



Las Vegas

Agenda Item No.: 46.

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF OCTOBER 15, 2008**

DEPARTMENT: CITY ATTORNEY  
DIRECTOR: BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:** Public hearing to determine the advisability of granting a telecommunications service franchise to Witel Communications, 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:**

Witel Communications, LLC (WITEL) has requested a franchise permitting WITEL's use of City rights-of-way for the installation and operation of facilities to provide telecommunications service within the City. The franchise will replace a Revocable Rights-of-Way Agreement that was entered into by the City and WITEL's predecessor-in-interest in 1998. The proposed term of the franchise agreement is ten years, with an option to renew for five years. WITEL will pay the City five percent 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. 2008-46 follows, which would approve the proposed franchise agreement incorporated in the bill.)

**BACKUP DOCUMENTATION:**

None

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC introduced CHRIS WARE, Franchise Officer, City Attorney's Office, who explained that this agreement will replace an existing Revocable Right-of-Way Agreement done in 1998, which will expire this month.

These agreements provide for standard right-of-way management when dealing with construction permits, insurance indemnification, bonding and the payment of a five percent franchise fee on gross revenues.

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MR. WARE clarified for COUNCILMAN REESE that the agreement will simply replace the existing one but the provider, Wiltel Communications, LLC, will remain the same.

COUNCILWOMAN TARKANIAN reiterated her concern about telecommunications companies having such authority with public rights-of-way; however, after receiving further information on this issue and acknowledging it is federal law, she supported the item.

MAYOR GOODMAN declared the Public Hearing closed.

