



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: March 28, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas A. Gradisar, Mayor

VIA: Marisa Stoller, City Clerk

FROM: Andrew Hayes, Director of Public Works

SUBJECT: AN ORDINANCE APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION AND BIF IV INTREPID OPCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND GRANTING SAID ENTITY A CITY TELECOMMUNICATIONS LICENSE

SUMMARY:

The Ordinance will approve a license agreement with BIF IV Intrepid Opco, LLC, a Delaware limited liability company ("Intrepid Fiber") which grants it a nonexclusive license to place telecommunications cable and ancillary facilities within the streets and right of ways of the City in order that the company may operate within the City as a telecommunications provider. The license agreement preserves, to the extent permitted under existing laws, the City's authority to manage its streets and rights of way for the benefit of the public without discrimination among telecommunications providers.

PREVIOUS COUNCIL ACTION:

The City has previously approved identical or substantially similar license agreements with other qualifying telecommunication providers in the past.

BACKGROUND:

Intrepid Fiber is a provider of fiber telecommunications infrastructure in markets across the United States. As a qualified telecommunications service provider, Intrepid Fiber has requested a telecommunications license from the City of Pueblo and envisions the installation of an "open access" fiber network within the City.

FINANCIAL IMPLICATIONS:

Intrepid Fiber and its customers will pay the City applicable sales and use taxes, E911 fees and occupation taxes.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

Pursuant to federal and state law, the City is prohibited from discriminating among or granting preferences to competing telecommunication providers in the issuance of licenses and from creating or erecting any unreasonable requirements for entry to the City right of way. As such, the City's alternatives are limited to proposing amendments to the proposed license agreement that are consistent with the foregoing limitations.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance
License Agreement

ORDINANCE NO. 10148

AN ORDINANCE APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION AND BIF IV INTREPID OPCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND GRANTING SAID ENTITY A CITY TELECOMMUNICATIONS LICENSE

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The License Agreement between the City of Pueblo, a municipal corporation and BIF IV Intrepid Opco, LLC, a Delaware Limited Liability Company, a copy of which is attached hereto, having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

The Mayor is authorized to execute and deliver the License Agreement in the name of the City, and the City Clerk is directed to affix the seal of the City thereto and attest same.

SECTION 3.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on March 28, 2022.

Final adoption of Ordinance by City Council on April 11, 2022.



President of City Council

Action by the Mayor:

Approved on April 12, 2022.

Disapproved on _____ based on the following objections:

Hilda Seaver
Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

W. S. A. O.
City Clerk