



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 07/30/2015
Agenda Item: 6A1**

ACTION: Hold a public hearing on Google Fiber Arizona, LLC's application for an initial license for a video services system to provide internet protocol television services in the City of Tempe and adopt a resolution approving and authorizing the Mayor to execute the License for a Video Services System and Right-of-Way Use Agreement between the City of Tempe and Google Fiber Arizona, LLC. (Resolution No. R2015.75).

FISCAL IMPACT: Google Fiber Arizona, LLC ("Google") will pay, quarterly, a license fee of five percent (5%) of its video gross revenues during the ten-year term of the agreement. Google will also pay all application, construction permit, inspection, or other fees that are required under the Tempe City Code.

RECOMMENDATION: Adopt Resolution No. R2015.75.

BACKGROUND INFORMATION: Google has applied for a license for a video services system and plans to install a broadband fiber network capable of providing internet protocol television (IPTV) and gigabit speeds for internet access services. The parties have agreed to enter into an agreement that gives Google a license to provide video services within the City and sets forth the terms and conditions for use of the right-of-way for Google's broadband network.

Prior to issuing the license, however, Tempe City Code Section 10-13(c) in accordance with state law requires the City Council to hold a public hearing at which the applicant, its application and the proposed license agreement shall be available for examination by the public and all interested parties afforded a reasonable opportunity to be heard. After hearing all comments from the public, the City Council is to make its decision on whether to approve the license agreement.

Notice of the time and place of the public hearing to be held on July 30, 2015 was published in the Arizona Republic newspaper on July 15, 2015 and on July 22, 2015.

ATTACHMENTS: Resolution, Application, and Agreement.

STAFF CONTACT(S): Steven Methvin, Deputy City Manager, Chief Operating Officer, (480) 350-8811

Department Director: Andrew Ching, City Manager
Legal review by: Jenae Naumann, Assistant City Attorney
Prepared by: Erin Fillmore, Executive Assistant to the City Manager