05/17/17)

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### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution approving an encroachment agreement with AT&T for use of the Culver City public right-of-way to install fiber optic cable along Lenawee Avenue and Ivy Way to expand their fiber network.

### **BACKGROUND/DISCUSSION**

AT&T is proposing to install a new fiber optic pathway to expand their fiber network.

The work involves installing new underground conduit and fiber optic line. The route begins at the existing manhole on Lenawee Avenue 69 feet east of Ivy Way. The conduit will run 51 feet west, then north along Lenawee Avenue for 101 feet, then east for 16 feet to an existing utility pole.

The total distance of the new installation in the public right-of-way is 168 linear feet. There are no new utility poles proposed along the route. All work will be underground and placed via directional boring.

### 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, 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 for Fiscal Year 2016-17, a fee in the amount of \$3,927 was paid by AT&T.

### **ATTACHMENTS**

1. 2017-05-30 ATT System Exhibit
2. 2017-05-30 ATT Proposed Resolution

### **MOTION**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with AT&T for 168 linear feet of proposed fiber optic telecommunication cable in the public right-of-way along Lenawee Avenue and Ivy Way;
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