



## AGENDA ITEM EXECUTIVE SUMMARY

Title: Status of AT&T Pole Attachment Agreement – Information only

Presenter: Tom Bruhl

*Please check appropriate box:*

	Government Operations	X	Government Services 02.22.16
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:	\$NA	Budgeted:	YES		NO	
-----------------	------	-----------	-----	--	----	--

If NO, please explain how item will be funded:

**Executive Summary:**

The City and AT&T entered into a rental agreement in 1984 that allows AT&T to connect their cables to City owned poles. Among other things, the agreement defines the calculation of annual rental attachment fees and a timeframe for AT&T to transfer their cables to a new pole when the City replaces a pole.

With regard to the timeliness of pole transfers, the City is responsible for maintaining the poles in good condition, and we regularly replace rotted poles. AT&T has historically been very tardy in transferring their cables to our new poles so that we can remove the rotted poles. The agreement calls for their transfer to be completed within 60 days, and it is common for transfers to take more than 2 years. This issue is very important to the City from a liability standpoint, since the City still owns the rotted pole with AT&T attached to it. If said poles were to fall and cause property loss or personal injury, the City would surely be named in the subsequent lawsuit.

AT&T and the City Finance Department are in dispute over the financial calculations of the annual pole rental fee. The City has offered AT&T amendments to the agreement to address these issues and also provide for language that involves AT&T in our overhead to underground projects.

**Attachments:** *(please list)*

None

**Recommendation / Suggested Action** *(briefly explain):*

For Information Only

*For office use only:* Agenda Item Number: 4.d