

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 16-278	<b>Name:</b>	
<b>Type:</b>	Other Business - Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	12/8/2016	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	12/15/2016	<b>Final action:</b>	12/15/2016
<b>Title:</b>	AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Lee's Summit Google Fiber NCSA - Amendment No 1.

Date	Ver.	Action By	Action	Result
12/15/2016	1	City Council - Regular Session	adopted and numbered	Pass

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

In March and April 2016, City staff presented information to the City Council regarding the Google Fiber Community Connection at City Hall, which is necessary to broadcast LSTV to customers with Google Fiber service. The Community Connections Agreement as designed was not compatible with the City's network, and there was no ability to change the agreement to make the service function in our environment. The original intent of the Agreements was that, in exchange for a City and public benefit, Google Fiber would receive a reduced lease rate for access to City right of way and other facilities.

After providing an update to the City Council regarding the status of community connections, the City Council directed staff, at the April 14, 2016 meeting, to continue discussions and negotiations with representatives of Google Fiber to determine whether the Community Connections would be feasible, and in the event that it is not, arrange for running a dedicated line into City Hall in order to provide LSTV to customers with a Google Fiber connection, as well as a reimbursement agreement for use of City facilities in lieu of providing community connections, as originally planned.

The parties were unable to reach an acceptable solution regarding community connections. Instead, and in order to ensure that Lee's Summit residents with Google Fiber service have access to LSTV, City staff negotiated the terms of the attached Right of Entry Agreement with representatives of Google Fiber. The Right of Entry Agreement will provide Google Fiber the opportunity to access City Hall for purposes of installing fiber necessary to carry the LSTV connection to its' users as well as Amended Hut License Agreements which require Google Fiber to pay annual market rate lease payments to the City for use of City facilities.

The Amendment to Network Cooperation and Services Agreement is necessary to remove the requirement of Google Fiber to provide free broadband services to City facilities.

Issue/Request:

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

Key Issues:

In exchange for use of the City facilities, Google Fiber originally agreed to provide "community connections," or fiber service, to City owned facilities, which was also intended to provide Google Fiber customers' access to LSTV.

- Through investigation of the implementation process for community connections, City determined that it would not be feasible or cost effective for the community connections program to be implemented.
- After being provided an update regarding the infeasibility of community connections, on April 14, 2016, the City Council directed staff to begin the investigation and negotiation process to determine whether an acceptable agreement could be reached regarding community connections; if not, City staff was directed to negotiate for an alternative mechanism to allow for residents with Google Fiber service to obtain access to LSTV.
- City staff negotiated market rate lease agreements for Google Fiber's use of three (3) City owned properties as well as an arrangement which would provide the opportunity for LSTV to be broadcast to Google Fiber users in the community. In order to ensure that all of the agreements between the City and Google Fiber consistently reflect the obligations and rights of each of the parties, it is necessary to amend the Network Cooperation and Services Agreement to remove references to the provision of free broadband access at City facilities.

Proposed City Council Motion:

FIRST MOTION: AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. I MOVE FOR SECOND READING.

SECOND MOTION: AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. I MOVE FOR ADOPTION.

Background:

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Presenter: Steve Marsh, Chief Technology Officer

Recommendation: Staff recommends approval of AN ORDINANCE APPROVING THE FIRST AMENDMENT TO

NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.