

(O-2001-112)

ORDINANCE NUMBER O- 18925

ADOPTED ON FEB 27 2001, 2001

AN ORDINANCE APPROVING AN AMENDED AND
RESTATED ATTACHMENT LICENSE AGREEMENT
BETWEEN THE CITY OF SAN DIEGO AND METRICOM,
INC.

WHEREAS, under California law, the City has the right and power to regulate the time, location, and manner of attachment, installation, operation and maintenance of personal wireless services on public property within the City limits; and

WHEREAS, Metricom, Inc. ("Metricom") wishes to attach, install, operate and maintain a microcellular radio network on City facilities and facilities in the public right-of-way for purpose of operating its Ricochet® wireless digital communications radio network; and

WHEREAS, the City had previously entered into an agreement with Metricom to use the City's facilities and facilities in the public right-of-way to provide for the operation of its Ricochet® wireless digital communications radio network services in the City under City Document RR-291555); and

WHEREAS, Metricom has changed its proposed business model whereby Metricom will enter into reseller agreements with other firms and discontinue its direct subscriber services; and

WHEREAS, the City has determined that entering into this Amended and Restated Attachment License Agreement on the terms set forth herein shall serve the public interest by providing the City and its residents with competitive wireless services and through such system, additional services as allowed by law; NOW, THEREFORE,


BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an Amended and Restated Attachment License Agreement between the City of San Diego and Metricom, Inc., under the terms and conditions set forth in the Amended and Restated Attachment License Agreement on file in the office of the City Clerk as Document No. OO-18925.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By  _____

Paul G. Edmonson
Deputy City Attorney

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