

**REQUEST FOR COUNCIL ACTION**

February 9, 1999

**DATE**

0021

**ITEM NUMBER**

**ORIGINATING  
DEPARTMENT**

Engineering  
J. Stevenson/S. Gronlund

**AGENDA ITEM**

Fiber Optics Installation

**CITY MANAGER'S  
REVIEW**

**PREVIOUS ACTIONS:**

**RECOMMENDED COUNCIL ACTION:**

**Introduce and waive the first reading of Ordinance No. 609, amending the Municipal Code to include Advanced Technology Systems to the existing Subdivision Section of the Code, and passage of Resolution No. 99-45 authorizing the City Engineer to solicit Request for Proposals from advanced technology firms to assist the City in preparing standard plans, specifications, and testing criteria for installation of a fiber optic system and to develop a Citywide Advanced Technology Master Plan; authorize the City Engineer and City Manager to accept offers of dedications from developers for the current cable conduits and for the future advanced technology system within the public right of way; and authorize the City Attorney to commence work to prepare a Telecommunications Franchise Agreement for future use, and a Telecommunications Regulatory Ordinance.**

**COMMENTS:**

The Telecommunications Sub-Committee of the City Council of the City of Brentwood has convened to begin the process of providing a "state of the art" fiber optic system to the City of Brentwood. These meetings have included input and discussions from the following advanced technology firms: Inteliant, Wolfe and Associates, Inc., SIGCORP, Communications Services, Inc., and Cox Communications.

The objective is to have the development community design, install and dedicate to the City of Brentwood, two conduits within the public streets and construct lateral conduits up to the private dwellings. The developer shall install a fiber optic system for all units within the subdivision in the first conduit. The second conduit shall remain empty and will be reserved for the use of a City-licensed franchisee not wishing to utilize the City's fiber optic system. The City's fiber optics system shall be maintained by these licensed

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advanced technology franchisee(s) desiring to utilize the City's system through an agreement. Until such time as these franchisees agree to use the City's system, the city will bear the expense of maintaining the system. The following outlines the initial action items in obtaining this goal:

1. *Revise the Municipal Code.* The Council Sub-Committee requested that the undergrounding requirements under the City's Subdivision Section of the Municipal Code be revised in order to update the developer's requirements for installing advanced communication within the new subdivisions. The attached Ordinance No. \_\_\_ is the revised pertinent section of the Municipal Code.
2. *Authorize the City Engineer to solicit Request for Proposals from advanced technology firms in order to assist City staff in preparing standard plans, specifications, and necessary testing criteria for fiber optics installation, and to develop a Citywide Advanced Technology Master Plan including cost estimate.* Due to the complexity of this relatively new technology, staff recommends that the Council award a contract to a reputable firm who has current and successful experience in developing the necessary standard plans, specifications, and testing criteria for the installation of a fiber optics systems. The consultant shall also develop a Citywide Advanced Technology Master Plan. After review of the proposals, staff will provide Council a recommendation for awarding the contract. Funding for this contract could be paid for by Development Fees and equally distributed among the fees generated for roads, sewer, water, and community facilities, since the Citywide Advanced Technology Master Plan would benefit the operation of the above-mentioned infrastructure.
3. *Authorize the City Attorney to commence work to prepare a Telecommunications Franchisee Agreement for future use, and a Telecommunications Regulatory Ordinance.* The city's existing cable licensed franchisee agreement is out-of-date; therefore, a new agreement tailored for advanced technology system must be created. Also, the existing ordinance for cable television (Chapter 5.24 of the Municipal Code) is antiquated and too limiting, since the subject matter only discusses community antenna television systems and not the broad telecommunications systems. Thus, an additional ordinance must be prepared and adopted by the City Council to outline the role and responsibility of the current and future licensed franchisees.
4. *Authorize the City Engineer and City Manager to accept the offers of dedications of the existing cable system and the advanced technology system within the public*

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*right of way to the City of Brentwood.* The current language of the conditions of approval, final map dedications, and developer agreements with TCI do not clearly identify which entity has the vested interest of the existing system within the public right of way. Therefore, staff recommends Council to request the previous and current developers to dedicate the existing cable conduit and the future fiber optics systems to the City of Brentwood.

5. *Revise the Development Fee Program in order to provide funding for installation of a fiber optic system for citywide facilities.* The City Engineer will determine the appropriate method to incorporate the installation of fiber optic systems for citywide facilities into the Development Fee Program. Council will have the ability to review and comment on the proposed revisions at the time of the annual re-evaluation of the City of Brentwood Development Fee Program.

Attachments:

Ordinance No. 609

Resolution No. 99- 45