



Legislation Text

File #: 14-563, **Version:** 1

Staff Report for a Resolution Approving a Fiber License Agreement with San Leandro Unified School District for Exclusive Access to and Use of City-owned Fiber Optic Strands

SUMMARY AND RECOMMENDATION

The License Agreement with San Leandro Dark Fiber LLC (SLDF), approved by the City Council on October 17, 2011 (Resolution No. 2011-182) provides the City of San Leandro with unrestricted ownership of 30 fiber strands or a minimum of 10% of all fiber optic strands installed under this Agreement ("City Strands").

San Leandro Unified School District ("SLUSD") has requested a connection to 2 City Strands of 10 Gbps (gigabits per second) fiber optic cable to each school site. The fiber optic connections will link all school sites to the district office at 14735 Juniper Street, San Leandro, CA through the City Strands. Each district site will experience a 10 GBPS connection to the internet through the Lit San Leandro fiber optic backhaul.

Approval of this Resolution will authorize exclusive access to and use of City Strands by SLUSD. If approval is not granted, SLUSD will miss critical timelines required to submit its E-Rate application, which is due January 19, 2014. It is uncertain when SLUSD could renew these efforts, and San Leandro Unified School District schools may not be connected for up to one additional year.

BACKGROUND

The unique public/private partnership that created [Lit San Leandro <http://www.litsanleandro.com>](http://www.litsanleandro.com), a fiber optic network that provides ultra-fast upload and download speeds for San Leandro businesses, has also created a unique opportunity for SLUSD students, teachers and administrators to connect to the internet at speeds as fast as any city in the United States - and faster than most.

The cultivation of a tech and innovation ecosystem includes the opportunity for students to access the fast internet speeds afforded to San Leandro's businesses. Being connected to fast Internet means greater access to information, and with broader access students have 100 times the possibilities:

- New ways of learning
- Endless and unique research opportunities
- Increased collaboration and communication tools
- Exposure to new topics, accessibility to online tools and programs, and the freedom to

experiment cultivates an entrepreneurial mindset and the tech skills required in most career paths

- Increased access to college, internships, and jobs

SLUSD has issued a [Request for Proposal \(#20142\) <http://www.sanleandro.k12.ca.us/Page/4572>](http://www.sanleandro.k12.ca.us/Page/4572) to interested, qualified Service Providers to construct Wide Area Network ("WAN") connectivity to City Strands. Actual internet connection services will be subsidized through [E-Rate funds <http://www.fcc.gov/encyclopedia/e-rate-schools-libraries-usf-program>](http://www.fcc.gov/encyclopedia/e-rate-schools-libraries-usf-program) provided through the [Federal Communications Commission <http://www.fcc.gov/>](http://www.fcc.gov/) (FCC). All contracts related to SLUSD's E-Rate application, including the subject Fiber License Agreement, must be finalized by January 18, 2014, for final submission to the FCC on January 19.

The Service Provider awarded the SLUSD contract will be required to execute a separate License Agreement with the City, to be negotiated following award of the contract with SLUSD. The Service Provider License Agreement is not required to be completed prior to SLUSD's E-Rate application submittal on January 19.

If approved by the City Council, this Fiber License Agreement will grant to SLUSD exclusive access to, and use of, 2 (two) specific City-owned fibers for a 20 (twenty) year term at a lease cost of \$1.00 (one dollar) annually. The Agreement also includes the option of SLUSD leasing additional fibers at an additional rate of \$1.00 (one dollar) annually. SLUSD will assume all costs associated with the conduit expansion, connection to City Strands and internet connectivity.

Analysis

The subject request is consistent with the Economic Development Plan and General Plan: *The City is committed to keeping its economy healthy; maintaining a competitive edge within the region; and staying attractive to established and emerging businesses.* This action also meets City Council goals that include:

- Undertake programs and advance projects promoting sustainable economic development, including transforming San Leandro into a center for innovation; and
- Maintain and support a strong positive relationship between the City and Schools.

This request is also consistent with the City Manager's proposal to allocate a certain number of City-owned fiber strands to provide direct benefit to San Leandro community-based organizations. Upon completion of the Amended License Agreement with San Leandro Dark Fiber, LLC (currently in negotiation), staff will return to the City Council to request approval of a resolution to identify a specific number of City strands for community benefit purposes.

Applicable General Plan Policies

7.08 TELECOMMUNICATION INFRASTRUCTURE

Coordinate with the School Districts, the private sector, and local business organizations to upgrade and expand telecommunications infrastructure in San Leandro, including fiber optics, cable, DSL, and other emerging forms of information technology.

Action 7.08-A: Fiber Optics

Complete the City fiber optics network now under construction in San Leandro and develop strategies for the use of surplus capacity, including assessments of future market demand. Ensure that fiber optics are used effectively as a business development tool and information resource for San Leandro businesses and an educational resource for its schools.

Environmental Review

No Environmental Review required.

Board/Commission Review and Actions

The SLUSD Board will consider a request to approve this Fiber License Agreement and all related E-Rate agreements at its meeting on January 13, 2014.

Fiscal Impacts

There are no fiscal impacts associated with the requested action.

ATTACHMENT(S)

Attachment(s) to Staff Report

- Resolution Approving Fiber License Agreement with San Leandro Unified School District for Exclusive Access to and Use of City-owned Fiber Optic Strands

Attachment(s) to Related Legislative File

- Fiber License Agreement

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