



**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF SEPTEMBER 3, 2008**

DEPARTMENT: CITY ATTORNEY  
DIRECTOR: BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:** Public hearing to determine the advisability of granting a telecommunications service franchise to AGL Networks, LLC pursuant to the purpose, character, term, time and conditions of the proposed franchise agreement.

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

AGL Networks, LLC, has requested that the City of Las Vegas grant it a franchise agreement permitting its use of the City's rights-of-way for installing facilities to provide telecommunications services within the City. The proposed term of the franchise agreement is ten (10) years with an option to renew for five (5) years. AGL, LLC, will pay the City five percent (5%) of its annual gross revenue in accordance with the provisions of LVMC 6.67.020.

**RECOMMENDATION:**

Public hearing only; no action required. (Action on Bill No. 2008-36 follows to approve, subject to amendment, the proposed franchise agreement which is incorporated in the bill.)

**BACKUP DOCUMENTATION:**

None

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, explained that this is a standard franchise agreement for right-of-way access for telecoms. Any work being done in the right-of-way requires a permit and a 48-hour notice must be given to the neighborhood. He added that the applicant will pay the City five percent of its annual gross revenue relative to the use of the right-of-way. Staff recommends approval.

COUNCILWOMAN TARKANIAN was pleased to know that the residents would be notified but questioned what happens when it is determined that a right-of-way is not appropriate for a neighborhood. Based upon federal law, MR. VINCENT explained that telecommunications companies have the right to enter into a franchise agreement, which determines the protocols and

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fees, but permits are still required. In the event of a public safety issue, such as handicap access, Public Works can negotiate in finding a more suitable location. He confirmed that there will be upcoming proposed legislation which could allow the telecommunications companies additional power with telecommunications data and right-of-ways. The City is opposing such power, and there will be lobbyists monitoring this legislation.

TOM McGOWAN, Las Vegas resident, questioned if AGL Networks, LLC is a local company and if the five percent franchise fee was a gross or net figure. He also inquired as to whether or not a copy of the agreement was available for the public and if public meetings were held. MR. VINCENT responded that the fee is based upon five percent gross revenue, and a copy of the agreement was included in the backup, under Item 48. These facilities will be underground, and AGL Networks, LLC is a gasoline company that may provide services to additional telecoms.

The Councilwoman could not support such request, as it is her understanding that despite past Federal assurances, evidence continues to validate her concerns with radiation stemming from bombs here in Nevada, cell phone, cell towers and global warming.

MR. VINCENT could not give a projection on AGL Networks, LLC's revenue. MAYOR GOODMAN could support this request if it was a needed service, however, he agreed with the Councilwomans comment, and believed that the federal government tends to impose their will without input from local government.

MAYOR GOODMAN declared the Public Hearing closed.

