



Legislation Details (With Text)

File #:	Res. 2018-125R	Version:	1	Name:	
Type:	Resolution	Status:		Individual Consideration	
File created:	7/11/2018	In control:		City Council	
On agenda:	8/7/2018	Final action:			
Title:	Consider approval of Resolution 2018-125R, approving amendments that extend the terms for five additional years of a non-exclusive license agreement for the use of Public Rights-Of-Way and a License Agreement for attachments to Utility Facilities, each with ATC Outdoor Das, LLC. related to the installation of Distributed Antenna Systems ("DAS") in the City; authorizing the City Manager to execute these amendments on behalf of the City; and declaring an effective date.				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. First Amendment to Non-Exclusive License Agreement, 3. First Amendment to License Agreement for Attachments to Utility Facilities

Date	Ver.	Action By	Action	Result
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AGENDA CAPTION:

Consider approval of Resolution 2018-125R, approving amendments that extend the terms for five additional years of a non-exclusive license agreement for the use of Public Rights-Of-Way and a License Agreement for attachments to Utility Facilities, each with ATC Outdoor Das, LLC. related to the installation of Distributed Antenna Systems ("DAS") in the City; authorizing the City Manager to execute these amendments on behalf of the City; and declaring an effective date.

Meeting date: August 7, 2018

Department: Public Services - Electric Division

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

City Facilities

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☒ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

State law provides that certain certificated telecommunications providers, including providers of distributed antenna systems, may use municipal rights-of-way and facilities for installation of telecommunications facilities.

In 2011, the City entered into license agreements with ATC Outdoor LLC for use of both the City's rights-of-way and certain utility facilities (primarily electric utility poles). Although state law allows ATC to use the City's rights-of-way and facilities, the City is allowed to establish certain conditions for such use. Thus, these agreements protect the City by providing strict terms and conditions for ATC's use of City property, including requirements for coordination with SMEU or the City's Transportation Division, requirements for engineering data to ensure no damage to or interference with City property, and requirements for restoration of streets after excavation.

The terms of each agreement ended in 2016 and continued on a month-to-month basis. City staff and ATC seek to renew each agreement for five additional years with options to renew thereafter, unless either party terminates at the end of five years.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of the amendments.