

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL**

ORDINANCE

**APPROVING A LICENSE AGREEMENT WITH GIGABIT
COMMUNICATIONS, LLC FOR THE USE OF CITY RIGHTS-OF-WAY
FOR THE INSTALLATION OF A COMMUNICATIONS NETWORK.**

* * * * *

WHEREAS, communications providers typically gain access to the City's right-of-way under state law: cable and video providers gain access under Chapter 66 of the Texas Utilities Code, certificated telecommunications providers gain access under Chapter 283 of the Texas Local Government Code, and wireless service providers gain access under Chapter 284 of the Texas Local Government Code; and

WHEREAS, under state law, cable and video providers, certificated telecommunications providers, and wireless service providers are not required to enter into right-of-way license agreements with the municipalities in which they install their communications networks; and

WHEREAS, communications providers that do not gain access to the right-of-way under state law must enter into a right-of-way license agreement with the City; and

WHEREAS, the proposed Right-of-Way License Agreement with Gigabit Communications, LLC is patterned after the Google Fiber Texas, LLC License Agreement approved in Ordinance 2017-11-09-0883, the Zayo Group, LLC License Agreement approved in Ordinance 2018-06-07-0417, and the Unite Private Networks, LLC License Agreement approved in Ordinance 2019-06-13-0519; and

WHEREAS, the City's and Gigabit's respective rights, duties and obligations are set forth in the proposed Right-Of-Way License Agreement; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Right-Of-Way License Agreement with Gigabit Communications, LLC for the installation, operation, and management of its communications network are hereby approved.

SECTION 2. The City Manager or designee is authorized to execute the License Agreement, a copy of which is set out in **EXHIBIT A**.

SECTION 3. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 207000000290 and General Ledger 4103115.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage by eight (8) affirmative votes of the City Council. If less than eight (8) affirmative votes are received, then this Ordinance shall be effective ten (10) days after passage.

PASSED AND APPROVED this _____ day of _____, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andy Segovia, City Attorney

Exhibit A