

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney

2013 JUL 11 AM 4:03 **OAKLAND CITY COUNCIL**

RESOLUTION No. 84578 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) ENTER INTO A TWELVE MONTH NON-EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH LIGHTUP OAKLAND FOR DEVELOPING A COMPREHENSIVE BROADBAND IMPLEMENTATION STRATEGY; AND 2) A TWELVE MONTH NON-EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH LIGHTUP OAKLAND TO LEASE CITY OF OAKLAND CONDUIT TO INSTALL FIBER OPTIC INCLUDING THE PROPOSED PILOT PROJECT AREA; AND RETURN TO THE COUNCIL FOR AUTHORIZATION.**

**WHEREAS**, the broadband infrastructure is a crucial requirement for public safety services delivery, innovative hubs creation, job growth, educational enhancements, and improving the quality of life;

**WHEREAS**, the fiber optics is the only medium to offer broadband infrastructure to support media rich applications, new social media platforms, emerging technologies, high speed connectivity, and next generation 911 services;

**WHEREAS**, next generation 911 systems, in particular, requires robust, high speed connectivity to support the growing range of Internet-based emergency services offered to the public;

**WHEREAS**, private enterprise have approached the City with proposals to build high capacity fiber optic networks, partly by using City-owned facilities such as conduit, right-of-way, cables, buildings, etc.;

**WHEREAS**, Pacific Thomas Capital (PTC) and Lit San Leandro (LSL), have enquired about the possibility of leasing space in City-owned conduit in order to build high speed, high capacity fiber optic broadband facilities in the City, including without limitation the Airport Business District Area(Pilot Project Area);

**WHEREAS**, LSL, and its sister company San Leandro Dark Fiber, have developed similar agreements to lease space in approximately 11 miles of conduit owned by the City of San Leandro;

**WHEREAS**, the City contemplates contracting with service providers such as and/or similar to PTC and LSL for developing and implementing fiber optic broadband facilities; now, therefore be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to enter in to a 12 month non-exclusive negotiating rights agreement with LightUP Oakland for developing a comprehensive broadband implementation strategy; and be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to

enter in to a 12 month non-exclusive negotiating rights agreement with LightUP Oakland for the purpose of installing fiber optic within the City of Oakland’s existing conduit including the Pilot Project Area, but not limited to such area; and be it

**FURTHER RESOLVED:** That the City Council finds and determines based on the above determinations of the City Administrator, that the goods and services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

**FURTHER RESOLVED,** that the contracts shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

**FURTHER RESOLVED,** that the City Attorney shall review and approve any such agreements

**FURTHER RESOLVED,** that any agreements reached would be non-exclusive, compliant with city policies and subject to approval by the city council.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 30 2013, 20    

**PASSED BY THE FOLLOWING VOTE:**

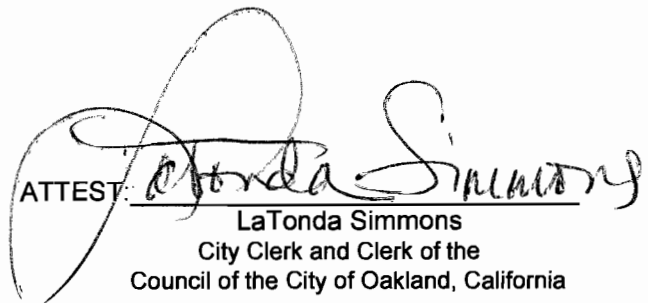
GIBSON-McELHANEY, REID, KALB, GALLO, ~~BROOKS~~, KAPLAN, SCHAAF, and PRESIDENT KERNIGHAN – 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California