



## Legislation Details (With Text)

**File #:** 18-028      **Version:** 1      **Name:** Second Amendment SLDF License Agreement  
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**In control:** City Council  
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**Title:** Staff Report for a Resolution to Approve a Second Amendment to the License Agreement Between the City of San Leandro and San Leandro Dark Fiber LLC.

**Indexes:**

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**Attachments:**

Date	Ver.	Action By	Action	Result
2/5/2018	1	City Council	Received and Filed	Pass

Staff Report for a Resolution to Approve a Second Amendment to the License Agreement Between the City of San Leandro and San Leandro Dark Fiber LLC.

### SUMMARY AND RECOMMENDATIONS

In Sept. 2012, the City was awarded a \$2,121,000 grant from the U.S. Department of Commerce's Economic Development Administration (EDA) to assist in the construction of conduit for expanding the City's fiber optic broadband network.

While the original grant application anticipated a 7.4-mile expansion, the grant has successfully drawn to a close with the addition of 9.4 miles to the City's fiber optic conduit. To complete the grant closure, the EDA requires amendment of the License Agreement to reflect two additional items.

Staff requests approval of a Resolution approving a Second Amendment to the License Agreement between the City of San Leandro and San Leandro Dark Fiber LLC.

### BACKGROUND

In 2011, the City of San Leandro entered into a License Agreement with San Leandro Dark Fiber, LLC (SLDF) to build a fiber optic infrastructure that would accelerate the City's economic goals of attracting new businesses and investment.

In addition to promoting growth and creating jobs in the industrial sector, the extensive conduit network infrastructure also provides the opportunity for schools, the community, and businesses throughout the City to easily connect to high-speed internet communication service.

SLDF has already installed several connections off the main fiber network and has completed plans to install fiber in the Marina expansion with the emergence of customers along that route. The San Leandro Unified School District has used various portions of the conduit network to connect all

District campuses to their high-speed data network.

The conduit network has attracted new investment opportunities in both the industrial and downtown areas (for example, Gate 510 and the San Leandro Tech Campus). The expansion loop will attract and create new, numerous business opportunities specifically related to broadband and innovation. Examples of ongoing projects that the expansion fiber will support include:

- Climatec/Paradox Engineering Smart Lighting Project: In addition to thousands of street and building lights being replaced with energy-saving LED lights, the City is one of less than 100 U.S. cities with a “smart city” platform. This platform provides the City with an open technology architecture that allows a limitless number of applications (e.g. traffic, environmental monitoring, energy, etc.) and data to be developed, implemented and integrated into a single system.
- Implementation of the City’s first public Wi-Fi hotspots (“WiFiber”), with the goal of developing Wi-Fi access across San Leandro. This is a key “digital divide” asset, eventually enabling San Leandro residents across all economic groups with access to fast broadband.
- National recognition of San Leandro as a leader in “smart city” development through its work with organizations like U.S. Ignite, Smart Cities Council, Next Century Cities and the Global Cities Team Challenge.

## **Analysis**

The proposed amendments to the License Agreement are summarized follows:

- With respect to the Expanded Property, neither Party under the License Agreement is allowed to transfer or assign its rights without the prior consent of the other Party and the United States Department of Commerce, Economic Development Administration.
- Addition of a non-discrimination clause based on race, color, national origin, religion, sex, age or physical or mental disability.

Both changes were requested by the EDA to meet their requirements for grant-funded projects. Neither City staff nor SLDF have any concerns with the requested revisions, which will not alter the fundamental relationship between the two parties.

## **Applicable General Plan Policies**

- Policy ED-1.1: Leveraging San Leandro’s Assets
- Policy ED-1.2: Maintaining San Leandro’s Competitive Edge
- Policy ED-3.2: Business Infrastructure
- Policy ED-3.4: Lit San Leandro - Expansion and Smart City Action Strategy

## **Legal Analysis**

The subject Amendment has been reviewed and approved by the City Attorney.

## **Fiscal Impacts**

No fiscal impacts are associated with the recommended approval.

**Attachment(s) to Staff Report**

- Resolution Approving a Second Amendment to License Agreement Between the City of San Leandro and San Leandro Dark Fiber LLC

**Attachment(s) to Resolution**

- Attachment 1: Second Amendment to License Agreement Between the City of San Leandro and San Leandro Dark Fiber LLC

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